

# H.R. 1975, NORTHERN ROCKIES ECOSYSTEM PROTECTION ACT OF 2007

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## LEGISLATIVE HEARING

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS  
AND PUBLIC LANDS

OF THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

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Thursday, October 18, 2007

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**Serial No. 110-50**

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**LEGISLATIVE HEARING ON H.R. 1975, TO  
DESIGNATE CERTAIN NATIONAL FOREST  
SYSTEM LANDS AND PUBLIC LANDS UNDER  
THE JURISDICTION OF THE SECRETARY OF  
THE INTERIOR IN THE STATES OF IDAHO,  
MONTANA, OREGON, WASHINGTON, AND  
WYOMING AS WILDERNESS, WILD AND  
SCENIC RIVERS, WILDLAND RECOVERY  
AREAS, AND BIOLOGICAL CONNECTING  
CORRIDORS, AND FOR OTHER PURPOSES.**

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**Thursday, October 18, 2007  
U.S. House of Representatives  
Subcommittee on National Parks, Forests and Public Lands  
Committee on Natural Resources  
Washington, D.C.**

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The Subcommittee met, pursuant to call, at 2:05 p.m., in Room 1334, Longworth House Office Building, Hon. Raúl Grijalva [Chairman of the Subcommittee] presiding.

Present: Representatives Grijalva, Kildee, Holt, Sarbanes, Inslee, Rahall (ex officio), Bishop, and Sali.

Also Present: Representative McMorris Rodgers.

**STATEMENT OF HON. RAÚL M. GRIJALVA, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. GRIJALVA. Let me call the Subcommittee on National Parks, Forests and Public Lands to order for this legislative hearing on H.R. 1975. Let me begin.

Today, we will hear testimony on H.R. 1975, the Northern Rockies Ecosystem Protection Act of 2007. H.R. 1975, introduced by our colleague, Carolyn Maloney, and cosponsored by a bipartisan list of 115 other Representatives, is an important proposal that designates wilderness and wild and scenic rivers in five States, those being Idaho, Montana, Oregon, Washington and Wyoming. In total, H.R. 1975 designates approximately 24 million acres of wilderness and 1,800 miles of wild and scenic rivers.

Furthermore, H.R. 1975 creates two new systems of Federal lands by designating over 3 million acres of biological connecting corridors and over 1 million acres of restoration and recovery areas.

The northern Rockies region of the United States is an important part of our national heritage and one of our Nation's true wild gems. The northern Rockies ecosystem includes the largest block of wilderness land outside of Alaska and possesses some of the Nation's most treasured mountain scenery, wildlife and fish habitat.

H.R. 1975 is a proposal that deserves consideration by this Subcommittee. This would be the second largest wilderness bill ever, surpassed only by the 1980 Alaska National Interest Lands Conservation Act. This bill has been introduced in previous Congresses, but has never had a hearing. I believe this proposal warrants the Subcommittee's attention, and I am looking forward to the testimony today.

It has been said that the idea of wilderness needs no defense, only defenders. Today, I am pleased to welcome Carole King, one of our Nation's dedicated wilderness defenders, and look forward to her testimony. I am also pleased we are joined by a number of our colleagues and other witnesses to offer testimony on H.R. 1975. Thank you all for being here today.

Because of the short length of the legislative session on the House Floor today, some members are not going to be able to be here. I myself will be leaving probably before the hearing is over. Please don't let today's attendance reflect on the importance of the measure before us today.

And with that, let me turn to our distinguished Ranking Member, Mr. Bishop, for any comments he may have.

[The prepared statement of Chairman Grijalva follows:]

**Statement of The Honorable Raúl Grijalva, Chairman,  
Subcommittee on National Parks, Forests and Public Lands**

Today we will hear testimony on H.R. 1975, the Northern Rockies Ecosystem Protection Act of 2007.

H.R. 1975, introduced by our colleague Representative Carolyn Maloney and cosponsored by a bipartisan list of 115 other Representatives, is an ambitious proposal that designates wilderness and wild and scenic rivers in the five states of Idaho, Montana, Oregon, Washington and Wyoming.

In total, H.R. 1975 designates approximately 24 million acres of wilderness and 1800 miles of wild and scenic rivers. Furthermore, H.R. 1975 creates two new systems of Federal lands by designating over 3 million acres of biological connecting corridors and over 1 million acres of restoration and recovery areas.

The Northern Rockies region of the United States is an important part of our natural heritage, and one of our nation's true wild gems. The Northern Rockies ecosystem includes the largest block of wilderness lands outside of Alaska, and possesses some of the nation's most treasured mountain scenery, wildlife, and fish habitat.

H.R. 1975 is very ambitious legislation that deserves a careful look by this subcommittee. We can certainly not overlook that H.R. 1975 would be the second largest wilderness bill ever, surpassed only by the 1980 Alaska National Interest Lands Conservation Act. Any legislation of this magnitude should not be taken lightly.

It has been said that, "The idea of wilderness needs no defense, only more defenders". Today I am pleased that we are joined by one of our nation's most dedicated wilderness defenders, Carole King.

I am also pleased that we are joined by a number of our colleagues and other witnesses to offer testimony on H.R. 1975. Thank you all for being here today. Because of the length of today's legislative session on the House Floor, some Members are unable to be here. I myself need to leave a bit early. Please do not let today's attendance reflect on the importance of the measure before us today.

I would now like to turn to Ranking Member Bishop for any opening statement he may have.

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**STATEMENT OF HON. ROB BISHOP, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF UTAH**

Mr. BISHOP. If you go, we all go.

I would like to thank all of our witnesses for coming today, on this day where there is essentially no other human being left on

the Hill; and I know many of you have traveled great distances to testify.

I would like to quote two Democrats who have impeccable environmental credentials, who spoke at the earlier hearing on this exact bill. Former Representative Pat Williams of Montana has said that this bill is political talking points, a wish list and if it were enacted it would create bad policy.

Former Idaho Representative Larry LaRocca, describing the same bill, said it is detrimental to the environmental movement of the United States. Anyone can draft a bill, but to accomplish serious proposals requires serious legislation. The Chair at that time, Mr. Vento from Minnesota, said, A caring spirit must be wedded and welded to a sound policy and pragmatic reality. I don't think we have had the wedding or the welding that's taken place yet.

What three different committees saw as draconian when this bill was first here has been repeated again in a bill that is just as stunning, except it is bigger. At that time it was 16 million acres; this time it is 24 million acres in those five States. Last time, it was 1,500; now it is 2,000 miles of wild and scenic rivers and an additional 3 million thrown in for the fun of it, which makes it an area bigger than 19 States.

I would specifically like to ask the sponsors of this to look at two particular areas when they give their presentations. One deals with the concept of Federal reserve water right language found in section 110, which does abrogate State water control rights. It undoes decades, if not centuries, of State and Federal case law, setting a new precedent. It is clearly contrary to the language intended of the Wilderness Act of 1964; and the late Senator Craig, when he was then a Congressman, specifically asked it be addressed before this bill went any further.

I would also ask you to look at section 503 and explain the National Academy of Science, which is tasked with identifying and evaluating the roadless area exceeding 1,000 acres in all national forests in the five affected States. Until Congress acts otherwise, section 503 prohibits new road construction or reconstruction or timber harvest within such national forest. Also, further, no oil, gas or mining would be allowed on the lands if they appear natural or roadless qualities of land, with valid existing rights not being exempted.

Lands in this section are not limited to Federal lands. They are creating a massive taking action by the Federal Government against private property holders, which is one of the problems we dearly have today. It is said how a government deals with personal property is the window to the soul of that particular government. Personal property is tangible, personal liberty is intangible, but the preservation of both with the historic purpose of this government and the preservation of one is a precondition to the preservation of the other.

Sir Henry Maine once wrote in the village communities, Nobody is at liberty to attack several property and to say at the same time he values civilization. The history of the two cannot be disentangled. The desired use of personal property raises mankind from political slavery, and in fact, nothing has a better example of raw abuse of power perhaps than the perniciousness of this national

government's refusal to abide by the equal footing doctrine of the Constitution.

Having been mistreated by the British in colonial times, the Americans decided not to do that same thing to any part of the country, any part that would become a new member of the United States in this continent. The Articles of Confederation Congress asked the Canadians to join with the same rights and obligations and privileges of the original 13. One has to note the lack of takers, but the Northwest Ordinance gave equal footing to the new Great Lakes States and the article 4 allowed all new States to join the original States as equals.

In the pre-Civil War, this was a matter of principle. In fact, all States north and south of the prairies benefited. In 1845, the Supreme Court ruled that the Federal Government or Federal law could not divest Alabama of ownership of lands within the State boundary because such a divestment was not required of other States. And therefore, it would violate the equal footing doctrine.

Post-Civil War, the Federal Government changed its opinion the West was screwed. If you draw an imaginary line from Montana down to New Mexico, everything west of that line is a victim of discrimination at the time of their statehood. Each was held hostage and forced to cede massive amounts of State land to the Federal Government as a condition of statehood.

Each State was also promised, with the exception of Hawaii and California, that that would not be the way of things in the future. Each State was promised that the land would be divested by the Federal Government, and the States would either get the land back or a percentage of the money that was from the sale of public lands.

Hawaii was never promised that, and California, not at the time of the enabling act, but 1 year later was given that privilege and that promise. This has never happened.

States east of that imaginary line average 4 percent of their State's controlled by Washington D.C., those States west of it is 57 percent dominated by the Federal Government. Some western States were forced to cede 90 percent of the land to the national government.

There is a constitutional reason for that or authority for the Federal Government having land, it is article 1, section 8, which allowed the national government to own and exercise, as it says, in their authority over all places purchased by the consent of the legislature of the State—so far, that is OK—then goes on to say, in which the same shall be for the erection of forts, magazines, arsenals, dockyards and other needful buildings. That, unfortunately, is the part that has been ignored.

If 67 percent of my State can be dominated by the Federal Government in what was a not-too-subtle condition of statehood, that has to equal to one hell of a needful building. I would be surprised if over a handful of eastern Congressmen or Senators have ever read that phrase before they insisted that western lands belong to all Americans for fulfillment of eastern citizens' recreation or other purposes.

Many eastern politicians not impacted at home by the policies imposed on the West claim these newly created public lands belong



to all Americans. One author of an e-mail sent to me says that each of us individually has a claim to ownership of the publicly held national land; we are genuine stakeholders. And that is patently absurd.

Founding Fathers realized and recognized if you have a communal very European mind-set, it meant that no one really owned anything; that which was held by the group eliminated, by definition, the individual as a stakeholder. It was not the e-mail—it was not the e-mail author's land. It was controlled by faceless Washington bureaucrats as defined by laws established nameless Congressmen and Congresswomen.

Also, the Indian attempted to craft a society on that principle, and we should have learned from their failure. This policy does not work. It does not ennoble and does not benefit anyone. And to make matters worse, Federal studies also suggest 5 million acres of public land serve no Federal purpose whatsoever. It is not wilderness, it is not parks, it is not habitat; it has no significant historical or cultural value, and yet we hold on to that land indefinitely.

Since January, we have unleashed a slew of bills, all aimed at creating more parks and monuments and trails and scenic rivers and heritage areas, et cetera. Any excuse for the national government to buy out fully willing sellers to expand public lands has been embraced with a fervor that is frightening.

It is hard to understand this mind-set, but in my mind, in my amateur psychology, I have concluded there are basically three reasons for most of this expansion. One is simply the desire to create a legacy for tenure. The national park and monument that would be not just for preservation of some historic site or geological significance would also be a permanent monument to a Member's legislative acumen.

Second, it filled, some have recognized, national government's generous deep pockets to finance community interest or community needs. And a third, there are others who truly want to control what types of development would occur in both rural and urban settings.

In the best traditions of the Soviet monopoly, Members of Congress relish the power of correcting how areas would now be refurbished. The idea that a private property owner might have a conflicting idea would not be tolerated by this vanguard of the proletariat who knew what was best for the landowner's real needs.

This bill, in my estimation, is this third category. The issue is division between east and west, the division between urban and rural.

I had a rural visitor who came to my office—she is a frequent letter to the editor writer—and told me how important this was to her child. She regaled me with the stories of how cheerfully her daughter played in a brook in the wilderness, and told me that that was important for her child, that there be more.

I simply asked where she lived, and she told me an area of Salt Lake City. I simply told her then, that was a wonderful wilderness area before you built your house there.

She never got it. Most of my friends in the urban setting don't get it. Most people here today don't get it.

We will take this bill as seriously as it was by the three committees that held three other hearings in 1994, as well as the fourth hearing we are having today. I will tell you it will be taken seriously when the sponsors present legislation with the same percentage of eastern lands under Federal ownership as western lands, or when the biological corridors consuming the same amount of eastern land as it does western land, or land in your home States where it has, as you are proposing for the West. Then, this will be serious. This will be, as Chairman Vento then said, a wedding and a welding of commonsense practicality. Until then, I wish you luck with your pursuit of special interest endorsements.

Mr. GRIJALVA. Thank you very much.

Let me now turn to Mr. Kildee for any comments he may have.

**STATEMENT OF HON. DALE E. KILDEE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MICHIGAN**

Mr. KILDEE. Thank you for your indulgence. My flight has been changed because of a weather pattern in the Midwest, but—I have to leave. But I talked to Carole King yesterday; I have talked to her through the years. I told her I would be here, I would keep my promise. But I do have to leave.

I just want to say this, and I will be very brief, we have so many beautiful parts of our national patrimony, and we should save much of that in a wisdom just as it came from the hand of God. We can develop the Salt Lake City, that's great. We can develop Flint, Michigan. But there are certain areas we can leave as they came from the hand of God. And that's an obligation Congress has to look at, how much, where, and I think that is the purpose of this hearing.

I was sponsor of the Michigan wilderness bill. Unfortunately, as you cited your history here, east of the Mississippi we did not have much wilderness area, but I was able to establish wilderness area in Michigan; and one of the great things about that, almost all of the people who opposed my wilderness bill in Michigan, which Ronald Reagan signed into law, afterwards were very happy over it. They really were pleased with what the results were and they thanked me for it many, many times.

So I would hope that we look at that in this way, use our wisdom to know that which should be kept as it came from the hand of God. And Congress has that authority. And I commend you for having this hearing, and I commend the witnesses here, and I commend Carole King.

And, Carole, you have a friend. God bless you.

Mr. GRIJALVA. Let me turn to Ms. McMorris. Any comments?

**STATEMENT OF HON. CATHY McMORRIS RODGERS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON**

Mrs. McMORRIS RODGERS. I thank you, Mr. Chairman, and I appreciate your allowing me to join the panel today, as this legislation does have significant impact on my district.

In the West and in eastern Washington we are proud, and we have reason to be proud. We are proud of our ancestry, our herit-

age, our land and the resources we are entrusted to preserve and protect.

Today, our focus is on how we preserve and protect the West for generations to come. This act is proposing to designate thousands of acres in northeast and southeast corners of my district, significantly limiting how we use this land in the future.

It is important to note we have 30 wilderness areas in Washington State, covering approximately 4.3 million acres of land, and have experienced both the positive and the challenges of having wilderness designations.

Over the past few years, as everyone is aware, our resources industry in eastern Washington has faced some pretty tough times. For example, in 2003 it was heartbreaking to watch the Vogin Brothers Mill close in Republic. Republic is a cowboy town of 950 people. The mill employed 250 at its peak; when it closed, it laid off the last 87 workers.

The mill closed largely because of Canadian lumber imports and the lack of access to timber due to designations on the forest and Okanogan National Forest. It didn't close because we are using less lumber in this country; we are simply bringing it in from other countries.

These stories have become too common throughout the West. Yet there are opportunities on the horizon, opportunities that can help our resources industry become vital once again. New technologies and research in renewable energy has the potential to help bring these industries back to the forefront.

We live in a resource rich country, we shouldn't be strangling ourselves economically by not utilizing the resources we have been given or putting them off limits. By importing our resources from other countries, we are exporting environmental impacts to countries with lower environmental standards. As is too often the case with environmental issues, politics instead of science is setting the terms of debate.

We share the goal of good stewardship, but the key difference is how we accomplish these goals. A healthy, well-managed forest is an incredibly productive and constantly renewing resource. The power of a healthy forest means bio-refining for newer and cleaner energy sources. It means healthy wildlife habitat, clean air, clean water. It means reduced risk of catastrophic wildfire hurting our homes and communities. It provides the timber and paper products we need and is sustainable. A well-managed forest will be around forever.

A diseased, bug-infested forest leads to wildfires. Currently, fighting fires and managing forest to ensure we have a healthy, green forest can be extremely difficult with the current wilderness designations and restrictions.

Last year, in eastern Washington, the Tripod Complex fire burned over 200,000 acres in the Okanogan National Forest. The cost to suppress the fires was \$100 million, and it was likely the most costly fire in Washington State history.

In the West, most predict we are going to see even larger and more catastrophic forest fires in the next decade. At a time when we need to be reducing the fuel load and creating a healthy, green forest throughout the West for everyone, this bill would move us

in the wrong direction. Despite my respect and admiration for my colleagues who have introduced this legislation, I would like them to consider the people who live in eastern Washington, the citizens of Ferry, Stevens, Pend Oreille, Columbia and Garfield Counties, I would like them to come visit.

Mr. Chairman, I would like to submit for the record statements in opposition for this legislation from the people of eastern Washington. Thank you.

[A letter submitted for the record by the Okanogan County Board of Commissioners follows:]



**OKANOGAN COUNTY**  
Board of Commissioners

Andrew Lampe  
Commissioner District 1  
Don (Bud) Hover  
Commissioner District 2  
Mary Lou Peterson  
Commissioner District 3  
Brenda J Crowell  
Clerk of the Board

October 9, 2007

The Honorable Cathy McMorris Rogers  
Representative 5<sup>th</sup> District Washington  
1708 Longworth House Office Building  
Washington, DC 20515

RE: Northern Rockies Ecosystem Protection Act

Dear Representative McMorris Rodgers

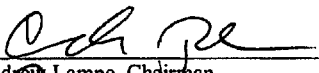
The Board of Okanogan County Commissioners would like to make you aware of our feelings toward the legislation being proposed by Congresswoman Carolyn Maloney, who represents the 14<sup>th</sup> District of New York, known as the "Northern Rockies Ecosystem Protection Act". We find it very disturbing that a member of congress whose district includes a small portion of New York city would feel compelled to try to sponsor legislation that has such a profound negative impact on rural communities and counties throughout the western US.

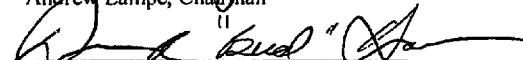
The areas that have been proposed for wilderness designation throughout Northeast Washington and in Asotin, Garfield and Columbia counties would have severe negative impacts on the counties in which these lands lie. Most of these counties economies rely on natural resource based industries including timber, mining, and grazing. These lands that are being identified as possible new wilderness areas would severely curtail or eliminate these activities on lands under this proposal, having a detrimental effect on the lives and economies in these counties.

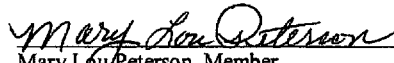
Okanogan County currently contains over 800,000 acres of designated wilderness in the Pasayten and Sawtooth Wilderness areas. This is more than any other county in the lower 48 states and though we value these wilderness areas, we feel that by adding more wilderness areas in Northeast Washington many of our citizens (i.e., people with disabilities and the aged) will be excluded from enjoying their National Forests. In effect, you will be limiting access to these lands to the young, healthy and wealthy.

For this reason and because of the negative impacts on our region we strenuously object to this proposed legislation and ask that you do everything in your power to prevent this legislation from moving forward. I'm sure that there are many pressing issues in Congresswoman Mahoney's District that are far more important to the people of the 14<sup>th</sup> District of New York, that she should attending to, rather than meddling in the lives of the citizens of the Western United States.

Sincerely,  
**BOARD OF COUNTY COMMISSIONERS**  
**OKANOGAN, WASHINGTON**

  
 Andrew Lampe, Chairman

  
 Don (Bud) Hover, Member

  
 Mary Lou Peterson, Member

cc: Senator Bob Morton  
 Representative Joel Kretz  
 Representative Bob Sump  
 Asotin County Commissioners  
 Garfield County Commissioners  
 Columbia County Commissioners  
 Ferry County commissioners  
 Stevens County Commissioners  
 Pend Oreille County Commissioners

Mr. GRIJALVA. Let me now turn to the Chairman of the Full Committee, Mr. Rahall, for his comments.

**STATEMENT OF HON. NICK J. RAHALL, II, A REPRESENTATIVE  
 IN CONGRESS FROM THE STATE OF WEST VIRGINIA**

Mr. RAHALL. Thank you, Mr. Chairman, I will be very brief. I do want to say how pleased I am that the Subcommittee is receiving testimony today on the Northern Rockies Ecosystem Protection Act. It is indeed a sweeping proposal that seeks to designate approximately 24 million acres of wilderness, and 1,800 miles of wild and scenic rivers in Idaho, Montana, Oregon, Washington and Wyoming.

No matter from whence we hail in this great country of ours, we, as Americans, treasure and value the pristine beauty of the northern Rockies. The wildlife, the rivers, the majestic scenery make the northern Rockies a critical piece of our national heritage.

I want to thank our colleague, Representative Maloney, for bringing this legislation to us today, and our special and dear friend, Carole King, for promoting it as she has and for the vision that she has shown in bringing this ambitious measure before us today.

I conclude by thanking you again, Mr. Chairman, and our colleagues, Mr. Shays and Mr. Rehberg, who also have taken time to be with us today. We welcome you.

Mr. GRIJALVA. Thank you, Mr. Chairman. And let me turn to my colleague, Mr. Sarbanes, to see if he has any comment.

Mr. SARBANES. No.

Mr. GRIJALVA. Let me acknowledge our three colleagues that are here and begin with the sponsor of the legislation, Ms. Maloney from New York, your testimony, please.

**STATEMENT OF THE HON. CAROLYN B. MALONEY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK**

Mrs. MALONEY. Thank you so much, Chairman Grijalva, and Ranking Member Bishop. And I thank the Chairman of the full committee, Chairman Rahall, and my colleagues on this committee for being here today. I thank you for allowing me to testify in support of H.R. 1975, the NREPA bill.

So far in this Congress NREPA has garnered the support of 115 bipartisan cosponsors from 35 different States. It has deep and strong support from the residents in the area affected by the legislation. It is supported by the Sierra Club, the Alliance for the Wild Rockies, Friends of the Clear Water and literally hundreds of the other grassroots and neighborhood organizations and local businesses in Wyoming, Montana, Idaho, Oregon and Washington State.

Mr. Chairman, I request unanimous consent to place in the record a list of organizations from the affected areas that are supporting this legislation.

Mr. GRIJALVA. Without objection.

**[NOTE: The list submitted for the record has been retained in the Committee's official files.]**

Mrs. MALONEY. Thank you.

Mr. Chairman, I know that there will be a healthy discussion and debate this afternoon. I want to start out by talking generally about what the bill does and what it does not do. I am pleased that, later on, you will hear testimony from experts in the region, some of whom have been working on NREPA longer than I have; and I first introduced it in 1993.

NREPA differs from traditional State-by-State wilderness bills by offering a variety of designations that work in concert to achieve one goal, the protection of an entire functioning ecosystem on Federal public lands. I want to make clear that the bill only affects, Ranking Member Bishop, Federal public lands; it does not affect private lands at all. These are lands that belong to all Americans. We all have a right and responsibility to protect our precious resources.

First, NREPA protects over 24 million acres of America's premier roadless lands as wilderness. Most of this land is not suitable for timber harvest or mining. According to Dr. Thomas Pallor, recently a retired chairman of the Department of Economics at the University of Montana, only 20 percent of the land designated in NREPA is suitable for timber harvest. NREPA will also protect the rivers and streams that are the last habitat for many of America's wild

trout stocks by protecting 1,800 miles of rivers and streams as wild and scenic rivers.

Most importantly, NREPA emphasizes that all of these wild places are linked together in the most vital ways possible by protecting natural biological corridors. NREPA connects the region's core wildlands into a functioning ecological whole. Scientists tell us that you can't realistically try to protect these unique lands and everything that lives within them without thinking of the entire ecosystem.

NREPA also creates jobs by putting people to work restoring the land, wildland restoration and recovery areas designated in the bill. We also recognize and agree that as far as logging on Federal lands goes, it only provides jobs because the government and the taxpayers provide millions and millions of dollars of subsidies to the timber industry. These forests are money losers. Ultimately, the American taxpayers are paying so that logging can continue in these particular, in some cases, very hard to reach Federal forests. NREPA saves taxpayers money by prohibiting road building and logging in the areas designated as wilderness.

I also want to be clear about what NREPA does not do. NREPA does not impact private ownership or landowners. It only impacts upon Federal public lands, lands that are owned by all Americans.

Now, you certainly are going to hear some people say that NREPA is a top-down approach. This could not be further from the truth. In the early 1990s local scientists, economists, conservation leaders, researchers and others in Montana, Idaho, Wyoming, Washington and Oregon became concerned with the fragmenting of these precious, rare lands. The potential loss of wildlife and their way of life, if something was not done to protect the northern Rockies, prompted the legislation that is now NREPA.

These people in the region went to the Alliance for the Wild Rockies to write this bill, and then when those local advocates went to their officials, no one had the vision to sponsor it. This is what they told me, and I believe that everyone has a right to have their opinions and bills debated before this Congress. So people in the region had to seek out other legislators to support their vision.

I would not be here today if it were not for the local grassroots advocates, scientists, economists, conservation leaders who have been champion in NREPA for well over 10 years. NREPA could not be further from a top-down approach.

I hope you will continue to debate these issues in a thoughtful and responsible way. If nothing else, the American people should take comfort in the fact that we continue to debate about how much land to protect, instead of whether to protect land at all. Some years ago two NREPA supporters from, believe it or not, Manhattan, Montana wrote to me—and I saved the letter, not only for what it said, but because it was from Manhattan, Montana—and I quote, "We feel there is a little ray of hope for the incredible but dwindling wildlands we are so lucky to live near and love."

All of us have a responsibility to sustain their hope.

Again, I thank very much Chairman Grijalva and Chairman Rahall and Ranking Member Bishop for allowing me to be here today and for holding this hearing.

Mr. Chairman, if I could, I would like to cite a page of the bill; it is on page 106, sections 12 through 16, which makes it very clear that it only pertains to public, Federally owned land; it does not involve private land at all. This is a very important aspect. I agree with my colleagues in championing the right to private ownership and protecting that ownership. This is about public land, owned by every citizen in this country.

Again, I thank you for allowing me to be here today. Thank you. Mr. GRIJALVA. Thank you.

[The prepared statement of Mrs. Maloney follows:]

**Statement of The Honorable Carolyn B. Maloney, a Representative in  
Congress from the State of New York**

Chairman Grijalva, Ranking Member Bishop, members of the subcommittee, I thank you for allowing me to be here this afternoon to testify about H.R. 1975, the Northern Rockies Ecosystem Protection Act.

So far this Congress, NREPA has garnered the support of 115 bipartisan cosponsors from 35 states. It has deep grassroots support in the areas affected by the legislation. It is supported by the Sierra Club, The Alliance for the Wild Rockies, Friends of the Clearwater, and hundreds of other organizations and local businesses in Wyoming, Montana, Idaho, Oregon and Washington.

Mr. Chairman, I know there will be a healthy discussion of the bill this afternoon. I want to start out by talking generally about what the bill does and what it doesn't do. I'm pleased that later you'll hear testimony from experts from the region, some of whom have been working on NREPA for even longer than I have.

NREPA differs from traditional state-by-state wilderness bills by offering a variety of designations that work in concert to achieve one goal: the protection of entire functioning ecosystems on federal public lands. These are lands that belong to all American taxpayers. We all have a right and responsibility to protect our precious resources.

First, NREPA protects over 24 million acres of America's premiere roadless lands as wilderness. Most of this land is not suitable for timber harvest or mining. According to Dr. Thomas Power, recently retired chairman of the Department of Economics at the University of Montana, only 20% of the land designated in NREPA is even suitable for timber harvest.

NREPA will also protect the rivers and streams that are the last habitats for many of America's wild trout stocks, by protecting 1800 miles of river and streams as wild and scenic rivers.

Most importantly, NREPA emphasizes that all of these wild places are linked together in the most vital ways possible. By protecting natural biological corridors, NREPA connects the region's core wildlands into a functioning ecological whole. Scientists tell us that you can't realistically try to protect these unique lands and everything that lives within them without thinking of the entire ecosystem.

NREPA also creates jobs by putting people to work restoring the land in wildland restoration and recovery areas designated in the bill.

We all recognize and agree that as far as logging on federal lands goes, it only provides jobs because the government and the taxpayers provide millions and millions of dollars of subsidies to the timber industry. These forests are money losers. Ultimately the American taxpayers are paying so that logging can continue in these particular federal forests. NREPA saves taxpayers money by prohibiting road building and logging in the areas designated as wilderness.

Finally, I want to be very clear about what NREPA doesn't do. NREPA does not impact private landowners. It impacts only federal public lands—lands owned by all Americans.

Now, you'll certainly hear some people say that NREPA is a "top-down" approach. This could not be further from the truth. In the early 1990's local scientists, economists, conservation leaders, researchers, and others in Montana, Idaho, Wyoming, Washington and Oregon became concerned with the fragmenting of these precious, rare lands. The potential loss of wildlife and their way of life if something was not done to protect the Northern Rockies prompted the legislation that is now NREPA. These people in the region went to the Alliance for the Wild Rockies to write this bill. And then, when those local advocates went to their elected officials, no one had the vision or courage to sponsor the bill. This is what they told me. So, people in the region had to seek out other legislators to support their vision. I would not be here today if it were not for the local grassroots advocates, scientists, economists,



conservation leaders who have been championing NREPA for years. NREPA could not be further from a “top-down” approach.

I hope you will continue to debate these issues in a thoughtful and responsible way. If nothing else, the American people should take comfort in the fact that we continue to debate how much land to protect instead of whether to protect land at all.

Some years ago, two NREPA supporters from Manhattan, Montana wrote to me and said “We feel that there is a little ray of hope for the incredible but dwindling wildlands we are so lucky to live near and love.” All of us have a responsibility to sustain that hope.

Again, I thank Chairman Grijalva for allowing me to be here today and for holding this hearing. Thank you.

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Mr. GRIJALVA. Let me now turn to our colleague, Mr. Shays, for your comments, sir.

**STATEMENT OF THE HON. CHRISTOPHER SHAYS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CONNECTICUT**

Mr. SHAYS. Thank you. Thank you for holding this hearing and to Mr. Rahall, the Chairman of the full committee, and to the Ranking Member.

When I was involved—I was elected 1987—I often spoke to Newt Gingrich and said, you know, the one thing we don’t have in this place is debate. We don’t debate ideas, we don’t hear from what other colleagues say. If we don’t want a bill to come to the Floor, we just kill it and no debate.

And I remember when we were working on the Contract with America, Newt at one said, Chris, the difference in how we would be and the other party that had control for 40 years, we are not going to be afraid to debate these issues and learn from each other; we are not going to be afraid to debate these issues. Well, as it turned out, we were just as afraid, sadly, as my Democratic colleagues. We didn’t debate a lot of issues.

It is very difficult for me to be part of a legislation where my support of it is questioned totally about motives, or anyone else who supports this bill. This can’t be about motives. It has to be about whether or not we are right on some of these issues or wrong, whether the proponents of the bill throughout the country are right or wrong. And I will sink and swim on that, but I am not going to sink and swim based on the questioning of one’s motives.

I would say to you that, frankly, I don’t think this legislation has a twit to do with whether I win reelection or not. I hope it doesn’t mean that I would lose reelection, but I don’t think it has much to do with whether I win reelection.

The Northern Rockies Ecosystem Protection Act seeks to protect the headwaters of three great rivers—the Colorado, the Columbia and the Missouri. And then there is also the river going up into Canada from the glacier, but these three great American rivers, they just aren’t contained in five States; they include well over half the United States of America.

Now, why would I care about the northern Rockies, given I live in Connecticut? For the same reason Theodore Roosevelt cared, living in New York State, or Stephen Mather, the first Director of the National Park Service, who cared, living in Darien, Connecticut,

my hometown where I grew up. Why did he care? He didn't live there; he lived where I live.

Or Gifford Pinchot, the first who cared, the first Director of the National Fire Service, living in Simsbury, Connecticut.

I don't know, but when I have Americans come down to Washington, D.C., and I take them to see the Capitol, I say, This is your Capitol, you own this building; this is your White House, you own this building; this is your property, this is your land.

Maybe I made a mistake when I spent a week in Glacier National Park on a homestead in 1970 with a colleague of mine, and I was literally on this homestead. Maybe I made a mistake, but I looked out at this vast area and I thought, This is owned by the American people, this is part of my heritage, I own it as much as anyone else. And I would fight to my death anyone contending that somehow my citizens in Darien, Connecticut, or Fairfield, Connecticut, are second-class citizens.

The bottom line, FDR, had he not made sure American citizens owned this land, it would have been sold to the private sector. We wouldn't even be having this dialogue, because we are not going to take private land. We can't talk about it because it's private land, but it's our land. Mr. Bishop, it's your land and it's my land, absolutely.

So who should care most about this land? All of us. Who benefits? All of us. Who gets to use and enjoy this land? All of us. But frankly, those who live near get to utilize it more and get to benefit more. And it seems to me that rather than condemning the Federal Government for owning this land which everyone gets to use, you should be saying, Thank you, because the alternative would be to have it owned by the private sector and you would not be able to enjoy this land.

So I am very grateful that our country has protected this land; I am grateful that it is not in the private sector and that we all get to enjoy it.

And what I would like to say is, one of the challenges we have is, Carolyn Maloney and I would love for the Federal Government to own more land. The problem is that there is a view in this country that you don't want the Federal Government to buy more land. We have land that people would sell to the Federal Government. We have land that the public would like to have sold to the Federal Government, but because of the fear that we would do that somehow out west, we don't have enough of it happening out east. And I would dearly love to see that happen.

Now, I do want to say this. I understand the Federal Government can be obnoxious. I understand that bureaucrats can be obnoxious.

We have the McKinney Wildlife. When I got elected, these were privately held lands all along Long Island. We were able to get our government to buy this land. It is called the McKinney Wildlife Refuge; it is tidal basins and it is islands. There is one island that is no bigger than half this room, and I finally got a little bit of the taste of what Mr. Bishop must find or my colleague, Ms. McMorris Rodgers, must see. And what was it? We went out to this island you could see the back side, the front side, and the four sides; it is a circle, but you could see it all. And there were eight signs, and

it was a sign wider than my hand, and it said "U.S. Government, Keep Out."

I thought, how obnoxious can you be? One sign might have done it, two might have been appropriate, three was OK, but eight signs?

So I am not saying that there is not reason to be critical of Members of us out east who don't get what you get, but educate us, let's have a dialogue. But let's not question our motives, let's just understand what you see and what I see. We are one country, thank God; and we are, before we are Republicans and Democrats, Americans.

Thank you.

Mr. GRIJALVA. Thank you.

Mr. GRIJALVA. And let me now turn to our colleague, Mr. Rehberg, for any comments he may have.

**STATEMENT OF THE HON. DENNIS R. REHBERG, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA**

Mr. REHBERG. Thank you, Mr. Chairman, and members of the Subcommittee for allowing me the opportunity to testify on the Northern Rockies Ecosystem Protection Act. This is the third time I have testified before this Natural Resources Subcommittee this year; consider this my request to be formally put back on the committee.

I appreciate the opportunity to express concerns I have with this legislation, share with you what I have heard from Montanans, and talk to you about our approach to public land management.

After learning this bill was going to receive a hearing, I asked Montanans for their input on this legislation. In less than 1 week, I received responses from 7,117 Montanans, and I request unanimous consent to submit these petitions that I brought with me into the record.

Mr. GRIJALVA. Without objection.

**[NOTE: The petition has been retained in the Committee's official files.]**

Mr. REHBERG. I might also point out to my colleague from New York City that I received within that week 12 responses from Manhattan, Montana, in opposition to this legislation. Over 96 percent of the responses were adamantly opposed to this act. I brought their letters, faxes and petitions to share with you today because these responses come from county commissioners, elected State representatives, ranchers, timber workers, recreational users and folks who just want access to those treasured areas.

This overwhelming response signifies the deep respect Montanans have for their public lands. One of the best qualities of Montana's diverse landscape is our ability to access the outdoors. Millions of acres of public land provide a variety of unique and exciting recreational experiences, whether snowmobiling through the woods or hiking into the mountains for a hunting or fishing trip. These are some of the opportunities we cherish most, and the activities that have defined our State as "The Last Best Place."

Montana's long tradition for protecting public access to public lands has been built upon the principle that sound land manage-

ment decisions are best achieved through cooperation. We understand the decisions affecting lands must be consensus-driven, local efforts that balance and protect our natural resources, recreation and economic development.

Over the last few years I have had the pleasure to work with groups across Montana that are working on building consensus in their communities on public land management. These groups, spanning from wilderness advocates to timber companies, recognize the current way of doing business wasn't working. So they agreed to come to the table and start talking. Working through their ideological differences, these diverse groups gathered maps, visited the Forest Service and have held numerous public meetings to talk about their ideas and visions for the future of land management in their area.

I have met with these groups numerous times since their formation. This year alone I have met with them 11 times in Washington and in Montana to discuss their draft legislation and proposals. Their understanding of the needs in the communities and management of the land are rooted in their experience and appreciation for what Montana has to offer.

One of the best examples of this is the Blackfoot Challenge. I brought the map for you to look at. Over the past 2 years, the Blackfoot Cooperative Landscape Stewardship Pilot Project has made great strides toward creating thousands of acres of wilderness in the Seeley Lake ranger district of the Lolo National Forest and balancing it with a reasonable plan for sustaining timber harvest motorized and nonmotorized access.

Most importantly, it has brought diverse groups such as the Rocky Mountain Elk Foundation, Pyramid Lumber, the Montana Realtors Association, Rolling Stone Ranch, and The Wilderness Society together at the same table to hammer out a consensus agreement.

On a larger scale, the Beaverhead-Deerlodge Partnership represents more than 500,000 acres of public land be designated as wilderness. Every acre has been negotiated and scrutinized in Montana by organizations such as the Sun Mountain Lumber, Trout Unlimited and the National Wildlife Federation.

In Montana, consensus approaches created by interested local groups have been shown to be the most effective way of managing our natural resources. Unfortunately, the Northern Rockies Ecosystem Protection Act threatens the Montana way of making land management decisions and has the potential to stop these collaborative partnerships in their tracks. This blanket designation of 23 million acres of land in Idaho, Montana, Oregon, Washington and Wyoming is not the way folks do business in the West.

The threat of locking up millions of acres in Montana and the surrounding States so folk from other areas can hold in their mind the mythical "the way it was" image and have a getaway spot for their weekend vacation or second homes is an affront to most Montanans. I would urge the sponsors for this legislation to come out, take an on-the-ground tour to see where multiple use management and wilderness can successfully coexist.

What the sponsors of this bill don't seem to understand is that wholesale wilderness designation is a truly bad way of managing

our Nation's public lands. In essence, it would undercut much of the on-the-ground work that is already being done. Cooperative approaches, such as the Beaverhead-Deerlodge Partnership and Blackfoot Challenge, are, while not perfect, a much more thoughtful and inclusive way of building consensus amongst diverse interests.

The 7 million acres of public land in Montana that would be impacted by this act include many areas where some of the best local cooperative agreements are being negotiated. It would replace those local agreements with the top-down directive from Washington, D.C. Before we triple the amount of wilderness that currently exists in our State, we should rely on input from the people it would affect most, Montanans.

A cooperative approach will ensure we address the needs of everyone, from hardworking firefighters who require better access for forest fire management, to the elderly and handicapped who can't access the wilderness on foot. This way, in the end, we can truly accomplish public access for all.

Again, I oppose this bill and I thank you for giving me the opportunity to testify.

Mr. GRIJALVA. Thank you very much.

Mr. GRIJALVA. Let me thank our colleagues for being here and for your comments and testimony.

I don't have any questions for our colleagues. Let me turn to Ranking Member.

Mr. BISHOP. I have a couple, if I might.

Ms. Maloney, let me start with you and I appreciate your comment, but this is something I would like you to work on in the bill if, indeed, it goes any further.

The comment that you gave me as far as whether it impacts private property or not was coming from section 204, which is in Title II, which starts out, "This title shall apply only to—"

That prohibition deals with Title II. To what I was referring is in section 503, which deals to Title V. So Title II's prohibition does not have an impact on the issue at hand in Title V.

There are a couple of things I want you to work on in Title II. You do not have prohibition against the Federal Government's taking of any kinds of lands over here, but you do allow some kind of cooperative allowance to go in there, but you still give them the ability of acquisitions—agreements, acquisitions and land exchanges. In almost every other piece of legislation, we have had problems about does the Federal Government have condemnation rights or not. This should be clear that Federal Government should not have condemnation powers in Title II, but the same thing applies to Title V.

In Title V, you simply wrote, "roadless lands greater than—" The state-of-the-art, if you wanted to be very specific, you would say "roadless Federal lands," or you would define lands somewhere else in this district.

As you have it right now, this is very vague language; it is an open invitation to a lawsuit, and that language has to be fixed. So in 503, I would like you to look at that, also in section 204 to make sure those type of things go on there.

I have a couple of questions simply about the mechanics of the bill. If you want to respond to that, fine,

Mrs. MALONEY. Can I say—and I thank the gentleman for his comments—the intent of the bill is to preserve public land and not in any way to infringe on private ownership. He cites Theodore Roosevelt, but Alexander Hamilton was the champion from New York State of private ownership and private land.

I joined with my colleagues on both sides of the aisle in protest to the Kelo decision that expanded the Federal Government's authority to take land using probably one of the greatest powers we have domestically, which is eminent domain. That was not the intent.

I would welcome the challenge of working with you and Chairman Grijalva to make that very clear, that this is about public land. We in no way want to in any way impinge on the right of an American citizen to own their own land and make decisions about what they wish to do with it.

Now, there are some cases where people will sell their land to the Federal Government, but that is totally up to them. Right now, as you know, the program that allows the buying of watershed properties and so forth has not been funded as robustly as in the past.

But the intent is not to in any way diminish the right of private ownership and the right of private Americans to make decisions about the use of their own land. I want to make that very clear. I agree with you on that point.

Mr. BISHOP. I appreciate it very much. Just, once again, as you look through that, the ability of private owners to be bought out is in 204. In 205, you once again give the Federal Government some authority to assist them in being bought out; that is the section you need to deal with, so if you would, look at that. What I am simply saying is, unfortunately, we read the bill and there are some draftsmanship problems that create those particular errors that are in there.

I would like to ask you some questions simply about the impact of the bill as has been brought up by reading the testimony of others who will be here. For example, do you have any estimation of what the additional cost would be? I am not talking about net; I am talking about the gross additional cost to Interior and the Forest Service for the implementation of this. You will have to have a low wildland recovery core. You don't just close a roadless area by closing a roadless area; there is a cost attached it.

Do you have any idea what the cost would be?

Mrs. MALONEY. We have a request into CBO to come forward with an estimate. We do have some estimates that have been prepared by scientists on how much money NREPA saves—

Mr. BISHOP. No, no.

Mrs. MALONEY. There is an estimate of 245 million over 10 years.

Mr. BISHOP. Ms. Maloney, just what the cost would be to implement the act.

Mrs. MALONEY. We have a request to CBO on that.

Mr. BISHOP. It also says that there are endangered species plans that, because of the change in the plan management system, the

Interior would have to come up with a new endangered species management plan.

Do you have any idea how many endangered species would be impacted by the change in the management land—designation?

Mrs. MALONEY. No.

Mr. BISHOP. Do you know how many private inholdings are already within this area?

For instance, in any given Federal area there will be inholdings that still are private. Do you know how many are in the designated—either the 16 or 24 million designated areas?

Mrs. MALONEY. There are quite a few. If you look at the map, the yellow areas, which are the connecting corridors, are privately owned land.

Mr. BISHOP. Do you know how many there are there?

Mrs. MALONEY. Do you know?

Mr. SHAYS. No.

Mrs. MALONEY. No, I do not. But the map is quite—

Mr. BISHOP. And then my concern is, obviously, if you don't fix 503, there would be the tendency of creating more of those because it is still an ambiguous statement of what is "roadless lands" and what is impacted by them, as well as what can or cannot go that way.

GAO in looking at this talked about area that would then be created would be considered high-risk fire land, that management by fire is not necessarily the best way of handling the problem. In fact, when Mr. Sali gets back here from the White House, about talking about this, he can probably tell us that in the fires that Idaho had on their public forest this year, there was more carbon particulate sent into the air than from all manmade sources they have had over the last decade in the State of Idaho.

Does this bill have a specific fire management plan within it?

Mrs. MALONEY. The biggest threat from fires is to homes and other structures. And the Forest Service's own experts say the best way to protect structures is to reduce fuels 130 feet around the structures. This bill protects remote lands far from structures.

Mr. BISHOP. Yes. But what about the areas that not close to structures which still spew the carbon particulate when it is burned?

Mr. SHAYS. Let me jump in.

Mr. BISHOP. By the way, the answer to the other question was, yeah, you were mistaken, but that is besides the point.

Mr. SHAYS. I am sorry?

Mr. BISHOP. Never mind, I will come back to that. Go ahead.

Mr. SHAYS. I think it is the same basic plan that we have now. I would like to say to you that the area I feel least comfortable is on fire management, in terms of what all of you are dealing with and how to deal with that problem.

Mr. BISHOP. In the 1994 testimony you talked about how to save large mammals as part of the reason for this particular program. One of those that was endangered was the grizzly.

Would it come as a surprise if, with not going to this program, the grizzly has now been delisted because basically it is off the endangered species list.

Mrs. MALONEY. I think that is a wonderful advancement, and it is because of these natural lands that are there that they can live in.

Mr. BISHOP. Send them back to Central Park where they came from.

Along with Mr. Kildee, I have created a wilderness in the State of Utah.

Mrs. MALONEY. Congratulations.

Mr. BISHOP. With the property that Mr. Grijalva keeps reminding me that not all of it was necessarily great wilderness designation, and I admit he is right on 10 acres of that. Yet the process we went through was somewhat unique. As we did that, we had all the congressional, State and legislative leaders in line with us as we went forward in our congressional proposal.

Does this bill have the support of congressional or State leaders in these five affected areas?

Mr. SHAYS. The answer is "no."

Mr. BISHOP. All right.

I also went through having the county government that was impacted working with us to the point that they were in support. Are there any county commissioners, or can you tell me how many county leaders have supported this bill so far in the affected areas?

Mr. SHAYS. Not—hardly any, and I don't know if they are, who they would be.

Mr. BISHOP. I would also say that we even went so far to go to all the private property owners that would have an impact in this area, and we made adjustments to our map to make sure that no private property holder felt abused by this particular process. Fortunately, it was a smaller wilderness area that we are talking about than what you are doing here, which maybe can ask the last question—I am sorry, I will quit abusing your time.

The original bill was 16 million; now you have 24 million. Can you tell us in which State this extra 8 million acreage of wilderness area now comes?

Mrs. MALONEY. It is added throughout the five different States in various proportions. I can get a complete breakdown of the exact number and the exact location of every single additional—

Mr. BISHOP. That would be good, especially for those people who are living in that particular area.

Let's just try one other thing. Do you have any idea of how many people are living within 60 miles of these designations? How many people are we talking about who would have a direct impact?

Mrs. MALONEY. Do you mean how many private property owners?

Mr. BISHOP. No, no. People, just people living within 60 miles of what you are about to designate.

Mrs. MALONEY. We can get a scientific analysis done for you on that.

Mr. BISHOP. All right you have helped me with some specifics on this bill. Thank you.

Mr. REHBERG. Mr. Bishop, I might be able to answer that question. From Montana's perspective, 31 of my 56 counties, so literally that percentage of my population of 940,000 would be impacted by this legislation.



Mr. GRIJALVA. Thank you.

Mr. Sarbanes, questions?

Ms. McMorris Rodgers, any questions?

Mrs. MCMORRIS RODGERS. Yes. I guess Congressman Rehberg said wilderness designation is the worst way to manage our lands, and that is where I really want to try to focus your attention, because this is a blanket 18 million-acre designation. It is huge and it ties our hands and our efforts to really, I think, accomplish the goals of having good stewardship, of having an area in the West that is full of forests that are green and healthy and vibrant, because that is important to all of us.

Mr. SHAYS. Could I ask you a question in that regard that would help me?

Mrs. MCMORRIS RODGERS. Yes.

Mr. SHAYS. Basically, what we want is for the land to be left in its natural state. We don't want it developed, we want people to use it. And the lands that we are talking about, the new wilderness area, are contiguous to existing wilderness area. There is the viewpoint that many of us hold that you don't have to manage that kind of land.

Mrs. MCMORRIS RODGERS. Uh-huh. Uh-huh. Well, I think sometimes we picture these lands different than they really are.

Now, just because you designate an area of wilderness doesn't mean that it is going to be an area that has green and healthy trees in that area. What you find, more often than not, now in the West is that these areas have become kindling for forest fires, because they are dying. These are dead, they are full of bugs, the trees are dying. These are areas that have made it very difficult on us and is not accomplishing our goals of having healthy forest.

And I think it was Congresswoman Maloney that mentioned—emphasized that you are not designating private lands. I would argue right now that you are going to find the healthiest trees on private lands. You compare what is happening on our Federal lands, it is really a sad sight; and it is the private lands that are actually doing a much better job, I think, of creating that goal of having healthy, green forest.

Mr. SHAYS. Congresswoman McMorris Rodgers, I realized that you were a minority leader so you have attained a title I never have.

When I stayed at Glacier National Park on the homestead, I have obviously been to Yellowstone like any other American who has been blessed. I spent a week basically flying over this whole area. The areas that caught my attention were the areas with roads. What caught my attention: the unbelievable accumulation of chemicals for mining. Those are the areas that I saw, and obviously areas that have been burned out. What we sense is that natural inhabited areas should stay natural, whatever their condition.

Mrs. MCMORRIS RODGERS. Well, I think what I would like to see us accomplish is that we have healthy forests in this country. I think that is part of being a good steward of the land. And what we are going to face then in the West is some pretty—we are going to face more and more catastrophic fires; that is what we are facing. And that is not positive for anyone in my opinion.

There is impact because man does live in these areas, man has been managing a lot of these areas for years, and there needs to be more collaboration, I think, in the approach. I guess Representative Rehberg talked about the collaboration taking place in Montana; that is happening in Washington State too.

I would plead with you to recognize that it is not the way that it was 30 and 40 years ago, that there's a recognition that we need to do a better job of making sure that we have some shared goals, and that we are working together to accomplish those goals. And this type of legislation really flies in the face of what progress has been made, because it is the Federal Government coming in.

And you know, I can sit here and I can fall in love with the idea of designating land in northeastern America. I think, Wow, I have never been in that area, but I have heard it is beautiful. I am sure that there are thousands of acres that would be great to set aside. And I can sit here and think, Wow, OK, well, maybe I want to set aside some acres for the next generations to follow me to come to eastern United States.

Mr. SHAYS. Did Theodore Roosevelt make a mistake? Am I missing something here? The guy lived in New York, but he said, Let's protect this area where—the headwaters of three major rivers. Was he wrong? Should he have just basically sold all this land to the private sector?

Mrs. MCMORRIS RODGERS. I am not saying no wilderness designation ever, but I would just ask that you really look at what is happening on the ground right now, that we are making such progress in really not just coming in with these sweeping designations and saying, 18 million acres designated wilderness with very, very limited access, very limited.

You talked about the signs where the gates are. That is what we see so often on our public lands; it is gates that say "No Access." So you fall in love with the idea that you are setting aside lands for the public to use, but the reality is, that doesn't happen.

We are making progress and actually figuring out where is it best to set aside wilderness, where is it best to go in there and take action so that we can prevent forest fires? Where can allow other trails or recreational-type uses?

We are making progress in that effort.

Mrs. MALONEY. Congresswoman, you raised many important points. And the point of having public access to it, if it is Federal lands, why isn't there a trail to the streams so people can carry in their canoe and enjoy it? And I would like to join with you in achieving more access to Federal lands by the public. After all, it belongs to the people.

I would like to invite the Congresswoman to join me in New York. We have the second largest park in America, second only to Alaska, 6 million acres of preserved land. And I would love to come to Washington State and see some of the progress and challenges you are talking about. I think we share the same goal, and we can work together. And I think you have raised some important points. And I would like to work with you on achieving more public access to the lands that we already have. How dare they say you can't go on these lands? The American people own them. And I would like to join with you in working with that.

Mr. GRIJALVA. Let me move on to some—thank you. We were on the issue of fires before I turned to Mr. Inslee for any questions. Wilderness designation under the Wilderness Act does not take away from the Forest Service the authority to take whatever means they find necessary in order to control fires and to suppress fires. So a designation doesn't augment the possibility that we will not be able to deal with that catastrophe. And also I would suggest in my humble opinion that if we had funded—and this administration had fully funded the thinning program under the Forest Service, that we might be dealing with—more effectively with some of the issues that Mrs. McMorris Rodgers brought up. Mr. Inslee, any questions?

Mr. INSLEE. Thank you. I wanted to ask my friend, Mr. Rehberg, a couple of questions. He is a Washington State Cougar, and I am a University of Washington Husky, so we don't always see eye to eye. But I was hoping we could—it has been a tough year for both of us. I want to ask you a couple of questions about the decision making around wilderness and national forests in general. We always want to get local input, the folks who are closest to the community. They have insights that others of us who might be farther away may not have. That is a very important part of the process. But I do want to seek your view on sort of our constituents' respective interests in the ground; you know, they are national forests. So let me just ask you kind of a theoretical question. How do you view your constituents' interests or ownership or whatever word you want to use in the ground in your district compared to my constituents' interests in that ground? How do you view that? Are they equal? Are they different? How should we view that?

Mr. REHBERG. There would be differing levels of criteria. We clearly recognize in Montana that we collectively own the land just every bit as much as Mr. Shays or you and the State of Washington. But I can honestly tell you as a manager of lands, from a holistic approach, I would put my management of land up against Mr. Shays' management of lands any day. So there is a level of knowledge that needs to go into the holistic approach. A holistic approach will tell you there are going to be areas of intensive use. That would be a campground.

In my case of the ranch, it would be a corral. Then you have areas where you want to have healthy wildlife. So you set aside certain land for healthy wildlife. Then you want to have areas where you can allow hunting, nonmotorized. You can walk in and hunt. And you may need to build something, and you may need a chain saw to do it. But you are not destroying the property. And then you need to make a living as well. That is a holistic approach.

If you look at the Blackfoot Challenge, it is a group of people that have national and local interests, Wildlife Federation, Wilderness Society, a lumber company and other users, back country horseman who bring their collective knowledge from their perspective and sometimes their own extreme to make a better management decision on how to manage the land base. And so somebody sitting in Seattle, Washington, in a high rise I would not put in charge of my ranch because they wouldn't know how to protect the wildlife; they wouldn't know how to protect the trees. And So we look at the resources at the local level for their knowledge base.

Mr. INSLEE. Let us be honest. You wouldn't do it just because you are a husky. That is the real reason.

Mr. REHBERG. You actually do have some good land managers out there, but most of them are within the timber.

Mr. INSLEE. I appreciate your answer. And what I hear you saying is that you certainly have skill levels, knowledge-based levels that are extraordinary to the people who are close, who live close to the area. But I guess what I want to, hope I can elicit to you an agreement that each of our constituents have equal interests in the land that we are talking about and equal rights to express their concerns and their value system, too. Because, frankly, we do represent—we do represent constituents with different sort of goals for this mutual—

Mr. REHBERG. Mr. Inslee, you will never hear me question your motives or your desire to do something within the State of Montana. And I would hope that you wouldn't as well. I will always look to Mrs. Maloney for her recommendations on ground zero and what is happening in New York, but I would hope that she would afford me the same respect of my knowledge of the State of Montana. And therein lies the rub.

If you look at the Blackfoot Challenge, which many of the decisions have been made at the Federal level because we have come back and asked to purchase land from Plum Creek and the other companies, you have looked to our special expertise or knowledge. So, no, I will never question anybody in the State of Washington or Connecticut's motives. But what I will question is, is it in the best interest of the forest? Are we protecting our wildlife? Are we protecting our trees? Are we protecting the grasses? Under-grazed grass kills grass every bit as dead as overgrazed grass. Under-thinning timber kills trees every bit as much as over-logging. And there is a balance that can be struck—

Mr. INSLEE. If I can, just let me ask you kind of a shorter question. If you have a guy sitting in, you know, Yacolt, Washington, and a guy sitting in Helena, Montana, and one of them wants the National Forest for timber production and one of them wants them for clean water and recreation, do you see either of them having a leg up on their druthers?

Mr. REHBERG. They shouldn't. And in fact, in Montana, I created what is called the Consensus Council. We used to call it the Office of Dispute Resolution. But we didn't want to resolve disputes. We wanted to get in and try to solve them before they became disputes. So we set it up in the Governor's Office when I was Lieutenant Governor. We had a director. And it was called a Consensus Council rather than digging in the corners between the lumber company and the environmentalists and then suing our way back out, which is fruitless; it is pointless; it is stupid. Why not try and find the areas we can agree? It is called consensus.

That is what the Blackfoot Challenge is. And that is what we are attempting to go through with the Beaverhead-Deerlodge right now. This is not a consensus process. This is just throwing a map out there and saying, for all intents and purposes, we are going to set this aside without using our ability to sit down and work out the agreement. Look at the map I handed you, and you will see that the Wilderness Society, the Wildlife Federation have come to

the table to work with the other side. And that is what we want to get to in land management. I hope we have moved beyond the 1970s, 1980s and 1990s, when we had the problems.

Mr. INSLEE. Thank you, Mr. Chair.

Mr. GRIJALVA. Once again, I thank my colleagues for your testimony and comments and—did you have additional questions?

Mr. BISHOP. I have just one last postscript.

Mr. Shays, I am going to take you up on that offer to discuss things here. Well, actually, two things. The first one is, as you redo the spill or rework it, the redesignation will take away mechanical thinning and roadless access, some fire suppression. You do have to have a new plan that you come up with. But I will take you up on that offer to talk about these things primarily because there is another issue at another time, which means the 13 of the 15 States that have the most difficult time in funding their education happen to be land-managed States, public States in the west. I think there is a one-to-one correlation with why my kids are being harmed in their education. So we will have to talk about those things. But the first issue will be not necessarily what we want but what I think the Constitution allows us to do. And I appreciate that opportunity. We will take you up on it.

Mr. SHAYS. Could I just make a friendly comment? One, I would like to take you up on your invitation to see this area through your eyes. So I would love to be able to come. And, second, I appreciate your willingness to talk intelligently about this bill. I think this bill may not move forward or it may move forward in a very different state than it is in now. And I also recognize it will be shaped by this committee which predominantly is manned and womaned by people who are closer to this area.

Mr. BISHOP. Thank you, both of you, for being here this evening. Actually, all three of you.

Mr. GRIJALVA. Thank you a lot and thank you for the postscript. My little postscript is this: It may be very simplistic. It is that, as we talked about the differences between eastern and western and being from Arizona or a western State, one of the advantages that we have in the west is policy hindsight that—I don't think it was extortion when we became a State. It was the wise hindsight to say we are going to set some land aside, look at places like the Grand Canyon, look at those—look at those special places and set them aside. And so, as we look at this legislation, I think we need to also look at it through that prism and say, we are also talking about policy hindsight that maybe what didn't occur in the east, we are fortunate did occur in the west. With that, thank you very much.

Mr. SHAYS. Thank you very much, Mr. Chairman.

Mr. GRIJALVA. We call the next panel up, please. Thank you very much, gentlemen.

Mr. GRIJALVA. And let me begin with Mr. Holtrop, Deputy Chief of the National Forest System, USDA Forest Service.

Sir?

**STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF,  
NATIONAL FOREST SYSTEM, USDA FOREST SERVICE**

Mr. HOLTROP. Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to appear before you today to provide

the department's view on the Northern Rockies Ecosystem Protection Act. The Department of Agriculture opposes—

Mr. GRIJALVA. If I may, sir, just to interrupt you for a second. And excuse my lack of courtesy, if any of our colleagues—Ms. Maloney—would wish to join us at the dais, please do, and be a part of this deliberation. I apologize for not bringing that up earlier.

Sir, I am sorry for the interruption.

Mr. HOLTROP. No problem. So I appreciate the opportunity to appear before you today. The Department of Agriculture opposes H.R. 1975. There is current State-by-State work already being accomplished to achieve the objectives of H.R. 1975. We have testified in support of numerous specific wilderness area and wild and scenic river designations in the current Congress. Our planning process includes criteria for evaluating public lands for designation as wilderness and for identifying areas for specific management emphasis, such as for restoration and recovery, or habitat connectivity. Collaboration involves all interested parties who can assist us in finding balanced solutions to competing demands for natural resources. H.R. 1975 removes the collaborative public involvement process used in our land and resource management planning activities. H.R. 1975 would restrict the Secretary of Agriculture's management of significant portions of the renewable resources of the northern rocky mountains. There are currently 35 million acres and 418 Forest Service administered wilderness areas across the country. The wilderness designations in Title I and II of the bill would increase that amount significantly.

H.R. 1975 proposes designation of some areas that are consistent with our forest plan recommendations and others that are not. There are 101 designated wild and scenic rivers already being managed in our current system with more being analyzed each year. Removing the analysis of suitability for designation prior to designation of wild and scenic rivers under the bill would be likely to create issues with private property owners, mining claimants, timber companies, State resource agencies in relation to hunting access and opportunities and permittees whose livelihood may depend on their use of national forests.

We believe our process of ecosystem management is working toward the same benefits as this bill without the adverse impacts, such as designating large areas without public input. Also, our planning process considers these issues for areas on a forest-by-forest or State-by-State basis and is superior to the approach provided by H.R. 1975. Our planning process involves the public in determining the variety of issues related to a potential designation.

Researching these specific issues identified through public involvement helps ensure the best use of our natural resources. I want to conclude by expressing again how much I personally, the Forest Service and the American people, cherish their National Forest and grasslands. We have supported the designation of appropriate wilderness and am proud of our heritage of leading that concept. We have been pleased to support the designation of appropriate additional wild and scenic rivers. We recognize the importance of biological corridors and the value of ecosystem restoration. So many of the objectives of H.R. 1975 are consistent to values im-

portant to us. But this bill goes about this in the wrong way, through the lack of collaborative public involvement and the lack of full consideration of all the impacts.

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

[The prepared statement of Mr. Holtrop follows:]

**Statement of Joel Holtrop, Deputy Chief for the National Forest System,  
U.S. Forest Service, U.S. Department of Agriculture**

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you today to provide the Department's view on the Northern Rockies Ecosystem Protection Act.

The Department of Agriculture opposes H.R. 1975.

Title I of H.R. 1975 would add approximately 19,360,630 acres to the existing National Wilderness Preservation System in the states of Idaho, Montana, Oregon, Washington and Wyoming. Title II of the bill would designate approximately 8,471,252 acres as "biological connecting corridors", with some acres designated as wilderness and others subject to special corridor management requirements under title II. Title III would designate approximately 2,000 miles of rivers in Idaho, Montana, and Wyoming as wild, scenic or recreational under the Wild and Scenic Rivers Act across the 5 states.

Title IV of H.R. 1975 would also designate approximately 1,022,769 acres as wildland recovery areas and components of a National Wildland Recovery and Restoration System. Title IV would establish a National Wildland Recovery Corps to develop a wildland recovery plan for each area of the Recovery System and evaluate the success of the recovery efforts.

Title V of H.R. 1975 require the Secretaries of Agriculture and the Interior to establish an interagency team to monitor, evaluate, and make recommendations to ensure long-term results required by the bill. Title V would require the team to develop a Geographic Information System for monitoring the Northern Rockies Bio-region and to assess the potential for facilitating wildlife movements across major highways and rail lines in the biological corridors established under title II of the bill.

Title V would also require a panel of independent scientists to evaluate and make management recommendations regarding National Forest System roadless areas located in Idaho, Montana, Oregon, Washington and Wyoming that are greater than 1,000 acres and that are not designated as wilderness.

Under title V, Native Americans would continue to be provided non-exclusive access to protected areas under the bill for traditional cultural and religious purposes. Cooperative management agreements would be entered into with Indian tribes to assure protection of religious, burial and gathering sites and to work cooperatively on the management of all uses that impact Indian lands and people.

Title VI states that water rights secured by the United States in Idaho, Montana, Oregon, Wyoming or Washington would not be relinquished or reduced by the bill.

There is current state-by-state work already being accomplished to achieve many of the objectives of H.R. 1975. We have testified in support of numerous specific Wilderness Area and Wild and Scenic River designations in the current Congress. Our planning process includes criteria for evaluating public lands for designation as wilderness and for identifying areas for specific management emphasis, such as for restoration and recovery, or habitat connectivity. Collaboration involves all interested parties who can assist us in finding balanced solutions to competing demands for natural resources. H.R. 1975 removes the collaborative public involvement process used in our land and resource management planning activities which creates two different processes for wilderness designation, one for National Forest System lands within the bill, and another for all other National Forest System lands.

H.R. 1975 would restrict the Secretary of Agriculture's management of significant portions of the renewable resources of the Northern Rocky Mountains. There are currently 35 million acres in 418 Forest Service-administered wilderness areas across the country. The wilderness designations in titles I and II of the bill would increase that amount significantly. H.R. 1975 proposes designation of some areas that are consistent with our forest plan recommendations and others that are not.

There are 101 designated Wild and Scenic Rivers already being managed in our current system, with more being analyzed each year. Removing the analysis of suitability for designation prior to designation of Wild and Scenic Rivers under the bill would be likely to create issues with private property owners, mining-claimants, timber companies, State resource agencies in relation to hunting access and oppor-

tunities, and permittees whose livelihood may depend on their use of National Forests.

H.R. 1975 does address Native American issues (uses, access, cooperative agreements, water rights, and treaty rights); however, issues such as the need for motorized access related to Native Americans' need to visit their heritage areas are not mentioned. Additionally, with new wilderness designations, there would be potential for increased recreational use by the public to areas of great Native American cultural significance, which should be considered on a case-by-case basis to protect these sites.

Many wildlife species benefit from providing large connected patches of habitat within and across landscapes, which H.R. 1975 seeks to accomplish. However, H.R. 1975 creates new categories of land management (i.e., biological connecting corridors and special corridor management areas. The Forest Service has no experience with these new categories, and there may be unknown but significant impacts on the duties of the agency.

Also, without further and substantial examination by the agency, we cannot determine whether the actual land areas identified in H.R. 1975, those that would be converted from multiple use to wilderness designation, will meet the management and recovery goals for threatened and endangered species, and for other wildlife the agency is responsible for conserving. In addition, excluding management activities from large expanses of upland habitat in the Northern Rockies will not benefit many species that evolved in habitats sustained by periodic (and sometimes frequent) disturbances. Finally, the grizzly bear, gray wolf and bald eagle are just three (of the hundreds) of species the agency is responsible for conserving in the Northern Rockies. In 2007, the bald eagle was delisted nationwide, the Yellowstone grizzly bear population was delisted, and the population of gray wolves has steadily increased. The current configuration, use designation, and management of National Forest System lands in the Northern Rockies have contributed in part to these successes.

We have additional concerns, such as:

- Livestock grazing. Livestock grazing is not addressed in H.R. 1975. A large amount of land identified by this Act could impact permitted livestock grazing.
- Mining and oil and gas development. These activities are not addressed in H.R. 1975. Current mining claimants and oil and gas companies with permits to explore and drill could be impacted.
- Implementing titles II, IV, and V of H.R. 1975 would require a shift in management of our National Forests, redirecting Forest Service funding to the Northern Rockies at the expense of other Regions whose ecosystems are just as biologically diverse and important to the nation. Also, surveying new administrative boundaries for areas that would be designated as wilderness under the bill would redirect millions of dollars.
- There is potential for private in-holdings to be created by the bill. Enacting wilderness designations under H.R. 1975 could create numerous land acquisition issues that could take many years to be resolved.

We believe our process of ecosystem management is working towards the same benefits as this bill, without the adverse impacts such as designating large areas without public input. Also, our planning process considers these issues for areas on a forest-by-forest or state-by-state basis and is superior to the approach provided by H.R. 1975. Our planning process involves the public in determining the variety of issues related to a potential designation. Researching these specific issues identified through public involvement helps insure the best use of our natural resources.

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

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Mr. GRIJALVA. Thank you. Let me now turn to Mr. Bisson, Deputy Director, Bureau of Land Management.  
Sir?

**STATEMENT OF HENRI BISSON, DEPUTY DIRECTOR,  
BUREAU OF LAND MANAGEMENT**

Mr. BISSON. Thank you, Chairman Grijalva and Mr. Bishop. It is nice to see you again, sir. And I appreciate this opportunity to testify on H.R. 1975, the Northern Rockies Ecosystem Protection Act. We believe that this broad brush approach to wilderness designation lacks the local input and consensus building that were es-



sential ingredients in previous wilderness bills supported by this administration.

Consequently, the Department of the Interior opposes H.R. 1975. H.R. 1975 is a wide-ranging bill that, according to its sponsors, designates approximately 23 million acres of land as wilderness and as biological corridors. The bill also designates wild and scenic rivers. It proposes such designations on lands managed by the Bureau of Land Management, the National Park Service and the U.S. Forest Service in Washington, Oregon, Idaho, Montana and Wyoming. In areas either wholly or partially managed by the BLM, the bill appears to designate 40 wilderness areas, two wild and scenic rivers, as well as 22 biological corridors. It also appears to designate wilderness areas in three national parks, Glacier, Yellowstone and Grand Teton. The National Park Service areas appear to be the same as those previously studied and found suitable and recommended for wilderness designation in the 1970s. The vast majority of lands proposed for designation under this act are managed by the Forest Service, and we defer to the Forest Service on these provisions in the bill. The administration has supported a number of wilderness bills that the Congress has passed.

During the 109th Congress alone, over half a million acres of wilderness were designated on BLM managed lands in California, Utah and Nevada, which supported the efforts of delegations in those States to reach legislative solutions by working toward consensus and compromise through local, State and Federal input that takes into consideration the needs and concerns of the various stakeholders and interest groups that are impacted by wilderness designation. H.R. 1975 does not show the same spirit of consensus and compromise that has resulted in previously successful wilderness bills. It is not the result of a local collaborative effort undertaken by the congressional delegations of the affected States.

Those proposals that have reached fruition over the last decade have been more limited in scope, spanning a county, a congressional district or a single wilderness area. We believe a collaborative process is essential for success. While only Congress can determine whether to designate wilderness study areas as wilderness or release them for other multiple use purposes, we support the resolution of WSA issues and stand ready to work with Members of Congress toward solutions. Thank you for the opportunity to testify. I will be happy to answer any questions.

[The prepared statement of Mr. Bisson follows:]

**Statement of Henri Bisson, Deputy Director, Bureau of Land Management,  
U.S. Department of the Interior**

Thank you for inviting me to testify on H.R. 1975, the Northern Rockies Ecosystem Protection Act (NREPA). We believe that this broad brush approach to wilderness designation lacks the local input and consensus-building that were essential ingredients in previous wilderness bills supported by this Administration. Consequently, the Department of the Interior opposes H.R. 1975.

H.R. 1975 is a wide-ranging bill that, according to its sponsors, designates approximately 23 million acres of land as wilderness and as biological corridors. The bill also designates wild and scenic rivers. It proposes such designations on lands managed by the Bureau of Land Management (BLM), the National Park Service, and the U.S. Forest Service (Forest Service) in Washington, Oregon, Idaho, Montana and Wyoming. While the impact of the bill is potentially vast, it is difficult to find specific information on the areas proposed for designation. We have only been able

to find a single overview map of the areas with no exact details on the boundaries of the parcels proposed for designation.

From the overview map, in areas either wholly or partially managed by the BLM, the bill appears to designate 40 wilderness areas, two wild and scenic rivers, as well as 22 biological corridors, a new concept with which we have some concerns as described later in the testimony. It also appears to designate wilderness areas in three national parks—Glacier National Park, Yellowstone National Park, and Grand Teton National Park. The areas appear to be the same as those previously studied, found suitable, and recommended for wilderness designation in the 1970's. The vast majority of lands proposed for designation under H.R. 1975 are managed by the Forest Service. We defer to Forest Service on these provisions in the bill.

This Administration has supported a number of wilderness bills that the Congress has passed. During the 109th Congress alone, over half a million acres of wilderness have been designated on BLM-managed lands in California, Utah and Nevada. We supported the efforts of delegations in those states to reach legislative solutions by working toward consensus and compromise through local, state, and Federal input that takes into consideration the needs and concerns of the various stakeholders and interest groups that are impacted by wilderness designation.

H.R. 1975 does not show the same spirit of consensus and compromise that has resulted in previously successful wilderness bills. It is not the result of a local collaborative effort undertaken by the Congressional delegations of the affected states. Those proposals that have reached fruition over the last decade have been more limited in scope, spanning a county, a Congressional District, or a single wilderness area. We believe a collaborative process is essential for success.

We also are extremely concerned that H.R. 1975 introduces a new concept of designating biological connecting corridors as units of the National Wilderness Preservation System, as well as special corridor management areas with wilderness-like management. These provisions would introduce a significant new element to designations under the 1964 Wilderness Act, and we would be cautious about such a revision without more considered debate. Moreover, we are unclear as to the need for this new designation. Where protections are necessary for wildlife corridors, we recommend using existing designations and administrative tools, rather than creating a novel designation whose scope and interpretation are as yet unclear.

We support the resolution of wilderness designations throughout the West. Some of the areas proposed for designation could bring about a consensus, and we are generally aware that there are some areas included in the bill (depending on specific boundaries) that we could support. At the same time, we understand that other proposed designations would result in resource conflicts or pose serious management challenges. For example, it appears that oil and gas production currently exists on some of the BLM-managed lands proposed for wilderness designation under H.R. 1975, and well-used vehicle corridors crisscross others.

While only Congress can determine whether to designate Wilderness Study Areas (WSAs) as wilderness or release them for other multiple uses, we support the resolution of WSA issues and stand ready to work with Members of Congress toward solutions. There are currently a number of efforts throughout the West by Members of Congress working collaboratively with local and national interests to reach consensus on wilderness proposals. We will continue to support this approach. Unfortunately, H.R. 1975 does not meet this basic test and, therefore, the Department opposes its enactment.

Thank you for the opportunity to testify. I will be happy to answer any questions.

Mr. GRIJALVA. Thank you very much.

Let me just—some general questions.

Mr. Holtrop, you mentioned in the testimony that the Forest Service opposes H.R. 1975 because you believe that the current forest planning process is superior and involves the public. My question is this: If this planning process is indeed superior, then explain to the committee why the 2005 planning rule was enjoined in Federal court March 30, 2007, when the court ruled that the Forest Service had violated NREPA, an essential part of that public process.

Mr. HOLTROP. The planning processes that were involved include more than just the forest management planning process that you are referring to. But addressing specifically the forest management

planning process, most of the forest plans that are associated with this area were those forest plans and revisions, and perhaps all of them were accomplished under the planning rule that was promulgated in 1982. And we are currently working on our response to the issues that were raised in 2005 with our work on the planning rule. The main emphasis of our work on our planning rule is trying to again improve our ability to have public involvement in that process. That is the objective of the work on our planning rule as well as making sure it is a scientifically based approach.

Mr. GRIJALVA. Thank you for dealing with that contradiction.

On page 3, I think that you state that H.R. 1975 would convert lands from multiple use to wilderness designation. You are aware that the Multiple-Use Sustained-Yield Act clearly states that wilderness is consistent with multiple use.

Mr. HOLTROP. Of course, like my testimony also states, we are proud of our support for wilderness designation within the whole suite of activities that the National Forest need to be managed for. Wilderness is one of them, as well as other multiple uses that would not be allowed within the wilderness designation.

Mr. GRIJALVA. And utilizing your expertise, does the Wilderness Act give the Forest Service the necessary authority to take such measures that may be necessary to control fires, insects, disease?

Mr. HOLTROP. I would like to answer that in two ways. One way I would like to answer it is, when there is an actual fire emergency occurring, the Wilderness Act and our rules and regulations do allow us to make exceptions to wilderness in order to effectively fight fire. However, we do consider wilderness to be a serious matter, and we don't just cavalierly make those types of decisions when we are fighting fire. We fight fire in wilderness taking into full account that it is wilderness. Does it give us the authority to make exceptions to what would otherwise be allowed in wilderness during fighting fires? The answer is yes.

The second way I would like to answer that question is perhaps the most effective thing that we can do and what surveys of our wild land firefighters tell us what they consider to be the most effective thing that we can do to improve their safety is to pretreat these forests prior to the forest fires occurring by reducing the density of the forest and by improving the forest health. That is a situation in which the Wilderness Act would certainly reduce our likelihood of being able to do that effectively in much of the area.

Mr. GRIJALVA. Thank you.

For either or both gentlemen, I think both of you mentioned concerns about mining and oil and gas development not being addressed in H.R. 1975. The Forest Service itself has withdrawn a significant portion of the Rocky Mountain Front in Montana from oil and gas development. Just for the committee to know, what areas of the Northern Rockies do either of you think are appropriate for mining and oil and gas development that would be withdrawn if H.R. 1975 were enacted? What are those places in the Northern Rockies that are prime for this development that this legislation affects?

Mr. HOLTROP. Well, I appreciate that question, Mr. Chairman, because it gives me an opportunity to mention one of the concerns that we had as we were looking at this piece of legislation, is we

didn't have the type of information in front of us, the types of maps in front of us, that we would normally have when looking at the designation of wilderness. We don't even have all of the information I would need to have to be able to effectively answer that question. We have some generally defined areas with acreage associated with that. But where those lines are and how those lines affect, whether it is mining activities or grazing activities or private roads that cross public lands for private input.

Mr. GRIJALVA. I think, if that information does exist, I think the committee would be interested in that overlay of those areas that you feel should be withdrawn because of the potential—the certainty of development in those areas. So I appreciate that.

Mr. BISSON. Mr. Chairman, could I expand on that for just a quick second? We haven't seen specific maps, so we don't know exactly which areas could likely be affected. Many of the areas proposed for wilderness contain both BLM and Forest Service. There is an acreage data, but we haven't seen specific maps on each of these areas to be able to come back to you and identify where the conflict is. But I can tell you there is one area in Montana, the Wales area that includes significant mining activity. It is along Yourname Creek. There are 28 unpatented mining claims covering 568 acres. There is also two very long roads in that area that clearly we feel do not allow that area to be qualified as wilderness.

There is an area in Wyoming called the WSA Badlands area. Virtually the entire area is already leased for oil and gas. The bill would prevent new leasing, but now you have these rights out there for people who will look to develop these leases, and virtually, the whole area is already leased. It would create a significant conflict. And there are a lot of roads in that area as well.

Mr. GRIJALVA. Sir, that is the kind of information that we would appreciate. One more follow-up if I may, sir. You stated in your testimony that Forest Service and BLM have testified in support of numerous wilderness designation in the current Congress. Can you tell us which ones those were? Because either my memory is fading faster than this day—but I can't recall any.

Mr. BISSON. I will speak to the BLM.

Mr. GRIJALVA. We are talking about the current Congress; right? That is the time frame—

Mr. BISSON. During the 109th Congress. The BLM has not been invited to testify on any wilderness bill during this Congress until this one. But during the 109th Congress, we have testified and supported five wilderness bills which were subsequently passed, as I understand it.

Mr. GRIJALVA. Just a matter of current versus—

Mr. BISSON. Yes, sir.

Mr. HOLTROP. In my case, I have personally testified in support of many of the designations in the Virginia Ridge and Valley Act on the George Washington and Jefferson National Forest as well as the Copper Salmon in Oregon.

Mr. GRIJALVA. Just a difference between in—

Mr. HOLTROP. That approach and this approach. Yes, sir.

Mr. GRIJALVA. I don't have any questions anymore.

Mr. Bishop.

Mr. BISHOP. Thank you.

Mr. Holtrop, I appreciate you and Mr. Bisson coming here. Mr. Bisson, I appreciate what you are doing in your current job. I congratulate you for all your work there. You really should go back to where you were. Selma does a great job for us in Utah, but we miss you back there. Let me pick on you first, if you would. One of the things that we tried to bring up very early on, and it still has not been talked about, deals with the water rights. The Federal Reserve Water Right language in the Wilderness Act says nothing in this act shall constitute an expression or implied claim or denial on the part of the Federal Government as to exemption from State water laws. Do you believe that section 110 of this particular bill dealing with water is in direct conflict with not only the Wilderness Act but also the decades of Federal law? And, Mr. Holtrop, you can answer that, too. But let me direct that to Henri.

Mr. BISSON. Mr. Bishop, I guess the way I would respond is, we defer to the Congress on this particular issue. But the language that is in this bill is exactly like the language that was in the California Desert Protection Act that was passed in 1994. All the wilderness bills since then have been somewhat different in their language compared to that. Some of the bills have not even had any water rights language in them. But we defer to the Congress on the appropriate language, sir.

Mr. BISHOP. OK. Mr. Holtrop, if I could, what effect on the prohibition of section 503—I am sorry—What is the effect that the prohibition in section 503(b), would this effectively freeze all roadless lands that are greater than a thousand acres in size in all the national forests in these five States?

Mr. HOLTROP. Well, as we read the bill, the prohibition would not allow any new road construction or reconstruction or timber harvesting, except for firewood gathering, in any roadless area over 1,000 acres in any of the National Forest System lands in any of the five States. So stretching from the Olympic Peninsula to North and South Dakota.

Mr. BISHOP. Let me stop you. If I heard you right, then it would stop any kind of timber harvesting in all of these forests in these five States. That would include emergency action, like to stop a fire, disease, insect infestation?

Mr. HOLTROP. In areas that are over—in the roadless areas over 1,000 acres in size, I think there is some uncertainty as to how some of the emergency provisions would apply in those circumstances.

Mr. BISHOP. Is it possible if one were to try and expand this very broad reading of this language, you could even deal with closures of campgrounds or visitor facilities?

Mr. HOLTROP. Well, I think that one would assume that a campground and a visitor facility would have roads associated with it and therefore would not qualify as roadless under the designation here. Although the way the bill is worded, it says that all of those areas greater than 1,000 acres would be identified by and analyzed by this committee of the National Academy of Scientists within 3 years. I think—we are talking over 70 million acres of National Forest System lands in these five States. A thousand acres is not a size of roadless area that we have analyzed before. Roadless anal-

ysis has been to 5,000 acres. A thousand acres is not a very large area in a 70 million acre expanse of public land.

I think it would be interesting at least as to what actions we would be able to take until even the identification of whether an area qualifies as part of the 1,000 acres or not. I think there would be some concerns that would be raised at that point. But once the 1,000 acre areas are identified, I would expect that we would be able to carry on activities outside those areas. It is unclear to me as to how much of that would exist.

Mr. BISHOP. In my previous question, I cut you off in the middle of the answer. Did you get a chance to finish your answer on that one?

Mr. HOLTROP. I think I supplemented it. That was the last thing I just did.

Mr. BISHOP. Let me just ask one last question then. How many of the areas and acres proposed for designation in this bill have been identified through the forest planning process as meeting the criteria for wilderness?

Mr. HOLTROP. We have not done the analysis to be able to answer that question. It would take a considerable amount of staff work in order to accomplish that work. I can tell you that a quick look at them indicates that some of them have qualified and are consistent with recommendations that we have made in our forest planning process, and some of them are inconsistent with recommendations that we have made. The actual assessment of all of them, we have not done that.

Mr. BISHOP. That is a fair enough answer.

Mr. Chairman, I will also make you a deal. You didn't time me on the first panel. And I went way over. So I will make you a deal on the next panel. I won't even ask a question to compensate for that. And I thank these two.

Mr. GRIJALVA. I can't express my gratitude at this point. Thank you very—Mr. Sarbanes, I am sorry. Any questions?

Mr. SARBANES. Real quick. Just a couple of questions. There is something inherently misguided, is there, about a multi-State designation of a wilderness area with connecting biological corridors and so forth in your view?

Mr. HOLTROP. I don't believe there is anything inherently misguided about that. I think there are some inherent difficulties of doing that in a way that accomplishes the type of collaboration that is necessary and to make sure that all of the unforeseen circumstances that might apply. And let me clarify that just a moment if I could.

I was a forest supervisor on the Flathead National Forest in Northwestern Montana, so much of the area that is associated with this. I was the area supervisor there in the 1990s. I am familiar with some of the areas that are set aside, for example, for ecosystem restoration. What the ecosystem restoration tells us that we are to do is to try to restore that to a roadless character. Some of those areas that would be restored to a roadless character would not—would cut off access to large sections of the National Forest far beyond the area that is identified as that restoration area. I believe those are the types of things that when you look at something with a magnitude of this in a multi-State way, I think you lose

some of the opportunity to catch those types of probably what I would assume to be unintended consequences of this bill.

Mr. SARBANES. Well, I guess that would mean you would want to make sure you had rigorous due diligence involved. But it seems like the scope of it is the thing that is getting in the way, not the ability to do the—do our homework, if you will, to make sure things would work properly. So maybe there is a little extra that has to happen. Maybe there is a lot extra that has to happen in terms of dotting i's and crossing t's. But there is no reason that that can't happen from what I am hearing.

And so, for example, to pick up on your idea about the—the following question was asked about being able to fight forest fires in these areas that are designated as wilderness areas. And there was a question about—I think you introduced on your own the notion that pretreatment of some of these forests in these wilderness areas would be harder to do or complicated more by the fact of the wilderness designation than would normally be the case. But certainly it has got to be the case now that, in existing wilderness areas that have been designated as such, we ought to be looking at all of the different methods of making sure that we are combating forest fires and so forth. So there is nothing different about what is being proposed here, is there, with respect to that issue?

Mr. HOLTROP. Well, the exception I would make to that is, in our existing wilderness system, we don't do pretreatment, except in maybe some very rare instances. Again, wilderness designation is a serious designation. It is a designation where there is no mechanized equipment use. There is no travel by vehicles to access that wilderness. And we take wilderness designations seriously. So we manage wilderness differently than we manage nonwilderness on things such as vegetation treatment, such as use of mechanized equipment. That is—

Mr. SARBANES. I accept that. And I think it goes with the designation that, if you manage carefully and differently and everything else. But that in and of itself is not a reason not to designate something of this—of this size and scope. I have no more questions.

Mr. GRIJALVA. Thank you.

Ms. Maloney, do you have questions?

Thank you very much, gentlemen. We appreciate your testimony. And let me call the next panel up.

Mr. SARBANES. [Presiding] If all the panelists are ready, why don't we start with Ms. Carole King? You can begin.

#### **STATEMENT OF CAROLE KING KLEIN, STANLEY, IDAHO**

Ms. KING. Thank you, Mr. Chairman, Ranking Member Bishop and other members and the subcommittee. I want to thank you.

Mr. SARBANES. Is your mick on?

Ms. KING. You know, this is something I should know. Mr. Chairman, Ranking Member Bishop, members of the subcommittee, thank you for holding this hearing. And I also want to thank Representatives Carolyn Maloney and Christopher Shays for their commitment, dedication and perseverance on this important national issue.

This bill will preserve the Northern Rockies ecosystem, save taxpayers money and create jobs. That is why grassroots activists from

all around the country, as well as the NREPA states support it. And contrary to what opponents claim, local support is strong. The bill was drafted by scientists and economists from the region, and I have already submitted a list, as Ms. Maloney has, I believe, of local organizations and businesses that support it.

I am a local supporter. I have lived in Idaho for 30 years, and I have been working on this legislation for 17 of them. I am 65-years old. I am closing in on the elderly that Mr. Rehberg referred to. I keep coming to D.C. because the grassroots supporters from the region don't have the budget of the timber industry or the off-road vehicle manufacturers who can afford to send large numbers of protesters here. What supporters do have is the science and the economics and the will to persist until this bill becomes law.

No one ever attacks the science or the economics. All they do is complain about top-down legislation and easterners telling westerners what to do. But it is important to remember that these are national lands, and it takes national legislation sometimes to accomplish something that is in the national interest. For example, if the mayor of New York decided to dismantle the statue of liberty and give the crown to the Bronx and the torch to Brooklyn and the arm to Staten Island, the people of the NREPA states would not only have the right but the obligation to protect Lady Liberty and insist that she stay intact.

Some people have said—we were just talking about breaking the bill into smaller bills. But we can't do that because it is not about political boundaries. It is about science. This is an ecosystem bill. And I was kind of surprised that Denny Rehberg was opposing NREPA because of the Yellowstone bison hearing. He said, Are you going to allow sound science to manage your parks, or are you going to let political science manage your parks?

You know, the other thing that was brought out earlier is that this bill keeps water at higher elevations until later in the season when it is most needed, which affects many more States than just the five NREPA States.

I have a little story. I live among wildlife. A couple of weeks ago, I saw a family of Canadian grey wolves—a male, a female and two pups—right outside my window. It was unnerving, magnificent and a vivid reminder that I am the one that moved into their neighborhood.

So the thing is, we have to coexist with wildlife. We cannot keep pushing them into smaller and smaller areas. The biological corridors in this bill give these animals the room to move and diversify. There are also psychological benefits of what this bill is going to do. You can have the same experience in wilderness today that you might have had centuries ago. Wilderness is like stopping time. And we need, in today's stressful world, to preserve places where we can stop time.

As for global warming, which is an important issue, NREPA's biological corridors allow the species to move to cooler climates. And I just learned recently the term carbon sink; that is a place where carbon is absorbed and stored. A large carbon sink can slow global warming. When you look at this map and you see all that green, you are looking at a large carbon sink. How can you not protect that?



There are many ways to misuse public land. Calling them wise-use doesn't make them wise. Words have power. It is interesting how often vehicle proponents have co-opted the word recreation. The recreation community is now widely understood to mean motorized users, trail users. But other uses qualify as recreation, and all these other uses will be allowed in these areas that they say are being locked up. They are not locked up. Hunters, anglers, hikers, skiers, people on horseback, all will be able to recreate in the NREPA wilderness.

I do both, motorized and nonmotorized. Motorized has over 80 percent of public land to ride around on. Motorized doesn't need to ride everywhere. You wouldn't ride a four-wheeler down the aisle of a church. Wilderness is kind of like a church. It keeps God's creations pretty much as God made them. We need to respect that.

We also need to understand that the lands that are going to be newly designated wilderness are not really changing what they are. They are just changing their designation. Economically, in my county, Custer County, Idaho, last year anglers spent roughly \$28 million. I think local officials act against interests if they fail to make the connection between wild and scenic rivers, in this bill, a healthy population of fish and \$28 million a year.

I want to say something to my conservation colleagues who have lost heart in recent years. Today is a great day. The Northern Rockies ecosystem is having a hearing. Let this bill embolden and energize you to pursue solutions that are true to the principles of why you got into this work in the first place.

And, Mr. Chairman and members, I ask you to give these people the inspiration of success by your passage of this bill. Remind them that when Americans aim high, we touch the stars. Thoughtful men set these lands aside and preserved them for us, and now it is your turn. Pass NREPA and protect this ecosystem for future generations. It is a legacy worthy of your great grandchildren. Thank you.

[The prepared statement of Ms. King follows:]

**Statement of Carole King Klein, Stanley, Idaho**

Chairman Grijalva and members of the Subcommittee:

I appreciate the invitation to submit testimony regarding H.R. 1975, and I sincerely hope you'll read it personally.

Nearly twenty years ago a group of well-respected scientists consulted with economists and drafted a proposal that would

- protect the Northern Rockies as an integrated, intact ecosystem;
- save the taxpayers roughly \$245 million dollars the first ten years after passage;
- and create jobs in the region.

They called it the Northern Rockies Ecosystem Protection Act (NREPA). Its acronym is pronounced Ner-EE-pa.

I turned 65 this year. I've lived in Idaho for 30 years. That's longer than I've lived anywhere else. I've spent the last 17 of them working to pass NREPA. My four children are grown now. I have four grandchildren.

Over the years I've met with grass-roots citizens from the affected states who've been working tirelessly for NREPA's passage and defending areas within it against constant pressure from industrial interests and developers.

I'm thinking of

- the octogenarian Stewart Brandborg, who was actively involved in the successful effort to pass the Wilderness Act of 1964;
- Arlene Montgomery, Steve Kelly, and other Friends of the Wild Swan in Montana;

- Dave and Kathy Richmond, my neighbors downstream who work to protect wildlife and habitat in the mountains along Idaho's Salmon River;
- Howie Wolke, the outfitter who introduced me to Mike Bader, whose vision for an ecosystem bill was the seed from which NREPA grew;
- Mike Garrity and Gary Macfarlane, whose extensive knowledge about the legislation informs all of us;
- members of Friends of the Clearwater in Idaho; Alliance for the Wild Rockies in Montana; the Lands Council in Washington; Hells Canyon Preservation Council in Oregon, Wyoming Wilderness Association, and other groups representing a broad array of citizens in all five of the affected states who support NREPA; Exhibit 1—organization support list
- business owners who know that the right thing for the bioregion is also the right thing for the region's economy. Exhibit 2—business support list

But NREPA supporters don't come just from the five states. They come from around the country, from all walks of life, including but not limited to

- religious leaders;
- teachers;
- schoolchildren who collect pennies to pay for NREPA brochures and other materials;
- taxpayers who are tired of subsidizing the timber industry with their tax dollars;
- farmers, ranchers, outfitters, guides, photographers, hikers, hunters, anglers, and others who will benefit from the passage of NREPA;
- and a former president.

When Marilyn Bruya (an artist and now-retired professor) wrote to Jimmy Carter to ask for his support of NREPA, President Carter sent her letter back with a note on it in his handwriting saying:

To Marilyn Bruya "You may include me among the supporters of NREPA. Jimmy C.

Exhibit 3—Bruya letter with Carter note

President Carter subsequently wrote a more formal letter of support, saying:

"NREPA heralds a new era in public lands management, based upon securing the integrity of the ecosystem in a biologically and economically sustainable way. NREPA is also cost-effective legislation. It will eliminate the practice of below-cost timber sales that have burdened taxpayers to the tune of hundreds of millions of dollars.

"NREPA has the strong support of the American People, who own these public lands. At a time when only 5% of America's original pristine forests still remain, *it is our duty and obligation to protect and restore these national treasures* as we have enjoyed them and been sustained by them physically, mentally, and spiritually."

The italics are mine, as is this note:

The number of America's original pristine forests is now down to 3%.

Opponents downplay local support and complain about "top down" legislation. But I was there when NREPA's lead sponsors visited the region. They were welcomed by local supporters who thanked them for their leadership in introducing this national-interest legislation that will also benefit local communities.

"If we keep waiting for our own representatives to save the Northern Rockies," said a resident of one of the affected states, "it'll never happen."

"He's right," said another. "We can't afford to wait."

Mr. Chairman and members, I wish each and every one of you could see the vast, wild, unspoiled country out there. I wish every one of you could meet the supporters of NREPA. They're why I keep coming back to Capitol Hill every few months to convey their unshakable determination to protect that wild country and ensure the survival and biological diversity of every creature in the Northern Rockies, from the tiniest birds and mosquitoes—yes, even the mosquitoes!—to bull trout, wild salmon, grizzly, and caribou. I come and speak on behalf of ranchers and farmers who know that NREPA will protect headwaters and keep water at higher elevations for use later in the season when it's most needed.

My neighbors in the greater Northern Rockies ecosystem live among bears, badgers, bunnies, beavers, otters, deer, elk, and moose. People who grew up there may take those things for granted but I don't. I grew up in New York, and the sheer size of the landscape and the wildlife it sustains are a constant wonder to me. They've informed my life and my songs, and in return I made a commitment to make sure we don't lose them.

When I first moved to Custer County in 1981, the creeks were orange with kokanee salmon. I haven't seen that many kokanee for a long time. In the winter

months I snowshoe and ski on trails with wolf paw prints the size of a grapefruit. A couple of weeks ago I awoke to see a family of Canadian gray wolves less than 50 feet from my home: a male, a female and two pups. It was unnerving but magnificent—and a vivid reminder that I’m the one who moved into their neighborhood. My dog barked from a safe distance (where she prudently stayed.) I hoped her barking would encourage the wolves to move to a quieter and more distant location, which they did. The next morning I found a yearling elk in the upper meadow that the wolves had killed in a lupine version of grocery shopping.

The wolves could have hurt me or my dog, but they didn’t. I could have hurt them, but I didn’t. And so we co-exist.

Why shouldn’t we protect places of sufficient size and ecological function where humankind can co-exist with wildlife? Why do some people object to legislation that allows wildlife to roam great distances without roads or motors? Why is it necessary for humankind to build roads everywhere?

Opponents of NREPA offer reasonable-sounding answers to these questions, but if you look behind the curtain you’re likely to find industrial interests and developers who do not want to lose their taxpayer-subsidized benefits.

I find it interesting that advocates for off-road vehicle use say “lock up” when they talk about wilderness and “lock in” when they talk about off-road vehicle trails. And they have co-opted the word “recreation.” “The recreation community” is widely understood these days to mean motorized trail users.

But use doesn’t have to be motorized to qualify as “recreation.” Hunters, anglers, hikers, skiers, people on horseback and other non-motorized users will still be able to enjoy their preferred method of recreation in NREPA’s designated wilderness areas with respect and minimal impact without fear of being interrupted by the sound of a motor. If we don’t protect the Northern Rockies ecosystem against such incursions, then motorized wilderness—an oxymoron, to be sure—will be the only kind of wilderness we’ll have left.

NREPA comprises the largest area in the lower 48 where we can still preserve enough land to support a diverse range of wildlife. A protected Northern Rockies ecosystem with biological corridors will provide the room and maneuverability they need. Surely God’s creatures have as much right to be there as we do.

In addition to the biological benefits, there are psychological benefits. Vast, wild places replenish the human spirit and give us sanctuary from an increasingly stressful world.

Experiences in the wild bring families together. They connect family members to each other and to the Creator of the natural environment around them. What they are experiencing in wilderness is not much different than what they might have experienced centuries ago. NREPA’s passage will ensure that those same experiences are still there for you and your grandchildren. Wilderness is like stopping time. We need more places where we can stop time.

One day on a hike I was carrying my grandson in a backpack. As I watched him touch the rough bark of an old fir tree I could feel him absorbing his grandmother’s love for the wild forest, just as trees absorb carbon dioxide from the atmosphere and give us back oxygen.

As rising levels of carbon dioxide in the atmosphere play a crucial role in climate change, NREPA is a science-based solution that even a third-grader can understand. Trees turn carbon dioxide into oxygen. Large connected ecosystems full of old growth forests like those in the Northern Rockies absorb and store carbon. Scientists call this a “carbon sink.” By protecting the Northern Rockies ecosystem, NREPA will significantly slow global warming and benefit the entire world.

A little NREPA history: when I first came to Capitol Hill in 1990 to meet with Members of Congress about NREPA, few people even knew what an ecosystem was. I was with a group of five men from Idaho, Montana, and Oregon who, in their suits, ties, and dress shoes, were clearly not in their natural habitat, but if that’s what it took to sit down with folks on Capitol Hill, they were willing to fly to DC and put on their town-goin’ clothes.

Members and staff were kind enough to meet with us, but no one took the bill seriously. It was like that cartoon, where these little shmoo-like figures are rolling around on the floor laughing, and the caption is, “You want it when???”

For years we’ve heard the question “How are you going to get the bill through Congress?” Now we’re hearing “How are you going to get President Bush to sign it?”

Mr. Chairman and members of the subcommittee: give us the chance to persuade President Bush to sign NREPA, and we’ll let you know how we did it.

Back to NREPA history: in 1991, Rep. Peter Kostmayer was NREPA’s first lead sponsor.

In 1993, Rep. Carolyn Maloney took the lead and made a commitment not only to introduce NREPA, but to work hard for its passage.

In 1994, Chairman Bruce Vento held a hearing on NREPA before the Subcommittee on National Parks and Public Lands. There were no objections to the science, the economics, or the creation of jobs. The only objections were from westerners complaining about easterners telling them what to do. When Mrs. Maloney reminded members that the lands in question were (and still are) owned by all Americans, the objections got more vociferous and more personal. But there were still no objections to the science, the economics, or the creation of jobs.

In 1995, Rep. Christopher Shays joined Mrs. Maloney in advocating for NREPA. The bill grew to include as many as 187 bipartisan cosponsors in addition to Mr. Shays. Among its cosponsors were (and still are) members from some of the affected states.

Phrases from nay-sayers included “political reality;” “local solutions;” and “compromise.”

Regarding compromise:

1. NREPA already has compromise built into it. Roughly 50% of the federal lands in the region will remain available for multiple use. This reflects the well-thought-out design of this bill by those who drafted it. They took into consideration that logging, road-building, and off-road vehicle use could not be completely stopped. The areas proposed as wilderness were carefully selected for their ecological value and integrity.
2. In 1994, when we met with then-Speaker Tom Foley, he asked if we could take the Washington wilderness out of the bill. We replied, “Mr. Speaker, it’s an ecosystem bill. Without the wilderness protection in Washington, it won’t function as an ecosystem.”

So NREPA might have passed the House in 1994 without the Washington wilderness, but we couldn’t compromise the science. We’ve been ignoring scientists’ warnings about climate change for years. We ignore science at our peril. Meanwhile, the science in NREPA was so strong and prescient that this bill, drafted nearly two decades ago, had the biological corridors in it then that we know today will mitigate the effects of global warming on species in the region.

In recent years I’ve watched some wilderness advocates get caught up in an approach encouraged by certain funders during the years when the Resources Committee was, shall we say, not inclined towards wilderness protection? Some groups whose mission statements include wilderness protection became so frustrated with the failure to pass clean wilderness bills that they focused on achievable victories. In some cases “achievable” meant accepting quid pro quo conditions inconsistent with their group’s advocacy for things like the Wilderness Act of 1964, public land remaining in public hands, and the need to protect areas of sufficient size and connectivity to sustain wildlife populations.

Proponents of one such bill admit their bill isn’t perfect, but, they say, “we mustn’t let the perfect be the enemy of the good.”

First of all, I would argue (and have argued in both chambers) that a bill that gives away thousands of acres of nationally owned public land isn’t “the good.” But more to the point, when you have the chance to pass a bill like NREPA that is the right solution for so many problems, there’s no need to settle for less.

As for “local solutions,” if the mayor of New York decided to dismantle the Statue of Liberty and give the arm to Staten Island, the torch to Brooklyn and the crown to The Bronx, the people from the five NREPA states would have every right—and indeed, the obligation—to insist that this icon of American freedom and democracy remain intact.

Chopping up an ecosystem to meet local political needs is equally inappropriate. We cannot accept “local solutions” that divide parts of a national treasure among competing local interests. It’s wrong for the American people and it’s wrong for local communities.

The long-term economic health of communities is better when they’re adjacent to large, intact wilderness areas. In the past a social climate of negativity towards conservation activists prevailed in many rural communities, but a growing number of people in these communities are starting to realize that their longstanding antipathy toward wilderness is hurting them economically.

Studies affirm that protecting large intact wilderness is the best investment in the long-term economy of adjacent communities. You’ll see ghost towns all over the west where an economy based on an extractive industry has petered out, but you won’t see a single ghost town where the economy is based on adjacent wilderness. When you drive into Stanley or Challis (near where I live) you’ll see signs proclaiming each town a gateway to wilderness. The signs do not say “Gateway to Off Road Vehicle Trails” or “Gateway to Cyanide Heap Leach Mines.”

Last year, anglers spent roughly \$28 million in Custer County.

I have trouble understanding why my county commissioners are failing to make the connection between the wild and scenic rivers in NREPA, a healthy population of wild salmon and steelhead, and \$28 million dollars a year to a single county from anglers alone.

I have trouble understanding why some elected officials aren't making the connection between the severe erosion caused by the motorized trail vehicles they're fighting so hard to allow in inappropriate places, and the degradation of habitat of the fish that bring so much money to their county.

Michelangelo said, "The greatest danger for most of us lies not in setting our aim too high and falling short, but in setting our aim too low, and achieving our mark."

Imagine if Michelangelo had set his aim lower. The ceiling of the Sistine Chapel would not exist.

The Northern Rockies ecosystem is America's Sistine Chapel. In fact, many people would agree that no man-made church, temple, or other religious structure could approach the magnificence of God's own cathedrals made of mountains, forests, and the limitless sky.

We're lucky enough to have had some of those places already protected by such visionary forebears as:

Gifford Pinchot: "The vast possibilities of our great future will become realities only if we make ourselves responsible for that future."

John F. Kennedy: "It is our task in our time and in our generation, to hand down undiminished to those who come after us, as was handed down to us by those who went before, the natural wealth and beauty which is ours."

Rachel Carson: "It is a wholesome and necessary thing for us to turn again to the earth and in the contemplation of her beauties to know of wonder and humility."

And Theodore Roosevelt: "Leave it as it is. The ages have been at work on it and man can only mar it."

Mr. Chairman and members, it's your turn now. You're charged with the responsible stewardship of the nationally owned public lands in the Northern Rockies ecosystem, and the American people are counting on you to rise to that responsibility.

I've met with many of you, and I'm confident that not only will you rise to the occasion, you will lift others—including my friends and colleagues who've worked for so long to protect wilderness but in recent years have lost hope and heart.

To my friends and colleagues I say, let NREPA embolden you. Let this visionary legislation and the unwavering commitment of its supporters energize you to seek solutions that are true to the values of wilderness and wildlife preservation that have been the underlying principles of your work for so many years. NREPA is a worthy and well-crafted solution. You don't have to settle for less.

To you, Mr. Chairman and members, I say, give these good people the inspiration that comes with success. Remind them that when Americans aim high, we touch the stars.

Take this opportunity to protect the Northern Rockies ecosystem; create jobs; and save your constituents money. The people who wrote this bill have made it easy for you to do the right thing. All you have to do to stop the nay-sayers is say YES to NREPA.

A YES vote will affirm your responsibility to the Creator, to your constituents, to a majority of the American people, and to our troops. Why the troops? Because the Northern Rockies are as much a part of the America they are fighting to protect as freedom and democracy.

With NREPA based on sound science and solid economics, and with all Americans owning the lands under consideration, Congress has an affirmative obligation to protect the Northern Rockies ecosystem against motorized incursions and destruction and, where possible, to restore damaged areas as close as possible to the way they were created.

Summing up: passing NREPA will

- protect some of America's most beautiful and ecologically important lands;
- save taxpayers money;
- create new jobs;
- keep water available at higher elevations until it's needed for farmers and ranchers downstream;
- mitigate the effects of global warming on species in the Northern Rockies; and
- slow global warming by protecting this bioregion as a large carbon sink.

There are many ways for people to misuse our public land. Calling those ways "wise use" doesn't make them wise. The fact that we have any protected land at all in this country is because people like Frank Church, Bruce Vento, Jimmy Carter, Jack Kennedy, Teddy Roosevelt, Gifford Pinchot and other sagacious leaders took action to protect these extraordinary places for future generations.

I hope you'll follow their lead and vote YES on NREPA. It's a legacy worthy of your great-grandchildren.

[NOTE: Attachments have been retained in the Committee's official files.]

Mr. SARBANES. Thank you for your testimony. We will now hear from Mr. Gary Macfarlane, who is the Ecosystem Defense Director at Friends of the Clearwater.

Mr. Macfarlane.

**STATEMENT OF GARY MACFARLANE, ECOSYSTEM DEFENSE  
DIRECTOR, FRIENDS OF THE CLEARWATER**

Mr. MACFARLANE. Thank you, Mr. Chairman and members of the subcommittee, for holding this hearing. Incidentally, I am from Troy, Idaho, or outside of Troy. I live in a rural area.

The U.S. Northern or Wild Rockies is perhaps the only place in the lower 48 that has retained all of its native species since the arrival of people of European descent. H.R. 1975 does right by the land because it is based upon science, and it will serve as a precedent for landscape-scale conservation on a bioregional scale. The bill also honors the spirit and intent of the Wilderness Act and upholds integrity of the National Wilderness Preservation System.

This region is one place in the lower 48 where large-scale ecosystem conservation is still possible. The reason it is still relatively intact and well is because this part of the Rockies is largely public land and owned by all Americans.

The bill's time has come. NREPA's time has come. Citizens' values, biological literacy and political dialogue are finally catching up to the vision embodied in this bill. And we heard that earlier today from some of the people who testified. A couple of examples illustrate this point. NREPA pioneered the idea of recovery and restoration over a decade ago. One of its integral components is Title IV. This would restore degraded landscapes through watershed restoration and road removal, while creating jobs.

An October 4, 2007, article by Michael Moore, a staff writer for the Missoulian, quotes Montana Governor Brian Schweitzer speaking of ecosystem restoration, "It is in its infancy, but when we can quantify it, people are going to recognize it for the economic force it is." The article further quotes Governor Schweitzer, "What is driving this economy," the Governor said, "is quality of life. And that's going to drive it for a long time."

The article then addresses a dam removal and cleanup project near Missoula but also notes watersheds damaged by years of logging and road building need help as well.

That is precisely what H.R. 1975 does, restore watersheds damaged by years of logging and road building. The Northern Rockies Ecosystem Protection Act's time has come because it is time for—because the time for restoration has come.

The second example of how political dialogue and biological literacy are catching up to H.R. 1975 deals with grizzlies and habitat connectivity. Since its inception, H.R. 1975 has pioneered the idea of legislatively protecting biological corridors. In an October 2nd article of this year by Eric Barker, the outdoor and environment reporter for the Lewiston Morning Tribune—and it is an article that reports on a grizzly that was recently killed in the Clearwater Na-

tional Forest in an area that would be protected by H.R. 1975. DNA work was done on the grizzly, the first confirmed grizzly in this area in many years. The grizzly apparently was related to those in the Selkirk Mountains well over 100 miles to the north. Barker alludes to an Idaho Fish and Game press release about the grizzly, “the press release said the distance traveled underscores the importance of corridors of wild land connecting different populations of grizzly bears play in the effort to recover grizzlies, which are listed as a threatened species in much of the Rocky Mountains.”

Again, corridors are a key component of the Northern Rockies Ecosystem Protection Act and have been since its inception. Title II in the bill is about biological corridors. These examples again underscore the timeliness of the bill. When first introduced, it was visionary and ahead of its time with widespread recognition of corridors and restoration. As key components of both biological and economic help for the region, the act’s time has come.

Though I have been to all the large ecosystems in the Wild Rockies, the Clearwater region has a special place in my heart. The wild Clearwater country is the northern half of the largest relatively intact wild ecosystem or smaller ecosystem in the lower 48 States. This area goes by many names, including the Greater Salmon-Selway in H.R. 1975. Greater Salmon and Clearwater are simply the big wild. No place in the lower 48 is there a feeling of big wild country like here.

The Clearwater portion of the U.S. Northern Rockies is wetter and, according to a 2001 study by noted conservation biologist Carlos Carroll, Reed Noss and Paul Paquet, is the most important place in the entire Rockies, including Canada, for large carnivores like grizzly bears, wolves and cougars. The rich diversity of the area is remarkable as recently noted by New York Times writer Timothy Egan in a feature article. Stands of mountain hemlocks, giant cedars and a variety of rain-loving plants remind one of the great rain forests of the coast. The fauna of this region is equally diverse with an endemic species, including the rare Coeur d’Alene and Idaho giant salamanders. Salmon, steelhead, wolves, wolverine, harlequin ducks and the great bear, the grizzly, are all found here. It is the climate and relatively low elevation that makes the Clearwater biologically unique.

NREPA would protect real places in the Clearwater, large wild places that form the core of this most important wildlife habitat. For example, meadow creek—it looks like we are on the previous presentation. A prime edition to the Selway-Bitterroot wilderness is an important wild steelhead habitat. Even the Forest Service recognized the ecological uniqueness of the meadow systems in this watershed. Several years ago, I went with a group of friends, including my nephew from San Diego, on a winter snowshoe backpacking trip in Meadow Creek. We tracked otters who slid over the creek on 8 feet of snow. They dug snow tunnels for shelter to ascend and descend into the stream. Like the otters, we dug snow shelters for protection. My nephew is now a grown man, but I am certain the self-reliance he learned while being in wild country helped him on his life’s journey. And unfortunately, that is some

of the damage that is now occurring in Meadow Creek from off-road vehicle use.

In September of this year, on Weitas Creek, I encountered a black bear—a picture from Weitas Creek there—I heard elk bugle and wolves call. I saw wild trout in icy streams in addition to the Selway-Bitterroot wilderness. In past years, I have followed elk near the snow line in Big Mallard and Rhett Creeks, climbed Pot Mountain and saw what appeared to be grizzly tracks in Kelly Creek. All of these wild things and wild places are connected, and we to them. The Northern Rockies Ecosystem Protection Act would preserve these wild connections for future generations; future generations of bears, future generations of salmon and future generations of American citizens, their children and their families.

[The prepared statement of Mr. Macfarlane follows:]

**Statement of Gary Macfarlane, Ecosystem Defense Director, Friends of the Clearwater, Board President, Alliance for the Wild Rockies**

Thank you Chairman Grijalva, and members of the subcommittee for holding this hearing on H.R. 1975, the Northern Rockies Ecosystem Protection Act (NREPA).

The U.S. Northern or Wild Rockies is perhaps the only place in the lower 48 that has retained all of its native species since the arrival of people of European descent. H.R. 1975 does right by the land because it is based upon science and will serve as a precedent for landscape scale conservation on a bioregional scale. H.R. 1975 also honors the spirit and intent of the Wilderness Act and upholds the integrity of the National Wilderness Preservation System. This region is the one place in the lower 48 where large-scale, ecosystem conservation is still possible. The reason the area is still relatively intact and wild is because this part of the Rockies is largely public land owned by all Americans.

The Northern Rockies Ecosystem Protection Act's time has come. Citizens' values, biological literacy and political dialogue are finally catching up to the vision embodied in this bill. Two examples illustrate this trend.

The Northern Rockies Ecosystem Protection Act pioneered the idea of recovery and restoration over a decade ago. One of its integral components is Title IV, a wildlands recovery and restoration system. This would restore degraded landscapes through watershed and road removal while creating jobs. An October 4, 2007 article by Michael Moore, a staff writer for the Missoulian, quotes Montana Governor Brian Schweitzer speaking of ecosystem restoration:

*"It's in its infancy, but when we can quantify it, people are going to recognize it for the economic force it is."*

The article further quotes Governor Schweitzer:

*"What's driving this economy," the governor said, "is quality of life. And that's going to drive it for a long time."*

The article then addresses a dam removal and cleanup project near Missoula, Montana but also notes:

*Watersheds damaged by years of logging and road-building need help, as well.*

That is precisely what H.R. 1975 does—restore watersheds damaged by years of logging and road-building. The Northern Rockies Ecosystem Protection Act's time has come because the time for restoration has come.

The second example of how political dialogue and biological literacy are catching up to H.R. 1975 grizzlies and habitat connectivity. Since its inception, H.R. 1975 has pioneered the idea of legislatively protecting biological corridors. In an October 2 article, by Eric Barker the outdoor and environment reporter for the Lewiston Morning Tribune, reports on a grizzly that was recently killed in the Clearwater National Forest in an area that would be protected in H.R. 1975. DNA work was done on the grizzly, the first "confirmed" grizzly in the expansive Clearwater wildlands in many years. The grizzly apparently was related to those in the Selkirk Mountains well over 100 miles to the north. Barker's alludes to an Idaho Fish and Game press release about the grizzly:

*The press release said the distance travelled underscores the importance of corridors of wildland connecting different populations of grizzly bears play in the effort to recover grizzlies, which are listed as a threatened species in much of the Rocky Mountains.*



Again, corridors are a key component of the Northern Rockies Ecosystem Protection Act and have been since its inception. Title II in H.R. 1975 is about biological corridors. These two examples show the timeliness of H.R. 1975. When first introduced, it was visionary and ahead of its time. With widespread recognition of corridors and restoration as key components of both biological and economic health for the region, the Northern Rockies Ecosystem Protection Act time has come.

Though I have been to all of the large ecosystems in the Wild Rockies, the Clearwater region has a special place in my heart. The Wild Clearwater country is the northern half of the largest relatively intact wild ecosystem in the lower 48 state. This larger ecosystem goes by many names including the Greater Salmon-Selway Ecosystem (in H.R. 1975), Greater Salmon Clearwater, or simply the Big Wild. No place in the lower 48 is there a feeling of big wild country like here. The Clearwater portion of the U.S. Northern Rockies is wetter and—according to a 2001 study by noted conservation biologists Carlos Carroll, Reed Noss and Paul Paquet—is the most important place in the entire Rockies, including Canada, for large carnivores like grizzly bears, wolves and cougars. The rich diversity of the area is remarkable, as recently noted by New York Times writer Timothy Egan in a feature article. Stands of giant ancient cedars, mountain hemlocks, and a variety of rain-loving plants reminds one of the great rainforests of the coast. The fauna of this region is equally diverse, with endemic species including the rare Coeur d'Alene and Idaho giant salamanders. Salmon, steelhead, wolves, wolverine, harlequin ducks, and the great bear—grizzly—are all found here. It is the climate and relatively low elevation that makes the Clearwater biologically unique.

NREPA would protect real places in the Clearwater—large, wild places—that form the core of this most important wildlife habitat. For example, Meadow Creek, a prime addition to the Selway Bitterroot Wilderness, is important wild steelhead habitat. Even the Forest Service recognized the ecological uniqueness of the meadow systems in this watershed. Several years ago I went with a group of friends, including my nephew from San Diego, on a winter snowshoe backpacking trip in Meadow Creek. We tracked otters who slid over the creek on eight feet of snow. They dug snow tunnels for shelter and to ascend and descend into the stream. Like the otters, we dug snow shelters for protection. My nephew is now a grown man, but I'm certain the self-reliance he learned while being in wild country helped him on his life's journey.

In September of this year on Weitas Creek, I encountered a black bear, and heard elk bugle and wolves call. I saw wild trout in icy streams in additions to the Selway-Bitterroot Wilderness. In past years, I have followed elk near the snow line in Big Mallard and Rhett Creeks, climbed Pot Mountain, and saw what appeared to be grizzly tracks in Kelly Creek. All these wild things and wild places are connected, and we to them. The Northern Rockies Ecosystem Protection Act would preserve these wild connections for future generations—future generations of bears; future generations of salmon; and future generations of American citizens, their children and their families.

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Mr. SARBANES. Thank you, Mr. Macfarlane.

Now we will hear from Michael Garrity, Executive Director, Alliance for the Wild Rockies.

**STATEMENT OF MICHAEL GARRITY, EXECUTIVE DIRECTOR,  
ALLIANCE FOR THE WILD ROCKIES**

Mr. GARRITY. Mr. Chairman, members of the committee, thank you for inviting me here to testify today in support of H.R. 1975. My name is Michael Garrity.

Besides being the Executive Director of the Alliance for the Wild Rockies, I am also a Ph.D. Candidate in economics at the University of Utah, and I taught natural resource economics at the University of Utah from 1992 to 1998.

NREPA will save at least \$245 million over the next 10 years and is the most cost-effective means of protecting endangered species in the Northern Rockies. In addition to restoring watersheds and saving taxpayers' money, NREPA creates more than 2,300 high-paying jobs for the region. NREPA saves taxpayers money by

prohibiting road building and logging in roadless areas designated as wilderness. Logging in the areas NREPA would protect at levels desired by the U.S. Forest Service would result in a net loss of U.S. taxpayers of approximately \$375 million over the next 10 years. Furthermore, this figure underestimates this loss because it does not include the millions of dollars in maintenance expenses that logging roads incur. Central Idaho along with the Federal Government spends millions repairing roads damaged by landslides. The Forest Service has estimated that logging caused 80 percent of these slides.

NREPA produces more jobs because of the habitat restoration work associated with the wild land recovery areas. The cost of this work would be approximately \$130 million over 10 years. This cost is \$245 million less than the \$370 million projected net loss for logging use areas. Removing the roads and restoring the recovery areas will save the Federal Government tens of millions of dollars in reduced road maintenance expenses, which will help reduce the \$8 billion backlog of road maintenance needs in our National Forest. The Forest Service in a 2000 report titled, "Water and the Forest Service," found that water originating from lands NREPA would protect has a value of at least a billion dollars. It makes no economic sense to lose hundreds of millions of dollars on logging that harms the most valuable commodity our forests produce, which is water.

NREPA saves taxpayers millions of dollars, creates a net of hundreds of more jobs, provides maximum production for endangered species, habitats, shortens the total timeframe for endangered species recovering and improves the economic vitality of the Northern Rocky States. NREPA creates jobs.

People live in the Northern Rockies because of its natural beauty. The question of jobs versus the environment is a false one. These States would actually end up with more jobs if these lands were left in their natural state. It would directly create 2,300 jobs by obliterating environmentally destructive jobs. Only 1,400 jobs would be lost in the wood products industry when these unique wild lands were preserved. NREPA will indirectly create thousands of more jobs by preserving the pristine environment and the economic base of the Northern Rocky States.

These States' current economic vitality is dependent on their high-quality natural environment, not declining extractive industries. Further damage to these pristine areas will threaten the economic future of these States. We can also expect further technological advancement in the timber industry, and the future resulting employment in the timber industry due to continue to decline.

NREPA proposes nearly 1 million acres as national recovery areas, 6,500 miles of roads would be closed and soils recovered. Because soils are essential building blocks at the core of nearly every ecosystem on earth and because soils are critical to the health of so many other natural resources, including at the broadest level, water, air and vegetation, they should be protected at a level of least as significant as other natural resources. These activities would employ people. This is not a jobs versus the environment scenario.

NREPA will protect the environment, create jobs and save taxpayers money. The trade-off is between permanently damaging the environment for the sake of a few hundred temporary jobs in the timber industry at the expense of destroying the Northern Rockies economic space, its natural landscape and thousands of jobs it attracts to the region every year. Thank you very much.

[The prepared statement of Mr. Garrity follows:]

**Statement of Michael Garrity, Executive Director,  
Alliance for the Wild Rockies**

Mr. Chairman, Ranking member, members of the committee, thank you for inviting me to testify here today, in support of H.R. 1975, the Northern Rockies Ecosystem Protection Act.

My name is Michael Garrity. I am the Executive Director of the Alliance for the Wild Rockies, a non-profit environmental group based in Helena, MT. I am also a Ph.D. candidate in Economics at the University of Utah and I taught economics at the University of Utah from 1992- 1998.

The proposed Northern Rockies Ecosystem Protection Act (NREPA) will save at least \$245 million dollars over ten years and is the most cost-effective means of protecting endangered species in the northern Rockies. In addition to restoring watersheds and saving the taxpayers money, NREPA creates more than 2300 high paying jobs for the region.

NREPA saves taxpayers money by prohibiting road building and logging in roadless areas designated as wilderness. Logging areas NREPA would protect at levels desired by the U.S. Forest Service would result in a net loss to U.S. taxpayers of approximately \$375 million over the next ten-years (see Tables I-V). Furthermore, this figure understates the loss because it does not include the millions of dollars in maintenance expenses that logging roads incur. In central Idaho alone, the federal government spends millions repairing roads damaged by landslides. The Forest Service estimated that logging caused eighty- percent of these slides.

NREPA produces more jobs because of the habitat restoration work associated with the wildland recovery areas. The costs of this work will be approximately \$130 million over ten years (see Table VI). This cost is \$245 million less than the \$375 million net projected loss for logging these areas. Removing the roads and restoring the recovery areas will save the federal government tens of millions of dollars in reduced road maintenance expenses which would help reduce the \$8 billion back log of road maintenance needs in our National Forests.

The Forest Service in a 2000 report titled Water and the Forest Service found that water originating from lands that NREPA would protect has a value of at least \$1 billion. It makes no economic sense to lose hundreds of millions of dollars on logging that harms the most valuable commodity our forests produce, water.

Since the total savings associated with this alternative are much greater than the total costs, a conservative estimate of the net savings would be at least \$245 million (see Table VII).

NREPA saves taxpayers millions of dollars, creates 900 more jobs, provides maximum protection for grizzly bear and other endangered species habitat, shortens the total time frame for endangered species recovery and improves the economic viability of the northern Rockies states.

The Northern Rockies Ecosystem Protection Act (NREPA) creates jobs. People live and work in the Northern Rockies because of its natural beauty. The question of jobs versus the environment is a false one. These states would actually end up with more jobs if these lands were left in their natural state. It will directly create 2338 jobs by obliterating environmentally destructive roads. Only 1400 jobs will be lost in the wood products industry when these unique wildlands are preserved. NREPA will indirectly create thousands of more jobs by preserving a pristine environment, the economic base of the Northern Rockies' states.

These states' current economic vitality is dependent on their high quality natural environment, not declining extractive industries. Further damage to these pristine areas will threaten the economic future of these states.

Using Forest Service data, Professor Thomas Power, the former Chairman of the Economics Department at the University of Montana, estimated 1400 jobs would be lost if we preserve these roadless lands as wilderness. If we log all of this land today 1400 people would be employed for one year. But the loss of 1400 jobs could be made up in less than three weeks with normal job growth (Power). The job loss is small because most of these roadless lands are not suited for timber production. The trees

are too small and too few. Moreover, the number of timber jobs will continue to decline with technological advancement and the diminishing supply of trees. Capital intensive technology is the main cause of the fall in timber related employment, not lack of trees. Employment in the wood products industry in Montana peaked in 1979 when 11,606 employees cut and milled 1 billion board feet of timber. In 1989, the timber industry harvested a record amount of timber, almost 1.3 billion board feet, but only 9,315 people were employed. In 2006, 926 million board feet was cut and milled by 3,524 people. In the last 27 years employment has decrease 70% while timber production has only decreased 7%.

The data the Forest Service used in projecting job loss is from 1972. They estimate that for every one million board feet of timber cut 9 jobs will be created for one year. If current data is used only 1.5 to 2 jobs will be created for every million board feet logged. The number varies depending on how the wood is processed.

Fewer jobs are created now than 30 years ago because of advances in technology. One person can cut in an hour what a two-person crew could cut in a day twenty years ago. With today's technology only 560 timber industry jobs would be lost if we preserve these lands as wilderness. If we cut all of these lands today 560 people would be employed for one year. We can expect further technological advancements in the future. Employment in the timber industry will continue to decline.

NREPA proposes nearly one million acres as National Recovery areas. 6,556 miles of roads would be closed and restored and fish and wildlife returned. These activities would employ people. The Forest Service estimates it costs an average of \$10,000 to totally obliterate a mile of road in the Northern Rockies. Obliterating 10,000 miles of roads would create approximately 625 jobs for heavy equipment operators. And these are good jobs that could be spread out far into the 21st century. Heavy equipment operators earn approximately \$25 per hour. The employment created by this method will greatly ease the transition from a timber-based economy. The money to pay for this could come from ending timber subsidies. In the last ten years, the Forest Service has lost over \$2 billion on its timber program. In addition, the General Accounting Office (GAO, 2003) reported "the Forest Service has not been able to provide to Congress and the public with a clear understanding of what its 30,000 employees accomplish with the approximately \$5 billion it received every year."

The justification for this corporate welfare is job creation. NREPA can produce more quality jobs and do so without destroying the west's major resource.

It is also argued that when we build roads we create something economically valuable but when we destroy roads we only make the mountains beautiful. In actuality, when we build roads we create a liability. Ninety per cent of the increase in silt from logging comes from roads. Roads contribute sedimentation to streams for an indefinite period. The road cut creates soil conditions that do not stabilize over time (Richard Hauer, PhD Flathead Lake Biological Station, personal interview). "Instream sedimentation deposited in the stream bottom decreases the success rate of egg hatching and fry development by impeding water flow through the gravels in which the eggs undergo early development" (Final Report, Montana Environmental Quality Council, December 1988).

The bull trout was recently listed as an endangered species. Logging harms these fish as well. Sediment originating from logging and logging roads can reduce embryo survival of bull trout and westslope cutthroat trout and decrease the available pools used for rearing bull trout. Bull trout are selective in the streams they choose. They only spawn in twenty-eight streams of the hundreds available in the Flathead Lake water basin (Weaver, Fraley).

In central Idaho erosion rate along roads was 750 times greater than in undisturbed areas. The silt fills spawning pools and has led to population declines in fish such as bull trout, salmon and westslope cutthroat trout (Noss). Salmon population supports 60,000 jobs and a billion dollar industry. The federal government is spending millions of dollars trying to save these fish. It would be more cost effective to deal with one of the sources of the problem which is logging and the soil erosion it causes as the National Forest Management Act mandates.

Lacy, 2001 examines the importance of soils for ecosystem functioning and points out the failure of most regulatory mechanisms to adequately address the soils issue. From the Abstract:

Soil is a critical component to nearly every ecosystem in the world, sustaining life in a variety of ways—from production of biomass to filtering, buffering and transformation of water and nutrients. While there are dozens of federal environmental laws protecting and addressing a wide range of natural resources and issues of environmental quality, there is a significant gap in the protection of the soil resource. Despite the critical importance of maintaining healthy and sustaining soils, conservation of the soil

resource on public lands is generally relegated to a diminished land management priority. Countless activities, including livestock grazing, recreation, road building, logging, and mining, degrade soils on public lands. This article examines the roots of soil law in the United States and the handful of soil-related provisions buried in various public land and natural resource laws, finding that the lack of a public lands soil law leaves the soil resource under protected and exposed to significant harm. To remedy this regulatory gap, this article sketches the framework for a positive public lands soil protection law. This article concludes that because soils are critically important building blocks for nearly every ecosystem on earth, an holistic approach to natural resources protection requires that soils be protected to avoid undermining much of the legal protection afforded to other natural resources.

The rise of an “ecosystem approach” in environmental and natural resources law is one of the most significant aspects of the continuing evolution of this area of law and policy. One writer has observed that there is a—

fundamental change occurring in the field of environmental protection, from a narrow focus on individual sources of harm to a more holistic focus on entire ecosystems, including the multiple human sources of harm within ecosystems, and the complex social context of laws, political boundaries, and economic institutions in which those sources exist.<sup>1</sup>

As federal agencies focus increasingly on addressing environmental protection from an holistic perspective under the current regime of environmental laws, a significant gap remains in the federal statutory scheme: protection of soils as a discrete and important natural resource. Because soils are essential building blocks at the core of nearly every ecosystem on earth, and because soils are critical to the health of so many other natural resources—including, at the broadest level, water, air, and vegetation—they should be protected at a level at least as significant as other natural resources. Federal soil law (such as it is) is woefully inadequate as it currently stands. It is a missing link in the effort to protect the natural world at a meaningful and effective ecosystem level.

...This analysis concludes that the lack of a public lands soil law leaves the soil resource under-protected and exposed to significant harm, and emasculates the environmental protections afforded to other natural resources.

The Northern Rockies Ecosystem Protection Act will help protect soils by protecting roadless areas from logging and road building and restoring areas where have been damaged by logging and road building.

The Forest Service closes many roads after logging in an area has ended. But the simple closing of these roads does not mean an end to their maintenance costs. The Forest Service spends between \$300 and \$500 per mile for minimum road maintenance. The Forest Service estimates that it is more cost efficient to obliterate a road if it is not going to be used for the next 20 years. By obliterating these roads up to \$5 million in normal annual maintenance cost would be saved. The minimum maintenance does not take into account floods. Flood damage to roads runs in excess of a million dollars a decade per ranger district. This is due to maintenance costs alone. It does not take into account the tremendous environmental damage roads cause.

Elk population directly declines with road density. Two miles of roads per square mile leads to a 50 percent reduction in the elk population and six miles of roads per square mile eradicates virtually all elk in that area (Noss). The hunting of elk brings in a billion dollars a year into Montana every year and creates more jobs than logging according to the Montana Department of Fish Wildlife and Parks. The continued destruction of these lands will directly harm the hunting industry. Roads also increase poaching. The majority of poaching occurs from roads because they offer easy access into previously remote areas.

Grizzly bears avoid roads by an average distance of one half mile (Noss). This leads to a tremendous reduction in their habitat. But costs are more than just what the market measures. We cannot replace animals when they become extinct. Professor John Craighead believes additional road construction will mean the end of the grizzly bear in the continental United States.

<sup>1</sup> Michael M. Wenig, How “Total” Are “Total Maximum Daily Loads”?—Legal Issues Regarding the Scope of Watershed-Based Pollution Control Under the Clean Water Act, 12 TUL. ENVTL. L.J. 87, 89 (1998). There are, however, major questions to ask of what exactly is the focus of “ecosystem management” in some agency plans—the ecosystem or the management? See, e.g. Michael C. Blumm, *Sacrificing The Salmon: A Legal And Policy History Of The Decline Of Columbia Basin Salmon* (2000) (forthcoming) (manuscript at 359-63, on file with author).

This is not a jobs versus the environment scenario. NREPA will protect the environment, create jobs, and save the taxpayers money. The trade-off is between permanently damaging the environment for the sake of a few hundred temporary jobs in the timber industry at the expense of destroying the Northern Rockies economic base, its natural landscape, and the thousands of jobs it attracts to the region every year.

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**TABLE I**  
**Northern Rockies Ecosystem Protection Act**  
**Savings in reduction from logging**  
**Region I                      \$81,347,230**

Region I National Forests	Average Loss Per thousand board feet (MBF)	Amount allowed to sell per decade (ASQ) in million board feet (MBBF)	% of ASQ from lands NREPA would protect	Regeneration Costs	Savings from logging under NREPA first decade
Beaverhead	\$143.64	173	8.1%	\$64,407	\$2,077,234
Bitterroot	\$186.32	100	28.3%	\$243,699	\$5,516,555
Clearwater	\$86.66	550	7.5%	\$325,322	\$3,900,047
Deerlodge	\$143.64	230	10.9%	\$472,801	\$2,038,477
Flathead	\$121.79	536	12.5%	\$390,955	\$8,550,885
Gallatin	\$183.93	100	67%	\$496,412	\$12,819,722
Helena	\$136.50	150	9.3%	\$51,433	\$1,955,608
Idaho Panhandle	\$50.81	800	10%	\$1,200,841	\$5,265,641
Kootenai	\$71.67	1200	1.5%	\$180,682	\$1,470,742
Lewis and Clark	\$81.79	121	4.4%	\$70,842	\$506,292
Lolo	\$86.66	1070	1.9%	\$104,869	\$1,766,643
Nez Perce	\$83.26	1380	30%	\$1,009,744	\$35,479,384
Total Savings from Region I					<b>\$81,347,230</b>

**TABLE II**  
**Northern Rockies Ecosystem Protection Act**  
**Savings from reduction in logging**  
**Region II** **\$4,335,434**

Region II National Forests	Average Loss Per thousand board feet (MBF)	Amount allowed to sell per decade (ASQ) in million board feet (MBBF)	% of ASQ from lands NREPA would protect	Regeneration Costs	Savings from logging under NREPA first decade
Bighorn	\$89.42	149	15.4%	\$197,844	\$2,249,675
Shoshone	\$83.28	105	21.49%	\$170,736	\$2,085,759
Total Savings from Region II					<u><u><b>\$4,335,434</b></u></u>

**TABLE III**  
**Northern Rockies Ecosystem Protection Act**  
**Savings from reduction in logging**  
**Region III** **\$4,335,434**

Region III National Forests	Average Loss Per thousand board feet (MBF)	Amount allowed to sell per decade (ASQ) in million board feet (MBBF)	% of ASQ from lands NREPA would protect	Regeneration Costs	Savings from logging under NREPA first decade
Boise	\$100.93	850	24%	\$16,534,036	\$37,534,036
Bridger-Teton	\$81.56	117	45.3%	\$396,754	\$4,719,516
Caribou	\$69.67	107	41%	\$359,093	\$3,415,516
Challis-Salmon	\$120	262	9.5%	\$294,553	\$3,281,353
Payette	\$69.30	809	30%	\$1,480,155	\$8,299,265
Sawtooth	\$50.42	75	9.9%	\$252,757	\$767,532
Targhee	\$69.67	660	40%	\$978,922	\$19,371,802
Total Savings from Region III					<u><u><b>\$87,389,020</b></u></u>

**TABLE IV**  
**Northern Rockies Ecosystem Protection Act**  
**Savings from reduction in logging**  
**Region IV \$4,335,434**

Region IV National Forests	Average Loss Per thousand board feet (MBF)	Amount allowed to sell per decade (ASQ) in million board feet (MBBF)	% of ASQ from lands NREPA would protect	Regeneration Costs	Savings from logging under NREPA first decade
Colville	\$115.61	1707	24%	\$1,261,104	\$48,624,209
Malheur	\$171.12	2330	15%	\$3,635,299	\$63,441,739
Umatilla	\$104.03	3282	19%	\$1,869,578	\$66,740,605
Walow-Whitm	\$136.50	1440	11%	\$1,514,681	\$23,136,281
Total Savings from Region IV					<b>\$201,942,834</b>

**TABLE V**  
**Total saving to U.S. Treasury from not logging in areas protected by NREPA**  
**(First Decade)**

Region I	\$81,347,230
Region II	\$4,335,434
Region III	\$87,389,020
Region IV	\$201,942,834
<b>Total</b>	<b>\$375,014,518</b>

**TABLE VI**  
**Jobs Created by Northern Rockies Ecosystem Protection Act**  
**Wildland Recovery Work**

Jobs	Total Cost	Number of Jobs	Miles of Road Obliterated
Road obliteration	\$40,442,178	364	6566
Road Reclamation Jobs	\$6,839,680	83	
Forest Reclamation Jobs	\$82,523,880	1891	
<b>Total</b>	<b>\$129,805,738</b>	<b>2338 JOBS</b>	



**TABLE VII**  
**Northern Rockies Ecosystem Protection Act**  
**Fiscal Impact**

		JOBS	Miles of Roads Obliterated
Savings from reduction in logging See Table V	\$375,014,518	Number of Jobs lost due to reduction in logging <1400>	
Cost of Wildland Recovery Work	<129,805,738>	Jobs created 2338	6566
<b>Net Savings</b>	<b>&lt;245,208,781&gt;</b>	<b>Net Jobs Created</b> <b>938</b>	

Mr. SARBANES. Thank you, Mr. Garrity. We will now hear from Mr. William Newmark.

Mr. Newmark.

**STATEMENT OF WILLIAM NEWMARK, SALT LAKE CITY, UTAH**

Mr. NEWMARK. Mr. Chairman, members of the committee, I would like to thank you for inviting me to testify today. It is a great honor. I am a research curator and conservation biologist at the Utah Museum of Natural History at the University of Utah. My testimony today represents my own views and not those of the Utah Museum of Natural History nor the university of Utah.

As a way of background, I hold a doctorate in ecology from the University of Michigan. I have been conducting research for over 25 years in western North America and East Africa related to patterns of extinction of vertebrate species, optimal reserve design and large mammal movement. I published two books and more than 75 scientific and technical reports.

One hundred and thirty-five years ago, Congress established the first national park in the world initiating a modern era in conservation. Since 1872, more than 57,000 national parks and related reserves have been established worldwide. Indeed, the creation by Congress of the national park to conserve species and ecological processes in perpetuity is one of the most important and far-reaching contributions that the United States has made to the global community.

Today, we are in the midst of the sixth major global extinction event. Scientists estimate worldwide species are being lost at a rate of one every 2 hours, which is 1,000 to 10,000 times the normal background rate. The two most important factors that are contributing to species loss worldwide are habitat loss and fragmentation. Yet a third factor, global climatic change, is looming on the horizon, which can and will interact with habitat loss and fragmentation to further endanger many species.

Without a dramatic expansion in protected area coverage worldwide, it is predicted that upwards of 50 percent of the world species will be committed to extinction by the end of this century. Scientists now recognize that even the largest national parks in western North America, such as Yellowstone and Glacier, are not large enough to conserve long-term viable populations of many species. I am attaching several of my own scientific reprints that document this as attachments to my written testimony.

Furthermore, with global climatic change, many plant and animal species that were thought previously to be viable will not be unless they are able to relocate to new geographic areas. Indeed, it is estimated that for mammal species alone, upwards of 20 percent of all species currently found in selected U.S. national parks may be lost if atmospheric carbon dioxide concentrations were to double.

To conserve species and ecological processes in perpetuity, we need to conserve and manage large ecosystems, which means protecting large corridor areas, such as national parks and wilderness areas, and enhancing ecological connectivity among these protected areas for the establishment of movement and dispersal corridors.

The Northern Rockies Ecosystem Protection Act is an extremely important and innovative piece of legislation because it adopts an ecosystem approach to conserving species and ecological processes. This legislation is also important because of the protection it gives to many roadless areas. These areas play a critical role in not only maintaining water quality and quantity, providing recreational opportunities and protecting critical habitat for many species, but also because they often contain old growth forests that are important in sequestering carbon and thus reducing potential greenhouse emissions.

Furthermore, the Northern Rockies Ecosystem Protection Act is important because of the new management categories it establishes for Federal lands that are essential for conserving species and ecological processes. These are biological connecting corridors and wild land restoration and recovery areas. If the Northern Rockies Ecosystem Protection Act is enacted, this bill will be precedent setting in relation to how Federal lands are managed for biodiversity. Indeed, the Northern Rockies Ecosystem Protection Act, because of its emphasis on conserving ecosystems, has the potential to influence and promote biodiversity conservation globally, as much as did the establishment of the first national park 135 years ago by Congress.

Due to the enormous influence that the United States has scientifically, I strongly urge Congress to pass the Northern Rockies Ecosystem Protection Act, and I thank you for allowing me to testify today.

[The prepared statement of Mr. Newmark follows:]

**Statement of William Newmark, Research Curator and Conservation  
Biologist, Utah Museum of Natural History, University of Utah**

**Bioprofile of William Newmark**

William Newmark is a research curator and conservation biologist in the Utah Museum of Natural History at the University of Utah. He holds a B.A. in biology from the University of Colorado, a M.S. in wildland management from the University of Michigan, and a Ph.D. in ecology from the University of Michigan. His research is focused on patterns of extinction of vertebrate species, protected area and wildlife corridor design, and animal movement. His findings on patterns of extinction of large mammals in western North America (*Nature* Vol 325: 430-432 January 1987) and Tanzanian parks and birds on tropical forest fragments have highlighted the problems that nature reserves face in conserving biological diversity and have provided an important justification for a series of worldwide initiatives to link national parks and related reserves with wildlife corridors. Technical as well as popular reviews of his research have appeared in many publications including *Science*, *Science News*, *Nature*, *The New York Times*, *The Washington Post*, and *The Independent* and his findings have been extensively cited in undergraduate and grad-

uate ecology and conservation biology textbooks. He has been conducting field research for over twenty-five years in western North America and East Africa. He has written two books and more than 75 scientific papers and technical reports.

### Testimony

I first would like to thank the Committee on Natural Resources for inviting me to testify today. It is a great honor. My testimony today represents my own views and not those of the Utah Museum of Natural History nor the University of Utah.

One hundred thirty-five years ago, Congress established the first national park in the world initiating a modern era in conservation. Since 1872, more than 57,000 national parks and related reserves have been established worldwide. Indeed the creation by Congress of the national park to conserve species and ecological processes in perpetuity is one of the most important and far-reaching contributions that the United States has made to the global community.

Today we are in the midst of the sixth major global extinction event. Scientists estimate worldwide species are being lost at a rate of one species every two hours hour which is 1,000 to 10,000 times higher the normal background rate. The two most important factors that are contributing to species loss worldwide are habitat loss and fragmentation. Yet a third factor, global climatic change, is looming on the horizon which can and will interact with habitat loss and fragmentation to further endanger many species. Without a dramatic expansion in protected area coverage worldwide, it is predicted that upwards of 50% of the world's species will be committed to extinction by the end of this century.

Scientists now recognize that even the largest national parks in western North America such as Yellowstone and Glacier National Parks are not large enough to conserve long-term viable populations of many species. I am attaching several of my own scientific reprints that document this as attachments to my written testimony. Furthermore with global climatic change, many plant and animal populations that were thought previously to be viable will not be unless they are able to relocate over time to new geographic areas. Indeed it is estimated that for mammal species alone upwards of 20% of all species currently found in selected U.S. national parks may be lost if atmospheric carbon dioxide concentrations were to double.

To conserve species and ecological processes in perpetuity, we need to conserve and manage large ecosystems which means protecting large core areas, such as national parks and wilderness areas, and enhancing ecological connectivity among these protected areas through the establishment of movement and dispersal corridors.

The Northern Rockies Ecosystem Protection Act is an extremely important and innovative piece of legislation because it adopts an ecosystem approach to conserving species and ecological processes. This legislation is also important because of the protection it gives to many roadless areas. These latter areas play a critical role in not only maintaining water quality and quantity, providing recreational opportunities, and protecting critical habitat for many threatened species, but also because they often contain old-growth forest that is important in sequestering carbon and thus reducing potential green house emissions. Furthermore, the Northern Rockies Ecosystem Protection Act is important because of the new management categories it establishes for federal lands that are essential for conserving species and ecological processes. These are biological connecting corridors and wildland restoration and recovery areas.

If the Northern Rockies Ecosystem Protection Act is enacted this bill will be precedent setting in relation to how federal lands are managed for biodiversity. Indeed the Northern Rockies Ecosystem Protection Act, because of its emphasis on conserving ecosystems, has the potential to influence and promote biodiversity conservation globally as much as did the establishment of the first national park by Congress one hundred thirty five years ago due to the enormous influence that the United States has scientifically.

I strongly urge Congress to pass the North Rockies Ecosystem Protection Act and I thank you again for allowing me to address this Committee.

[NOTE: Attachments have been retained in the Committee's official files.]

Mr. SARBANES. Thank you. I thank all the panelists for their testimony. Very interesting. I just had a couple of questions I wanted to ask before we move to other members here.

Ms. King, you talked about the local support that exists for this act, for the Ecosystem Protection Act. There has been criticism that this is sort of a top-down idea or effort. Maybe you could just speak

a little bit more to the local support and how some of the large organizations that have gotten on board, of course, reflect, as I understand it, support that is coming up from the grassroots level.

Ms. KING. That is correct. For example, the Sierra Club support is based on a lot of local support. That isn't a top-down decision that comes from the ground. And I submitted and I believe that Ms. Maloney has also submitted a long list of—not only local supporters in terms of, you know, environmental groups and people like that, but businesses, local businesses. The people that you see on this panel, three of us come from, you know, the affected States.

And we represent other people. I could just cite names of people that I think—the reason I am here is that I am the voice for people that can't get here because they don't have the resources, the funding to get here. But they care about this bill, and they come from the affected states.

Mr. SARBANES. I just know your testimony, at one point, where you talked about fish habitats, echoed President Bush's statement that fish and human beings can co-exist. You may remember him saying that. And I am not sure that means he would endorse the proposal here.

Ms. KING. Let us give him the chance.

Mr. SARBANES. Yeah. One never knows. The ecosystem concept is fascinating to me. And a number of you have referred to it as being precedent-setting and part of a new way of thinking of habitat preservation and a new basis for identifying, designating wilderness areas and, in particular, this idea of these biological corridors that exist. So I would like anyone who wishes to, to maybe respond or comment on why this wouldn't work, if you think it is the case, it wouldn't work if you took those corridors out of the equation. In other words, my perception is the corridors reflect why you need to designate all of the this acreage simultaneously, that they are so engaged and entangled in the concept here, that to eliminate any one piece of the equation as it is laid out would represent a threat to what we are trying to do here.

Mr. NEWMARK. Well, one of the lessons we have learned over the last 20 years in ecology is that you need connectivity between areas, particularly if you are trying to connect areas with relatively small populations, and this is important in terms of maintaining genetic diversity within a population and this is also important in terms of reducing these accidental demographic deaths.

So corridors are critical to the success, if you will, of this approach, of this ecosystem approach. Without designating them, then I think the probability that such a strategy will work would be much less.

Mr. SARBANES. And is another way of looking at it that you can't segregate these wilderness areas from the corridors? In other words, you can't segregate and contain just one portion of the acreage that is being described here without leaving something out that relates to the overall ecosystem. Is that fair to say?

Mr. NEWMARK. Well, once again, another lesson of ecology is that we need to manage large areas if we are to conserve entire intact communities. And therefore, managing wilderness parks and the multiple use lands in addition to corridors is very critical in terms of maintaining functioning ecological communities.

Mr. SARBANES. Thank you. Mr. Bishop. Mr. Sali.  
Mr. SALI. Thank you, Mr. Chairman. First of all, I do have a copy of a letter that was sent by Idaho Governor Butch Otter that he asked be included in the record today. So I would ask unanimous consent that be included.

Mr. SARBANES. Without objection, that will be included.  
[The letter submitted for the record by Governor Otter follows:]



C. L. "BUTCH" OTTER  
GOVERNOR

October 17, 2007

The Honorable Nick J. Rahall II  
Chairman  
The Honorable Don Young  
Ranking Member  
House Committee on Natural Resources  
1324 Longworth Building  
Washington, DC 20515

**RE: HR 1975—Northern Rockies Ecosystem Protection Act**

Dear Chairman Rahall and Congressman Young,

In 2005, the State of Idaho announced it would develop a petition at the invitation of the Secretary of Agriculture outlining management recommendations for the 9.3 million acres of inventoried roadless areas (IRAs) in Idaho. As part of that announcement the public was invited to develop specific recommendations for their respective roadless areas. Following a review of the comments submitted by local communities, individuals and Native American Tribes, the State submitted a petition to the Secretary of Agriculture on September 20, 2006.

The State's petition was reviewed by the Roadless Area Conservation National Advisory Committee (RACNAC) and received a unanimous consensus-based recommendation to begin the federal rulemaking process with the Forest Service. Since that time, my staff and the Forest Service have spent a considerable amount of time transforming the intent of the petition into federal regulatory language. The draft Idaho Roadless Rule is scheduled to be released in November 2007 and will be accompanied by a 90-day public comment period. The final Idaho Roadless Rule is scheduled to be completed in September 2008 and represents a viable solution for resolving 40 years of litigation and controversy.

The "Northern Rockies Ecosystem Protection Act" (H.R. 1975), scheduled for a hearing before the House Committee on Natural Resources on November 18<sup>th</sup>, will greatly undermine the State's effort to resolve the roadless issue in Idaho. As with the 2001 Roadless Rule, those who do not live, work and recreate in these areas once again are attempting to force a "one-size-fits-all" approach on our State by designating all Idaho roadless areas as wilderness areas.

I urge you to oppose H.R. 1975, which will continue to prolong a contentious and uncertain future for these areas. Thank you for your consideration.

As Always – Idaho, "Esto Perpetua"



CLO/mw

C.L. "Butch" Otter  
Governor of Idaho

Mr. SALI. Ms. King, under the Northern Rockies Ecosystem Protection Act, can you tell me what percentage of the 9.5 million acres in Idaho would be accessible for people with disabilities?

Ms. KING. The answer is, I couldn't tell you an exact percentage. However, people with disabilities have told me personally and have written letters in past hearings and made the point of saying that it doesn't matter as much whether they can drive in. It matters that they are there, that these areas are there, and protected for the people that can. And I also want to say that people with disabilities can get in on horseback, and there are programs even in our own State where they do bring people with disabilities in on horseback.

Mr. SALI. Do you have any support from groups that deal with people with disabilities in support of this act?

Ms. KING. We are working on that.

Mr. SALI. I have done an awful lot of work with folks with disabilities over the years. And frankly, I would be quite surprised if they were willing to give up access to a public property anywhere. In fact, part of what happens under the Americans With Disabilities Act is they want access to private property in many cases. I would be very interested in any information that you could come up with in that regard.

You know that wildfires are an unfortunate reality in Idaho. What wildfire precautions does this bill make, if any? I note that we had a significant amount of the Frank Church Wilderness in Idaho that was burnt up this year with the 2 million acres in Idaho. Is there any provision in the bill for wildfire precautions?

Ms. KING. There is a provision in the general approach to this. May I just go back and just follow up on your question about people with disabilities. I have spoken to people with disabilities who deeply resent that they are being used as an argument not to protect these places. So I just want to put that on the record.

As far as fires, you are speaking to the right person because in 2005 where my ranch is, my home was actually threatened by fire. And because I had talked to local officials, firefighters and people in the Forest Service, I knew what to do to protect my home and the structures on it against fires. And that is what the Forest Service actually recommends, where you clear away fuels from within a certain distance from structures. But many other things, metal

roofs, keeping the area as moist as you possibly can, many things that we did. And that was part of the reason why my place wasn't damaged. And there were other reasons but—

Mr. SALI. Is your property in a wilderness area?

Ms. KING. My property is adjacent to an area that is not designated wilderness but it is functionally wilderness. And it would be under this act.

Mr. SALI. OK. My question actually goes to the wilderness areas themselves.

Ms. KING. Yes. And I will get to that. First of all, there is nothing that precludes firefighting without using motors. And I often ask myself, I wonder why people are so eager to build roads so that they can drive gasoline-powered vehicles into where the fire is. But there are ways to manage these things. I know that in past years, the Forest—you know, long past years, the Forest really hadn't let these areas burn the way they should for good silviculture. But now they are starting to do controlled burns where they walk in on foot and do it. And there are ways to deal with it. But when you are dealing with the wilderness and people talk about the beetle trees in that area. And Mrs. McMorris Rodgers spoke of healthy forests. One of the ways to get a healthy forest is to allow natural fires to burn.

I don't like the smoke any more than a lot of people do, but it is healthy for the forest. And in the areas where there are homes and structures, there are usually roads.

Mr. SALI. My question is about the wilderness areas themselves. Are you suggesting there will be roaded areas in these wilderness areas?

Ms. KING. I am saying that you don't have to worry about fire protection as much in the wilderness areas because nothing is threatened in terms of human habitation. What is actually—it is actually good for the forest.

Mr. SALI. And so the plan here would be to just let the forest burn naturally, is that—

Ms. KING. Not entirely. But there are ways to fight the fires without roads or motors.

Mr. SALI. When the fires do occur routinely, there is significant silt and impact and what not, runoff into rivers. Your answer in the bill would be just to allow that to happen, is that correct?

Ms. KING. Well, I will turn this over to Mr. Macfarlane. I know the answer. But he is much better.

Mr. MACFARLANE. Natural fire is a natural process in the Northern Rockies. It has taken place since time immemorial. Basically there are two kinds of impacts, one from natural fire they call pulse impact. Generally 5 years after a fire, sediment is back to normal. But the systems in these watersheds evolved with large fires, including standard placing fires. That photo, that whole area was burned in 1910 in the Great Burn. That is Hanson Meadows in the proposed Great Burn-Hoodoo Wilderness, by the way. Press effects are those that happen from a chronic source rather than an acute source of sediment. And in general they include things like roads, and that bleeds sediment year after year into these systems. These watersheds didn't evolve with that kind of influence. So natural fire generally in the long run, maybe not in the short term but

the long run is good for watershed function. And the fish biologists have stated this, and in fact the Montana Bull Trout Team, which is a team of Federal scientists have said, you know, if you want to protect watersheds, don't use fire or fire prevention as an excuse. Remove the obstacles to watershed recovery, which are roads and the culverts that prevent this passage.

Mr. SALI. Thank you.

Mr. SARBANES. The gentleman's time has expired. Mr. Inslee.

Mr. INSLEE. Thank you. I just wanted to reiterate one of the things Ms. King talked about is this issue of disability. It has been kind of a heartache of mine to hear people whose real interest is to clear-cut forests, to hide behind the skirts of people who, you know, who do have disabilities. And I just tell you, the pressure for building roads and cutting down trees is not from the disability community. It is from the folks who want to do timber harvest. And I think we ought to be straight about that subject. And I have done quite a bit of work with folks to try to maintain access to telecommunications. That is what I hear the disability community telling me they want to see. And I am talking to folks that want to see the preservation of these ecosystems.

Another thing I just want to say is there are a lot of folks who have said, when we prevent road building in some of these pristine areas, you know, we prevent access for Americans. I have to tell you, I see Americans age 60, 70, 80 up walking in these hills. You know, I was up at Robin and Tuck Lakes, which is a 3,000-foot climb, and I see a guy who is 68 coming up with a knee brace up there. And he is up there because he likes it. And to say you can't get up there, if you can walk, you can get up to these places. So I just want to kind of put that on the record.

I want to ask for the biological connecting corridors that are in this bill. First, I think the concept is very intriguing. I am a co-sponsor of the bill. Could you tell us how these were designed in the design of the mapping itself? Were they done with any specific species in mind? Were they done with the general science that would suggest, when you have these land masses, you have to have a certain percentage connected by certain areas? Could you just tell us the rationale used for them?

Mr. MACFARLANE. The general rationale I think was using general science, although the grizzly was a major concern. As my understanding, I wasn't involved in the original writing of the bill, but I knew about it. I happen to be from Mr. Bishop's home State. That is where I was born and raised. But the grizzly bear was a major concern in drawing up these. But it was kind of a general biological principles of connectivity.

Mr. INSLEE. Thank you. I want to ask about Idaho specifically. I was up in Ms. King's neck of the woods last winter, last couple of winters, up there by the lake. And I ran into a fellow who one of his jobs was responding to the beetle kills and the fire danger as a result. And you know, the beetle kills are just unbelievable in that country going on. And the best evidence that we have been able to ascertain, they are probably in part because of climate change, reducing the kills of the beetles and allowing multiple life cycles of the beetles to become—you know, they have been there forever. But now they are raging because of climate change.



Now to me, some people have argued because of climate change and because of beetle kill, we should reduce the protection for these forests and allow more roads rather than increase the protection for them. Do you have any comment on that, Ms. King?

Ms. KING. I probably do. But I think probably Mr. Newmark would be more knowledgeable. Yes.

Mr. NEWMARK. Let me see if I understand your question properly. As a result of beetle kill, should we build more roads?

Mr. INSLEE. Yeah. I mean some people argue, that geez, these are dead forests. They have a lot of beetles. Let's just build more roads in, cut them down and call it a day. My concern is, frankly, when you build more roads, all of the evidence shows you actually increase the fire risk by a factor of two or three, at least when you build roads into forests.

Is that correct as far as you understand?

Mr. NEWMARK. I couldn't comment on that specific fact. But one thing to recognize is that these forests evolved with fire, and that by suppressing fires continuously all you do is build up the fuel load and at some point you get these massive fire outbreaks.

So what many of us are arguing is that if we are going to be managing these ecosystems, what we need to do is allow natural processes to operate on the scale that they operated at historically. So instead of trying to suppress fires for 100 years, which will be impossible, what we need to do is permit these natural fires to burn at the cycle that they have burned historically.

Mr. MACFARLANE. A couple quick points, Mr. Inslee. Selway-Bitterroot Wilderness has had a natural fire program for about 35 years and what the Forest Service tells me is the fires there aren't as big because of that program. I don't know if that is true or not because there is other science that suggests otherwise in other places. But that is one point.

Second point about the beetles, a lot of these are new lodgepole pine forests and beetles do naturally have outbreaks from time to time. They are probably exacerbated by climate change, whether that is a true thing.

A third point is that ignitability of beetle killed forests generally is actually less. The big fires we saw in Yellowstone were generally in green trees because of the volatile oils that are in the green needles. But if the beetle kill trees do burn, yes, they can generally burn very hot. But they aren't as ignitable. Of course when we have very hot, dry summers, you know, when we have dry fuels, then that is a different story.

But those are just a couple of the factors. There is a good book about the history of fire put out by Island Press that I think answers a lot of these questions. And I can certainly provide citations later written to the testimony to the committee.

Mr. INSLEE. There is another good book by Island Press called Apollo's Fire. I just wrote it, talking about how to solve this problem of climate change. But that is another matter. Thank you.

Mr. SARBANES. Mr. Holt.

Mr. HOLT. Thank you. And I recommend that book Apollo's Fire. Thank you, Mr. Chairman. And thank you, all the witnesses for coming today. As you may know, I have been a cosponsor of this legislation, and I think it will do great things.

There is strong building evidence that this ecological approach makes sense. I mean, the string of emeralds going back to Olmsted and others gave us, you know, an aesthetic appreciation of it.

But you, Dr. Macfarlane, Dr. Garrity, Dr. Newmark, some of my constituents at Princeton and others have really built a solid ecological foundation for this legislation.

Now, of course the ecological zones don't know State or even national borders, which is one of the reasons that we need this Federal legislation. But also I think it ties into what is happening, Yellowstone to Yukon. What I wanted to ask is what do you know that Canada is doing that supports what we would do here or obviates what we would do here? In other words, it provides all the habitat that is necessary, or not, and that would affect the rate at which we should act here. And I am not sure to whom to direct this. But if any of you have any comments on how Canada's actions should inform what we are doing.

Mr. MACFARLANE. Well, I do know there is a big issue, and I think even Mr. Rehberg is very concerned about it in the North Fork of the Flathead. There is a large coal mine on the Canadian side that may make this fairly imperative. And it is interesting that a lot of U.S. conservationists and U.S. elected officials really want Canada to protect their wild lands up there in the area of the coal mines. So that is one issue.

I do know there are several provincial initiatives in this Y to Y region that you talk about, but I don't know specific details since I don't live in those areas, although I do see from time to time the proposals on e-mail list servers.

Mr. HOLT. Well, in the interest of letting the hearing move along, I will forgo my other questions. Again, thank you for coming. Thanks for your advocacy here, some of you. And thank you, Mr. Chairman and staff, for doing this.

Mr. SARBANES. I want to thank the panel very much for your testimony. Appreciate your being here today, and we will move on to the fourth panel now.

I want to welcome you all today. Why don't we begin with Mr. Vincent?

**STATEMENT OF BRUCE VINCENT, EXECUTIVE DIRECTOR,  
COMMUNITIES FOR A GREAT NORTHWEST, LIBBY, MONTANA**

Mr. VINCENT. Mr. Chairman and members of the committee, I am honored to testify today. My county, Lincoln County, Montana, is 80 percent Federally owned. While reading this bill, one thing kept jumping out at me, and that was environmental justice, whose definition is fair treatment and meaningful involvement of all people regardless of race, ethnicity, income or education level, in environmental decision making.

This bill is classic environmental injustice at its worst. The perpetrators of this huge wilderness scheme note that the people of the Northern Rockies have suffered from histories of economic instability and high unemployment rates. They fail to mention the unemployment in the region from the actions of an environmental conflict industry that has the timber management of Federal lands to one-tenth of the growth of timber on Federal lands and forced

the closure of scores of family owned mills and the loss of thousands of logging jobs since 1990.

For over a hundred years, communities like mine, Libby, underwent periods of recessions that tracked with the timber market. But with the total collapse of public timber management, we now have persistent poverty and permanently closed timber mills.

Recreation is a part of our economic future—we understand that—but a study on the Kootenai National Forest found that 93 percent of the recreational use of our forest is road access dependent use. Proponents say setting aside over a million acres of wilderness in our area will sustain our economy. This finding is flat wrong. When we decommission roads, we decommission recreational sales in our town. We have learned it. You can bet on it.

The bill proponents also state that local economies will thrive with remediation jobs in the forest areas. These jobs are not sustainable by the letter of this bill. When the areas have recovered sufficiently, they will then be annexed into wilderness. The jobs will be gone.

Even the short-term forestry discussion in the bill is flawed. This bill states that no “even aged management of timber will be used” in biological corridors. And yet in the Cabinet-Yaak Ecosystem, much of what they proposed for wilderness and biological corridors is the mature, single age class, lodgepole remnants of the largest fire in North American history. It was referred to by the previous panel. That was the blaze of 1910. That fire burned 3 million acres in 2 days without filing an environmental impact statement and the resulting single age class regrowth is ready to burn again.

In fact, the 1998 GAO study of forest health stated that the single biggest threat to the forest of the inland West were single event, catastrophically huge, hot, stand and watershed destroying wildfires. Indeed we now watch as our endangered species habitats and watersheds as large as the one serving Denver are turned to ashes.

The GAO report mapped areas with the greatest risk of loss to fire and many of the H.R. 1975 areas are at high risk of loss. The proponents would have us believe that setting these acres aside for management by fire is better for our wildlife, better for our watersheds, better for our economies. And we should pretend we have no responsible methods of restoring the health of this land, except for wilderness set-asides.

I disagree. Interestingly, many of these fires use single age class management, sometimes 100,000 acres at a time. I also believe that the reservation of water as stated in section 210 of this bill is untenable. I can envision a flurry of lawsuits aimed at the State of Montana and Federal Government for not adjudicating enough water for the purpose of this act and the deciding jurisdiction being the Ninth Circuit Court. This is a lawyer’s dream and a State’s nightmare.

These facts and more frame the reason that not one of the elected representatives from the areas suggested for wilderness in this act are sponsors of the act. Those who live closest to the proposed set-asides know that there are better options for our forests, for our grasslands, our watersheds, our sustainable economies than hard-

core wilderness proponents or those from thousands of miles away can envision.

I know many sponsors of this bill are well intentioned. They believe the land at issue is public land, and they have a right to weigh in on behalf of their constituents. I have a similar interest in Federal housing projects in the Bronx. I rode a train through them yesterday. I have seen their decline into criminal-infested enclaves. However, since I know very little about urban housing and the issues surrounding that complex issue, I would no sooner weigh in with a sledgehammer piece of legislation that mandated specific management of those projects than I would attempt to fly. It wouldn't be right, especially without the support of the leaders from the Bronx.

People of the Northern Rockies compromise certain monetary standard of living qualities to live there because we love the environment. We are working hard to find a sustainable future. We are sitting at the table with each other building trust and building a future as we deal with the issues of the healthy economic systems that coexist with healthy ecosystems.

The Earth Summit in Rio stated that global sustainability would be defined and defended at the local landscape level.

This bill undermines our local efforts. It acts as a SCUD missile, flying in from afar to smack down right on our table of building trust. It does not take a genius to see the environmental injustice being served the working poor of the inland West of this bill. I encourage you to give H.R. 1975 the right red light it deserves, not a green light because it seems from your distance the politically correct and politically possible thing to do.

Thank you.

[The prepared statement of Mr. Vincent follows:]

**Statement of Bruce Vincent, Executive Director,  
Communities for a Great Northwest**

Mr. Chairman and members of the Committee: I am honored to testify today.

I am a fourth generation Montanan and a third generation practical applicator of academic forest management theory, a logger. I moved back to Montana, after completing college, for two environmental reasons. The natural environment of clean air, clean water, abundant wildlife and beautiful tree shrouded mountains and the cultural environment of rural resource managers.

I soon learned of a third environment that would dictate the health of the natural and cultural environments I love—the political environment.

My county, Lincoln County, Montana, is 80 % federally owned. For the past 20 years I have been thoroughly involved in local, regional and national attempts to make sense of the laws governing the management of the public forest resource that I live in, work in, play in and love. I volunteer as executive director of Communities for a Great Northwest—a group that provides input on forest resource management in our area and has made a decades long commitment to good faith efforts at working in a productive relationship with the forest service.

I helped coordinate the Kootenai Forest Congress—a local group of resource managers, conservationists, and community leaders that developed and worked hard at moving toward a vision of the future for our forest that includes healthy ecosystems and healthy social and economic systems. I currently serve on our local RAC, work with a local stakeholder collaboration group, and I am a twenty-year member of our Grizzly Bear Community Involvement Team—a broad-based group that attempts to work with the U.S. Fish and Wildlife Service in recovering the grizzly bear in our ecosystem.

While reading over HR1975, one thing kept jumping up at me: environmental justice. The definition of environmental justice is: the fair treatment and meaningful involvement of all people—regardless of race, ethnicity, income or education level—in environmental decision making. Environmental Justice programs promote the

protection of human health and the environment, empowerment via public participation, and the dissemination of relevant information to inform and educate affected communities.

This bill is classic environmental injustice at its worst. The perpetrators of this huge wilderness scheme note in their findings that the people of the Northern Rockies have suffered from histories of “economic instability and high unemployment rates.” They fail to mention that the record unemployment rates set in the region have come from the actions of an environmental conflict industry that has reduced the timber management of federal lands to one tenth of the growth of timber on federal lands and forced the closure of scores of family owned mills and the loss of thousands of logging jobs since 1990.

For over one hundred years, communities like mine underwent periods of years of recession that tracked with the timber market. But with the total collapse of public land timber management we no longer have periods of recession—we have persistent poverty with permanently closed sawmills. When Mike Garrity of the Alliance for the Wild Rockies did the economic impact study for this bill he failed to mention this fact.

The proponents of this bill also do not mention that on the Kootenai forest a recent study found that 93% of the recreational use of the forest was road access dependent use. This fact is ignored when the proponents say in the findings of the bill that setting aside over a million acres of the area I live in as wilderness will help to sustain the economy through activities on the forest. This finding is simply inaccurate at its best. When we decommission roads we will decommission recreational sales in our town. You can bet on it.

The bill proponents also state that the local economies will thrive with remediation jobs in the forest areas where road decommissioning needs to take place and where forest restoration work needs to be done. What they fail to mention is that these jobs are not sustainable by the letter of this bill for in fact, when the areas recovered are sufficiently de-roaded, they will be included in the wilderness preservation system. Then we will get to rely on the non-existent recreation jobs from the wilderness designation.

Our local groups are currently busy working on solutions to our fuel loaded timberlands that are light on the land and have long term ecological benefit for the specific area being treated. Oftentimes these treatments do not need the use of roads. Sometimes these treatments need the use of existing roads that need brought to modern water quality standards. The treatment of the timber often pays for the maintenance of or the decommissioning of roads. This bill would derail a great deal of our local work on these areas. The work being done in these local groups is the true work of sustainability. The forests that have grown too thick with time are going to grow back again. Using ever increasingly low impact management techniques and utilizing the biomass in ever more environmentally friendly ways (biofuels?) the future for our rural Northern Rockies communities lies in living with a management regime that protects both their economy and their ecology. This bill falls short on both counts.

The bill proponents also state the age-old and tired argument that by passing this bill, the burden of below cost timber sales will be removed from the public and the tax burden of managing our public lands will be reduced. This flies in the face of what is asked for in the bill. How in the world will a new division of the Forest Service be formed (the National Wildland Recovery Corps) and capitalized with no burden to the taxpayer? How in the world will 6000 miles of road be decommissioned within the wilderness Areas proposed and another unknown number of miles of road be decommissioned in the biological corridors with no cost to the public? At least with timber sales there was some revenue coming back to the public in the form of stumpage. In this bill there is no revenue stream. It is all cost. Cost to the taxpayer and cost to the environment.

There was also no mention that the anti-mining and anti-oil and gas exploration conflict industry has successfully driven scores of resource companies out of the Northern Rockies and into nations such as Venezuela and Bolivia where environmental and employee standards are less than American standards of thirty years ago. Under this bill millions more acres of federal land will permanently be taken off of our domestic radar for getting off of the foreign tit of oil and gas.

It is also interesting that this bill’s management regime for the Biological Corridors states that no “even aged management of timber will be used.” And yet, in the area I come from—the Cabinet/Yaak Ecosystem—much of our area and a great deal of what they propose for wilderness and biological corridors and ultimately wilderness is the mature, single age class, lodgepole remnants of the largest fire in North America history—the 1910 blaze. That fire burned 3,000,000 acres in two

days and the resulting 3,000,000 acres of single age class regrowth is ready to regenerate.

In fact, the 1998 GAO Study on Forest Health stated that the single biggest threat to the forest of the inland west were single event, catastrophically huge, catastrophically hot stand destroying, watershed destroying wildfires. Since 1998 we have seen this to be true and have watched as our forests endangered species habitat has been burned and watersheds as large as the one serving the city of Denver have been turned to ashes. Under this legislation, the proponents are suggesting that those of us who live in and around these areas where years of fire suppression have left us with overstocked, unhealthy forests should pretend that we have no responsible methods of restoring the health of the land except for set asides in the wilderness system. In other words, we should be satisfied with allowing the fires we know to be imminent to blast out of the “protected” areas and into our living areas.

The GAO report mapped the areas of the Northern Rockies that had the greatest risk of loss to fire in the near future. Many of the areas suggested for Wilderness in this act or for protection as Connecting Corridors and eventual wilderness or for Remediation areas and eventual wilderness are included in the “high risk” areas. The proponents would have us believe that setting these acres aside for management by fire is better for our wildlife, better for our watersheds, better for our airsheds, better for us.

I disagree. Interestingly, these fires by-and-large use single age class management—sometimes 100,000 acres at a time.

I also believe that our water should be adjudicated at the state level and that the potential for taking of water as stated in Section 210 of this bill is untenable. I can envision a flurry of lawsuits aimed at the state of Montana and the federal government for not adjudicating “enough” water for the purpose of this act—and the deciding jurisdiction being the 9th Circuit. This, Mr. Chairman, is a lawyers dream and a state’s rights nightmare.

In fact, it is all of these facts from the impacted areas that frame the reasons that not one of the elected Representatives from the areas suggested for wilderness in this act are sponsors of the act. Those who live closest to the realities of the proposed set asides know that there are better options for our forests, our grasslands, our “habitat” than those from thousands of miles away can envision.

At the Earth Summit in Rio de Janeiro in 1990 sustainability was defined as “providing for humankind today in a manner that does not compromise the ability of future generations to do the same.” I concur. They went further, however, and said that sustainability was going to be defined and defended on a local landscape level with the indigenous population of stakeholders at the table of debate. Indigenous is not a term that is exclusive to people of color in Zimbabwe. It means local.

This bill undermines the local efforts communities throughout the Northern Rockies are working on to find a sustainable future. It acts as a scud missile flying in from afar to smack right down in the table of trust that has been built between the resource community and the conservation community.

I know that a lot of the sponsors of this bill are well intentioned. They believe that they are doing the “right” thing and believe that since the land at issue is public land they have a right to weigh in on behalf of their constituents. I also have a vested interest in the federally funded housing projects in places like the Bronx and have seen the stories of their decline into criminal infested enclaves over the last several decades. However, since I know very little about urban housing and the issues surrounding that complex issue, I would no sooner weigh in with a sledge hammer of a piece of legislation that mandated management of those projects than I would attempt to fly. I just wouldn’t do it. It wouldn’t be right. The local people would have to have a larger say in the management of those places than I could ever have.

Again, the definition of environmental justice is: the fair treatment and meaningful involvement of all people—regardless of race, ethnicity, income or education level—in environmental decision making. This bill and the way it has been promoted has none of these traits and the local people of the Northern Rockies object to the environmental injustice of people from outside of our area mandating management regimes that ignore the realities we face on the ground as we attempt to define and defend our sustainability. I encourage you to give it the red light it deserves—not a green light just because it is politically possible to steamroll us.

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Mr. SARBANES. Thank you, Mr. Vincent. Mr. Noel Williams, from the Montana Coalition of Forest Counties.

**STATEMENT OF NOEL E. WILLIAMS,  
MONTANA COALITION OF FOREST COUNTIES**

Mr. WILLIAMS. Greetings from Montana. Thank you for this opportunity to appear before you and speak to the Northern Rockies Ecosystem Protection Act. I am Noel Williams, and I am here on behalf of many boards of county commissioners and appreciate Mr. Bishop recognizing an omission there in the past.

I work particularly with Lincoln, Mineral and Sanders County but came here with the authorization from the Montana Coalition of Forest Counties, which includes 34—the boards of commissioners of 34 of Montana's 56 counties. As a former long-time county commissioner and previous Director of Coalition of County Leaders in the 18 western-most States under the aegis of the National Association of Counties, I can assure you that the local elected officials for whom I speak, contrary to what we have heard occasionally earlier today, they really are the grassroots voice of the majority of the people in their respective areas. And further, their voices are united on this proposed legislation, one huge voice in opposition. And I think perhaps some earlier testimony could be used to illustrate a potential ratio. I recall Representative Maloney mentioning she had heard from one person in Manhattan, Montana, supporting this legislation. On the other hand, we heard from Representative Rehberg that he has heard from a dozen people from Manhattan, Montana, opposing this legislation. 1 to 12? I am not sure how illustrative that is. But further, among your own colleagues, I see no foundation of support from Members who represent the districts directly impacted.

I agree, as do those I represent, with Representative Rehberg when he says, as Pat Williams said before him, that it is bad legislation because it considers neither input from—nor the impacts on local economies and communities. I have been involved in these wilderness debates and controversies for more than 20 years. And I am just now beginning to fully recognize the importance of local collaboration in achieving resolution one area at a time, a bite at a time.

Collaborative groups consisting of diverse stakeholders at the local level are currently having great success in helping Federal agencies design projects on the forest that satisfy needed goals without inviting litigation. I see a trend toward using this successful process in future policy discussions relative to recreation travel and wilderness on our national forests. And those processes will necessarily use specific science, not general science.

Legislation such as you are considering here today would devastate this process. Twenty-four million acres of new and de facto wilderness, about a third of which would be in my State of Montana all in one fell swoop, wow. And all promulgated with no consultation, no concurrence with our local leaders, our State officials, our Governor or our congressional delegation.

Well, as some have so well stated here today, it is Federal land owned equally by all of us, not just by those of you who live in the proximity to it. We do—albeit reluctantly sometimes—accept that premise. However, we also accept that the people who live in communities proximate to these areas, communities whose history, whose culture, whose economy, social structure, employment oppor-

tunities and recreational opportunities are all entwined with these areas under consideration and how they are managed, they should be the first and most heavily weighted link in the chain of communication that results in such far-reaching management policy decisions for America.

For example, those of us who are most proximate to the areas under consideration know that many thousands of acres included are seriously out of sync, as mentioned before. Wilderness designation does not solve the treatment problems needed. We know, for example, that many of those thousands of acres—or thousands of miles of streams envisioned to be added to the National Scenic, Recreation, or Wild Rivers would not necessarily fit. They are small tributaries, many of them, that dry up.

Future active management activities that are desirable for the areas would simply be precluded by wilderness designations. Why should we want to give them up?

Finally, I would like to provide legitimacy to this position. The Montana State Legislature in its recent 2007 session passed a resolution urging Members of Congress to vigorously oppose this act and to vote against it at every opportunity.

That concludes my testimony here, Mr. Chairman. Thank you once again.

[The prepared statement of Mr. Williams follows:]

**Statement of Noel Williams, on Behalf of the Board of Commissioners, Lincoln County, Montana; Board of Commissioners, Mineral County, Montana; Board of Commissioners, Sanders County, Montana; and Montana Coalition of Forest Counties**

Mr. Chairman and Members of the Subcommittee:

Greetings from the great state of Montana, and thank you for this opportunity to appear before you and speak to the proposed Northern Rockies Ecosystem Protection Act.

My name is Noel Williams and I am here on behalf of the Boards of County Commissioners of Lincoln, Mineral, and Sanders counties in western Montana, and also with the authorization to speak for the Montana Coalition of Forest Counties, which includes in its membership the commissioners of 34 of Montana's 56 counties.

As a former long-time county commissioner, and as a previous director of the Western Interstate Region—a coalition of county leaders in the 18 western-most states under the aegis of the National Association of Counties—I can assure you, ladies and gentlemen, that those local elected officials for whom I speak really are the voice of the people in their respective areas, and further, that their voices are united on this proposed legislation; one huge voice in opposition.

Further, among your own colleagues I see no foundation of support from members who represent the districts directly impacted by this proposal, and who should have the greatest voice in promulgating policy affecting their constituencies. I and those I represent agree with Representative Rehberg of Montana when he says this is bad legislation because it is a “top-down” approach that considers neither input from, nor impacts on, local economies and communities. I have been involved in wilderness debates and controversies for more than 20 years, and am just now beginning to fully recognize the importance of local collaboration in achieving resolution, one area at a time. Collaborative groups consisting of diverse stakeholders at the local level are currently having great success in helping federal agencies design projects on the forests that satisfy needed goals without inviting litigation. I see a trend toward using this successful process in future policy discussion relative to recreation, travel, wilderness, etc. on our National Forests. Legislation such as you are considering here today would devastate this process.

Twenty-five million acres of new wilderness and de-facto wilderness, about a third of which would be in my state of Montana, all in one fell swoop! Wow! And all promulgated with no consultation or concurrence with our local leaders, our state officials, our governor, or our congressional delegation. “Well,...you might say,...it is federal land owned equally by all of us, not just by those of you who live in proximity



to it.” We do accept that premise; however, we also accept that the people who live in communities proximate to these areas, communities whose history, culture, economy, social structure, employment opportunities, and recreational opportunities are all entwined with these areas and how they are managed, should be the first and most heavily weighted link in the chain of communication that results in management policy decisions.

For example, those of us who are most proximate to the areas under consideration know many thousands of acres included are seriously out of sync with historic conditions, have missed several cycles of natural burns, and are heavily laden with hazardous fuel loads. This, in conjunction with recent drought conditions, insures a future of catastrophic stand-replacing wildfires that will not be contained without spreading to adjacent public and private lands. Wilderness classification does not provide for the active management treatments needed to provide for reducing this risk.

For example, those of us who are most proximate to the areas under consideration know that among the thousands of miles of streams envisioned by this proposal to be added to our National Scenic, Recreation, or Wild Rivers System, there are far too many small tributaries, some of which nearly disappear in dry years. Attendant restrictions would result in the loss of adaptive management capabilities that could stave off future wildfires that would obliterate that which the proposal deems to “save”.

Overall, this proposal seems to us to simply articulate the entire wish list of those who have long yearned to remove humans from environmental equations. The limits called for here are not responsible. We are not, by opposing this legislation, calling for more development, more roads, more resource extraction, or more ecological degradation; rather, we do recognize the importance of implementing wildlands protection policies and perpetuating opportunities for wilderness experiences. Further, we believe this can be done without the rigid inflexibility of formal Wilderness designation on such a large scale, a designation that disallows a broad range of uses that the resources could potentially allow, and precludes the kind of future active management activities that might become desirable given inevitable unforeseen and ever-changing needs in our physical or social environment.

Why, we ask, should we want to give up many of the management options, opportunities, and tools that when used reasonably and scientifically, can add ecological diversity and enhancements for forest vegetation, for wildlife, and for humans?

I am reminded here of a statement in the Public Lands Policy of the Montana Association of Counties, to wit: “... the resolution of conflicts will most often be found in a multiple-use format that conserves and not preserves, that uses but not wastes, that respects but not abuses, and that shares but not hoards the many resources on our public lands.”

Finally, to provide added legitimacy to our position, I would remind this subcommittee that the Montana State Legislature, in its 2007 session, passed a resolution urging Members of Congress to “vigorously” oppose this act and to vote “against...at every opportunity.”

That concludes my testimony here today, Mr. Chairman, and once again we thank you for this hearing and for this opportunity.

Mr. SARBANES. Thank you, Mr. Williams. We will now hear from Mr. Larry Smith.

**STATEMENT OF LARRY E. SMITH, EXECUTIVE DIRECTOR,  
AMERICANS FOR RESPONSIBLE RECREATIONAL ACCESS**

Mr. SMITH. Thank you, Mr. Chairman. Thank you for the opportunity to testify on H.R. 1975. My name is Larry Smith, and I serve as Executive Director of Americans for Responsible Recreational Access.

To say that H.R. 1975 is far-reaching legislation is an understatement. We are not opposed to creating new wilderness areas when and where appropriate, but we do have reservations about any legislation that seeks to change the management of more than 23 million acres of public land in one fell swoop. The magnitude of this measure is too much to comprehend and has the markings of a legislative process run amok.

H.R. 1975 seems more akin to a major rewrite of our tax laws with the annual omnibus appropriations measure too large and complicated for any Member of Congress to understand the potential danger that after final passage too many unintended consequences will emerge that will prove too difficult to fix. I am not sure this is the way to legislate new policy governing our public lands.

H.R. 1975 covers public lands in five western states, Montana, Idaho, Washington, Oregon, and Wyoming. If the authors of this legislation are serious about the measure, why not divide the legislation up into five separate bills, one for each State affected? Hearings then could be held not only here in the Nation's capital but, more importantly, out in the actual States where the designations will occur. Why not seek the opinion of the local citizens and the governmental entities most affected by these policy decisions?

One of the areas slated for expansion under H.R. 1975 is the Hells Canyon Recreation Area in eastern Oregon. Back in the 1970s I worked for a Senator from the State of Oregon who was the original sponsor of the Hells Canyon legislation. The legislation, when introduced, had already been carefully vetted with citizens groups in Oregon, State and local government officials, as well as the pertinent Federal agencies. This was not a top-down process coming from the Nation's capital, but rather a process that began in the State of Oregon and had the consensus of Oregonians before Congress was even asked to consider the legislation. It seems to me this is the preferable way for moving wilderness legislation forward. First, seek the support of local communities surrounding the area in question, and then seek the support of the Congress.

To be honest, I am highly suspect of any wilderness legislation so massive in size that it comprises an area larger than the States of New York, Connecticut, Vermont, and Rhode Island combined. I am highly suspect of any wilderness legislation that affects five western states when the prime sponsor hails from a congressional district in downtown Manhattan.

While the author's intentions are no doubt well meaning, I would have greater comfort about the scope of this legislation if it were undertaken by the very Members elected to represent the affected congressional districts.

I note that not one House Member representing the affected areas has chosen to cosponsor this bill. What is the message of this lack of endorsement? Maybe it means that the local citizens of the affected area also fail to see any merit to H.R. 1975.

Mr. Chairman, since the passage of the 1964 Wilderness Act, some marvelous and special areas in this country have been preserved in a State "where the Earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain."

Since 1964, Congress has done a very good job of finding and so designating such areas. Today we find that nearly 700 tracts of land, encompassing a whopping 106 million acres are in the wilderness system. To put the current size of the wilderness system in perspective, it is the equivalent of the total land mass of California and Maryland combined.

Should Congress designate more wilderness areas? Maybe. But before doing so, it should seek the input of those American citizens most affected by those decisions. Before doing so, it should find out what economic and social impacts such designations will have on those citizens living in the vicinity.

Break H.R. 1975 apart into five separate bills, then take each measure and ask local citizens what they think of the potential designation, and if the response is in the affirmative like it was with the original Hells Canyon Recreation Area was proposed, then give each the congressional seal of approval.

Our public lands deserve nothing less than a serious, deliberative process. Mega-bills like H.R. 1975 are not an appropriate vehicle for protecting public lands for future generations.

Finally, Mr. Chairman, in addition to making my whole statement a part of the record, I would also ask that I be able to submit a copy of an op-ed I wrote on the subject of wilderness legislation that appeared in the September 27 edition of the Washington Times.

Mr. SARBANES. Without objection, that will be entered.

**[The article submitted for the record has been retained in the Committee's official files.]**

[The prepared statement of Mr. Smith follows:]

**Statement of Larry E. Smith, Executive Director,  
Americans for Responsible Recreational Access**

Mr. Chairman:

Thank you for giving me an opportunity to testify on H.R. 1975, the Northern Rockies Ecosystem Protection Act. My name is Larry E. Smith and I serve as Executive Director of Americans for Responsible Recreational Access (ARRA). ARRA is an organization that promotes the responsible use of our public lands for a variety of recreational uses including horseback riding, senior citizens active in the outdoors, off-highway vehicle and snowmobile riders and other outdoor enthusiasts.

To say that H.R. 1975 is far reaching legislation is an understatement. We are not opposed to creating new wilderness areas when and where appropriate, but we do have serious reservations about any legislation that seeks to change the management of more than 23 million acres of public land in one fell swoop. The magnitude of this measure is too much to comprehend and has the markings of a legislative process run amok. H.R. 1975 seems more akin to a major rewrite of our tax laws or the annual omnibus appropriations measure; too large and complicated for any Member of Congress to understand with the potential danger that after final passage, too many unintended consequences will emerge that will prove too difficult to fix. I am not sure this is the way to legislate new policy governing the use of our public lands.

H.R. 1975 covers public lands in five western states, Montana, Idaho, Washington, Oregon and Wyoming. The legislation would designate new wilderness areas totaling more than 23 million acres and nearly 2,000 miles of wild and scenic rivers. I am not here to suggest that some of this designation isn't appropriate or needed. What I am here to suggest is that it is humanly impossible to understand the far reaching ramifications of this bill.

If the authors of H.R. 1975 are serious about this measure, why not divide the legislation up into five separate bills, one for each state affected? Hearings then could be held not only here in the Nation's Capital, but more importantly, out in the actual states where these designations will occur. Why not seek out the opinion of the local citizens and governmental entities most affected by these policy decisions?

One of the areas slated for expansion under H.R. 1975 is the Hells Canyon Recreation Area in eastern Oregon. Back in the 1970's, I worked for a Senator from the State of Oregon who was the original sponsor of the Hells Canyon designation. The legislation, when introduced, had already been carefully vetted with citizens groups in Oregon, state and local government officials as well as the pertinent federal agencies. This was not a top down process coming from the Nation's Capital, but rather

a process that began in the State of Oregon and had the consensus of Oregonians before Congress was even asked to consider the legislation.

It seems to me this is the preferable way for moving wilderness legislation forward. First, seek the support of the local communities surrounding the area in question and then seek the support of the Congress—in that order and not the other way around. To be honest, I am highly suspect of any wilderness legislation so massive in size that it comprises an area larger than the States of New York, Connecticut, Vermont and Rhode Island combined. I am highly suspect of any wilderness legislation that affects five western states when the prime sponsor hails from Manhattan. While the author's intentions are no doubt well meaning, I would have greater comfort about the scope of this legislation if it were undertaken by the very members elected to represent these affected congressional districts.

I note that not one House member representing the affected areas has chosen to co-sponsor H.R. 1975. What is the message of this lack of endorsement? Maybe it means that the local citizens of the affected areas also fail to see any merit in H.R. 1975.

Mr. Chairman, since the passage of the 1964 Wilderness Act, some marvelous and special areas in our country have been preserved in a state "where the Earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain." Since 1964, Congress has done a very good job of finding and so designating such areas. Today, we find that nearly 700 tracts of land encompassing a whopping 106.6 million acres are in the wilderness system. To put the current size of the wilderness system into perspective, it's the equivalent of the total land mass of California and Maryland combined.

Should Congress designate more wilderness areas? Maybe. But before doing so, it should seek the input of those American citizens most affected by such decisions. Before doing so, it should find out what the economic and social impact such designations will have on those citizens living in the vicinity of these areas.

Break H.R. 1975 apart into five separate bills. Then take each measure and ask local citizens what they think of the potential designation. And if the response is in the affirmative like it was when the original Hells Canyon Recreation Area was proposed, then give each the Congressional seal of approval. Our public lands deserve nothing less than a serious, deliberative process. Mega-bills like H.R. 1975 are not an appropriate vehicle for protecting public lands for future generations. There must be a better way. There is a better way, and I hope this subcommittee and committee reaches out to those who know these areas best, the people who live and work there.

Finally, Mr. Chairman, in addition to my statement being made a part of the record of this hearing, I would also like to submit a copy of an Op-Ed that I wrote on the subject of wilderness legislation that appeared in the September 27th edition of the Washington Times.

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Mr. SARBANES. Thank you all for your testimony. I have no questions. Mr. Bishop may.

Mr. BISHOP. I will just ask a couple. I will go very quickly down the row. Mr. Vincent, you talked about the next—well, first of all, when you are talking about the water issues, are there historic water concerns that bring you to question the portion of this bill in section 110?

Mr. VINCENT. Well, the whole question of what is enough, who is going to determine what is enough for the life flow of an ecosystem? And conservation biology is defined as half art. So when we are defining the life flow of an ecosystem and then going to try to attribute or adjudicate a certain amount of water to that so that the stream flow downstream is sufficient, who is going to tell that? And then when we have an overabundance of trees in the riparian areas of the upstream wilderness area, a full-grown pine tree will suck 200 to 300 gallons of water out of the ground a day. So when we have a normal water year in the Northern Rockies, our forest is out there expressing drought and inviting bugs and doing all the things that a drought-depleted forest does. So when we have all these trees sucking our headwater streams dry and we can't do

anything about it, what does that do to the downstream when we are trying to adjudicate the water? And what happens when the Ninth Circuit is the jurisdiction that we will adjudicate that in?

So those are my questions.

Mr. BISHOP. Let me also ask you and I will try to do this quickly, you talked about the nexus of roads and access for recreation purposes.

Mr. VINCENT. Well, we have great concern. We know that recreation is going to be a piece of our overall economic pie, and so we are trying to figure out how we do that. We also know that industrial tourism and the places where it has worked has shown to be more damaging than any of our other attempts to coexist with our ecosystem. We have learned that in Yosemite, we have learned it in Yellowstone, we have learned it in Glacier. We don't think we need to learn it everywhere else in the West.

Mr. BISHOP. Let me come back to you in a second if I could.

Mr. Williams, I wasn't able to hear very clearly. The legislature in Montana that passed legislation in opposition to this, what year was that?

Mr. WILLIAMS. This year. 2007.

Mr. BISHOP. OK. Can you in some way—we have heard about the concept, this is a grassroots movement. Can you in some way kind of coalesce these two concepts, that it is a grassroots movement but at the same time there are no elected officials in this area of the grassroots movement that are supportive of it, or are there? Are there any commissioners out there that are actually saying yes to this?

Mr. WILLIAMS. No.

Mr. BISHOP. Of which you are aware?

Mr. WILLIAMS. No. Not that I am aware of. What I would like to do is to connect the commissioners to their grassroots constituency and help the commissioner provide a voice to that. They are not two separate. They are the same. Grassroots and the commissioners, I intended to put in the same basket.

Mr. BISHOP. Thank you, sir.

Mr. Smith, you talked about unintended consequences very early on in your spoken testimony. Do you want to elaborate? What do you mean by that?

Mr. SMITH. You know, I was struck when the Congresswoman from Manhattan said that her goal was to provide greater access to public lands. Well, if this legislation were adopted, we are talking about less access. We are talking about no roads into these areas. That means people cannot enter unless by foot or on horseback. You talk about the hunting industry or the people that desire to fish, yes, they are going to walk into these areas at a certain distance. But they are not going to travel 5 or 10 miles on foot in order to be able to enjoy their sport.

So I think we are talking about—I mean, the wilderness system already is over 100 million acres. This legislation talks about adding another 23 million acres. I would hope that this committee would go out into the congressional districts and have hearings similar to this and ask the local people what they think the impact is going to be, and I think you are going to get a very negative reaction on that.

Mr. BISHOP. Might not be a bad suggestion, get us out of Washington, back out to the West where it is nicer.

What you have just said did hit a chord with me. We had a hearing in a full committee one time when we invited some union members as well as sports individuals to talk about what would happen if you opened up mining and exploration for minerals into some of the areas. And one of the things we found that was unique, especially from some of the union officials who were sportsmen as well, they actually recognized that as soon as you open up some of these things for exploration what happens is there were roads that were built which allowed them greater access to sports and recreation facilities than they had before. It was one of those unintended consequences or at least counterintuitive consequences that has to be there.

I apologize. My time is up, and I don't want to go over again as I did with the first panel, unless any of you have specific answers to what I asked Congresswoman Maloney. I appreciate your time.

Mr. Chairman, before I do that, I apologize. I would like to ask unanimous consent to place in the record a New York Times article by Kirk Johnson which is entitled, "As Logging Fades, Rich Carve Up Open Lands in the West," which simply means that these lands, which once were doing certain kinds of economic activities are now becoming the playgrounds of people who have lots of money to play with it. I also have—

Mr. SARBANES. Without objection, that will be entered in the record.

**[The article submitted for the record has been retained in the Committee's official files.]**

Mr. BISHOP. I was going to do this all at the same time. But I also have a folder—if this was not the folder for Mr. Rehberg, which I don't think it is—which has letters that have come to us in opposition from those people who are living in this area, including about eight public utility, public access groups that were there. And obviously this is a letter from Governor Otter in opposition to the bill. And I would like to thank all the witnesses. I am sorry.

Mr. SARBANES. Without objection, those items will also be entered into the record.

[A statement submitted for the record by Congresswoman Barbara Cubin follows:]

**Statement submitted for the record by The Honorable Barbara Cubin,  
Representative for All Wyoming**

I am frankly disappointed, Mr. Chairman, that this Subcommittee has taken the time to hold a legislative hearing on a measure that was drafted with such little respect for the input of local communities or those Members like myself who represent them. However, such is the case with H.R. 1975, the Northern Rockies Ecosystem Protection Act. I know this, because my constituents have been very vocal in regards to this legislation, expressing to me valid concerns as to how this measure would affect their ability to access and recreate on Wyoming's public lands. With those concerns in mind, and noting that not one single Member of Congress who's district would be affected by this bill stands in support of it, I ask to submit this statement for the record in the strongest opposition possible to H.R. 1975.

As advocates of this legislation are proud to proclaim, H.R. 1975 would codify as formal wilderness areas nearly 24.5 million acres of public lands, and designate as wild and scenic approximately 1,886 miles of river segments, currently open to multiple uses by the American public. As this Committee well knows, the Wilderness Act of 1964 defines wilderness as an area "where the earth and its community of

life are untrammelled by man, where man himself is a visitor who does not remain." It is further defined as "an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable."

Unfortunately, we in the west have learned the hard way that simply roping off millions of acres of public lands from any formal management regime is the quickest way to condemn those lands to natural disasters such as wildfires, devastating beetle infestations, and invasive weeds, among others. Disasters like these don't respect federally outlined boundaries, and often bleed over to state or private lands that border currently existing wilderness areas. While I seriously doubt that was the original intent of our predecessors in this body when they created the wilderness designation, it does not make any easier the challenge western states like Wyoming have in managing those disasters when they strike.

H.R. 1975 goes far beyond even the intent of the 1964 act, however, by ignoring the public process generally required for the identification and designation of public lands suitable for wilderness. Instead of collecting public comments or conducting a formal environmental impact statement, H.R. 1975 simply uses a brush stroke approach to determining what lands should be included in this proposal. I am curious as to how the sponsors of this legislation plan to deal with the immediate lawsuits that would be filed from energy development or timber companies that hold valid leases for development within the acreage identified by H.R. 1975, should this legislation be signed into law. Since most of these claims exist within the five-million-acre Wyoming portion of this bill's proposed designation, I can personally attest to the fact that it is not an issue that would be dealt with easily.

As a fifth generation Wyomingite, I strongly believe that our national forests, parks, and public lands are treasures that must be protected for future generations. However, I feel that it is equally my responsibility in Congress to protect the public's abilities to utilize our federally managed lands for multiple uses, including agriculture, recreation, and environmentally responsible energy development. Public lands currently occupy roughly half of my home state and federal land management agencies already have significant difficulties in meeting the management needs of our parks, forests, and BLM lands.

Frankly, I find it offensive that Members of Congress from the east coast would introduce legislation that would make such sweeping public lands policy decisions in the west as H.R. 1975 does, without first gaining the local support of the numerous constituencies that would be affected or even consulting with the Western Members like myself who represent them.

I encourage any Member who holds dear the rights and responsibilities of this body to respect the best interests of local communities to join me in opposition of the Northern Rockies Ecosystem Protection Act.

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**[NOTE: Additional letters submitted for the record have been retained in the Committee's official files.]**

Mr. BISHOP. And I would personally like to thank all of the witnesses who have spent what, 3-1/2 hours here now, waiting for the chance to testify on this particular bill. You have all come a great distance and probably at some inconvenience and a great deal of expense on your parts. So we thank you for your time, your testimony, your perseverance and your willingness to share that with us.

Mr. SARBANES. I would like to echo that. Thank you very much for your testimony today. It was extremely thought provoking and informative. It was a long hearing, but I think the topic warranted it. So thank you very much. And this hearing is adjourned.

[Whereupon, at 4:50 p.m., the subcommittee was adjourned.]

[Additional material submitted for the record follows:]

[A letter submitted for the record by the Idaho Conservation League, follows:]



[www.wildidaho.org](http://www.wildidaho.org)

**Idaho Conservation League**

PO Box 844, Boise, ID 83701  
208.345.6933

October 15, 2007

The Honorable Raul Grijalva, Chairman  
Subcommittee on National Parks, Forests and Public Lands  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Grijalva:

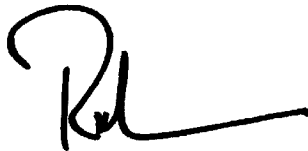
I am writing in regards to H.R. 1975, the Northern Rockies Ecosystem Protection Act (NREPA) that is being considered by your subcommittee later this week.

For over thirty years, the Idaho Conservation League has worked to protect the clean water, wilderness and quality of life through citizen action, public education, and professional advocacy. For more information, go to [www.wildidaho.org](http://www.wildidaho.org). As Idaho's largest state-based conservation organization we represent over 9,000 members, many of whom have a deep personal interest in protecting Idaho's water, wildlands, and wildlife.

For over 15 years the Idaho Conservation League has supported a long-term vision of protecting and restoring the unique characteristics of Idaho and the Northern Rockies, a vision that is incorporated in NREPA. Unlike many other parts of this nation, the Northern Rockies still harbors species and values present prior to the settlement of the West, and successful passage would help protect them.

It is important to note that while the Idaho Conservation League supports NREPA's visionary goals, we continue to proceed in discussions and efforts on behalf of other wilderness bills before Congress that are sponsored by Idaho's delegation, developed from the ground up with local leaders representing many constituencies. Efforts to improve and enact bills to protect the Boulder-White Clouds and the Owyhee Canyonlands are ongoing and we encourage you to work closely with both Representative Mike Simpson and Senator Mike Crapo to advance these incremental yet important steps to protect Idaho.

Sincerely,



Rick Johnson  
Executive Director

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