

**MISCELLANEOUS PUBLIC LANDS AND
FORESTS LEGISLATION**

HEARING
BEFORE THE
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS
OF THE
COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE
ONE HUNDRED TENTH CONGRESS
SECOND SESSION
ON

S. 2354	S. 2448
S. 3065	S. 3069
S. 3085	H.R. 2632
H.R. 3473	H.R. 3490
H.R. 3651	

JULY 16, 2008



Printed for the use of the
Committee on Energy and Natural Resources

U.S. GOVERNMENT PRINTING OFFICE

45-335 PDF

WASHINGTON : 2008

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MISCELLANEOUS PUBLIC LANDS AND FORESTS LEGISLATION

WEDNESDAY, JULY 16, 2008

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:37 p.m., in room SD-366, Dirksen Senate Office Building, Hon. Ron Wyden presiding.

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

Senator WYDEN. The subcommittee will come to order.

Last week the subcommittee held a hearing on eight public lands bills, and in an effort to consider as many bills as possible before the end of the summer, we will examine an additional nine bills today. A number of them are noncontroversial. Some do seem to be a bit more complicated and will take some time to work through. Our intent, however, is to work to get as many of them as ready as possible for full committee review.

The specific bills we will consider this afternoon include S. 2354, to convey Federal lands to the city of Twin Falls, Idaho; S. 2448, the Surface Mining Control and Reclamation Act; S. 3065, designating the Dominguez-Escalante National Conservation Area and Dominguez Canyon Wilderness in Colorado; S. 3069, the Eastern Sierra and Northern San Gabriel Wild Heritage Act; S. 3085, the Cooperative Watershed Management Act; H.R. 2632—if I am pronouncing it right—the Sabinoso Wilderness Act; H.R. 3473, the Bountiful, Utah Land Consolidation Act; H.R. 3490, Tuolumne Transfer Act; H.R. 3651, to convey certain Federal land within Camp Williams to the State of Utah.

At this time, I would like to recognize the subcommittee's ranking member, and we are going to recognize other members of the subcommittee.

[The prepared statements of Senator Reid and Mr. McKeon follow:]

PREPARED STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM NEVADA,
ON S. 3069

I want to thank Chairman Wyden and other members of the Committee for the opportunity to comment on the Eastern Sierra and Northern San Gabriel Wild Heritage Act. Senator Barbara Boxer and Congressman Howard McKeon and their staffs have worked incredibly hard on this legislation. They have each reached

across the aisle to accomplish something special here, and I commend them for their vision and their determination.

As conversations about this legislation continue I hope that some extra attention can be paid to Furnace Creek Road in the White Mountains. The Bureau of Land Management and the Forest Service have led a public process over the last many years to determine how much motorized access is appropriate in the Furnace Creek area. This process has been highly contentious and is ongoing. My constituents in Nevada, and particularly in Fish Lake Valley, have invested hundreds if not thousands of hours in this public dialog. I hope very much that some resolution can be found on the wilderness designation around Furnace Creek that meets the interests of both the conservation groups involved in this effort and my constituents in Nevada for whom this issue is a serious and long-held concern.

PREPARED STATEMENT OF HON. HOWARD P. "BUCK" McKEON, U.S. REPRESENTATIVE
FROM CALIFORNIA, ON S. 3069

Mr. Chairman, let me first thank you for including the Eastern Sierra and Northern San Gabriel Mountains Wild Heritage Act in today's hearing. As you know, I represent California's 25th district, and am the sponsor of a companion bill in the House, H.R. 6156.

Having originally championed new wilderness designations in the 109th Congress, I was pleased to have the opportunity to work directly with Senator Boxer on a new, expanded bill. This legislation follows over 18 months of direct negotiations, building on the input of our respective constituencies, Federal agencies and local governments. S. 3069 and its companion in the House, H.R. 6156, are a shining example of genuine compromise in the pursuit of shared goals.

This legislation calls for 470,000 acres of wilderness additions districtwide. From snow-capped peaks of the proposed Hoover wilderness to the high-desert oasis of the White Mountains and green meadows of the Owens River Headwaters this bill will provide lasting protections for these world class treasures. In addition the bill designates over 50 miles of the Amargosa River, Cottonwood Creek, Owens Headwaters, and Piru Creeks as wild and scenic rivers.

Furthermore the bill provides resolution of long-standing winter recreation issues by legalizing recreation on 11,000 acres in the Humboldt-Toiyabe National Forest. In addition, 50,000 acres of Wilderness Study Area are released in the bill, following almost three decades of Administrative limbo. The totality of this legislation will greatly benefit the Eastern Sierra region, not only by resolving many resource related conflicts, but also providing badly needed economic opportunity and preserving wilderness areas for future generations.

Mr. Chairman, this legislation is the result of a great deal of compromise, cooperation, and support. Both Senator Boxer and I care very deeply about the wild heritage of all the pristine lands throughout California, and I am pleased that we have been able to come together and present this legislation. Energetic support from my constituents in the 25th District has made it a distinct pleasure to introduce and champion this legislation in the House. I encourage your strong support of the Eastern Sierra and Northern San Gabriel Mountains Wild Heritage Act.

Senator WYDEN. Senator Barrasso.

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

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

I also welcome Senator Boxer here.

Mr. Chairman, I want to thank you and the staff for adding S. 2448 to this hearing. Senators Enzi, Baucus, Tester, and I have introduced this bill to provide a legislative fix for western States, specifically Wyoming, Montana, and States that have been certified by the Department of the Interior as having addressed their reclamation priorities in terms of the abandoned mine land money.

In Wyoming's case, the executive branch is operating under a twisted interpretation of the same law which is giving other western States fits. In Wyoming's case, the Administration is interpreting the phrase "seven equal annual installments" as an unlim-

ited number of unequal payments, actually grants. So S. 2448 is needed to correct the erroneous interpretation.

In closing, Mr. Chairman, I want to add my welcome to our witnesses from the Department of the Interior and the U.S. Forest Service.

With that, I appreciate your willingness to hold this hearing. Thank you, Mr. Chairman.

Senator WYDEN. Senator Salazar.

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

With your indulgence, what I would like to do is save my opening statement to precede the testimony on S. 3065 on the Dominguez-Escalante National Conservation Area, and that way Senator Boxer can have her say and get on her way.

Senator WYDEN. Very good.

Senator TESTER.

Senator TESTER. I want to thank you, Mr. Chairman, for holding this hearing.

I will save my comments relating to S. 3085 for my questions.

But I do want to submit Senator Crapo's statement for the record. Senator Crapo has worked very hard on this bill also, and I want to make sure his comments get into the record.

Senator WYDEN. Without objection, Senator Crapo's comments will be recognized.

[The prepared statement of Senator Crapo follows:]

PREPARED STATEMENT OF HON. MIKE CRAPO, U.S. SENATOR FROM IDAHO

I would like to thank Chairman Wyden and Ranking Member Barrasso for holding this important hearing today where you will hear testimony on the Cooperative Watershed Management Act, legislation that offers a local, collaborative approach to managing and improving watersheds. I would also like to commend Senator Tester for his foresight in crafting this legislation. I am honored to have had the opportunity to partner with him throughout much of this process.

Local water quality issues are best solved at the local level through the collaboration of interested stakeholders. All too often, however, the absence of an adequate, reliable funding source is an impediment to both individuals who would like to participate in watershed improvement and watershed management groups who struggle to carry out existing watershed projects or would like to implement additional ones. The Cooperative Watershed Management Act would provide an infusion of Federal funding to assist in the formation of watershed management groups, the continuation of successful projects, and would serve as an incentive to bring diverse stakeholders together.

Decisions regarding water management affect us all, and the Cooperative Watershed Management Act encourages local participation in local water management decisions. I support this legislation, and would like to thank Tom Hinz, the Chair of the Greater Gallatin Watershed Council, for testifying on this bill. I look forward to his testimony.

The committee is also considering a piece of Idaho legislation, S. 2354, which would provide for a land conveyance to the city of Twin Falls of about 165 acres of public lands currently managed by BLM, to facilitate effective management of and investment in the city's proposed Auger Falls Project to improve water quality, restore wetland habitat for wildlife, and allow for recreation access to the public.

The land exchange, which is supported by both the BLM and the State of Idaho, will allow the city to consolidate and better manage their current Auger Falls project, and relieve the BLM of the burden of managing small fragmented parcels of Federal land interspersed with those owned by the city. Under this legislation, the city of Twin Falls will also be required pay all survey and other administrative costs necessary for the preparation and completion of any patents of and transfer of title to property.

Thank You Mr. Chairman.

Senator WYDEN. Senator Boxer, Chair Boxer. You have many colleagues who want to hear you, including me. So pleased to see you.

**STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR
FROM CALIFORNIA**

Senator BOXER. I am so happy to be here, Mr. Chairman. Thank you and Senator Barrasso so much. Thank you, Senator Salazar, Senator Tester, for joining this afternoon.

I am so excited about what I am going to talk to you about, and most of my testimony is going to be showing you pictures of these priceless areas because I do believe that when you see that, you will understand why we are so happy about this bill.

When I say "we," the Eastern Sierra and Northern San Gabriel Mountain Heritage Act was written by myself and Congressman Buck McKeon from the other side of the aisle who represents the areas included in this bill. We have crafted a bipartisan compromise bill. Believe me, we worked a very long time on it. It will preserve the magnificent mountains, rivers, and open spaces of California's Eastern Sierra and Northern San Gabriel Mountains.

I am also very proud to say that Senator Feinstein wanted me to announce at this hearing that she has signed on as a cosponsor. We have been working with her office on a number of tweaks to the bill.

Specifically, our bill will permanently protect approximately 470,000 acres of wilderness and nearly 52 miles of wild and scenic rivers, including a vital section of the only free-flowing river in the Mojave Desert. Colleagues, these wild places are truly spectacular. From the 14,000-foot peak in Mono County's White Mountains to the Amargosa River near Death Valley, to Magic Mountain in the San Gabriels near Los Angeles, the proposal includes some of the region's most treasured wonders, including the specially designated ancient bristlecone pine forest which contains the world's oldest living trees. Imagine. The world's oldest living trees.

So now I am going to go to the part I have been waiting for, showing you the pictures of what we are trying to save here.

So we are going to go to the Hoover Wilderness chart, and that is named, by the way, after President Herbert Hoover because this started in 1931 with the Hoover Primitive Area. So this is what we want to permanently protect. This area is adjacent to Yosemite National Park and represents a classic high sierra landscape of deeply carved glacial valleys, tranquil alpine lakes, and big pine forests that people around the world associate with California.

I am going to show you the Ansel Adams additions. Zack, you can hold those up. Our addition to the Ansel Adams Wilderness includes the San Joaquin Ridge, Glass Creek Meadow, and the region's largest old growth red fir forest, and would protect the pristine headwaters of the Owens River, the Eastern Sierra's most important River system.

We will look at the upper Owens River next. The bill designates 19 miles of the upper Owens River as wild and scenic. I mean, it looks like it comes from an artist's pen.

Senator SALAZAR. I thought it looked like Colorado.

[Laughter.]

Senator WYDEN. Oregon.

Senator BOXER. That is a big compliment to me, let me say.

Senator WYDEN. Senator Tester, do you want to get in the act?
[Laughter.]

Senator BOXER. These headwaters are truly spectacular and support one of America's finest and most popular trout fisheries. This designation would help enhance the area's fishing economy, and that is so important.

We are going to show you the White Mountains. The largest and highest desert mountain range, the White Mountains, is the second largest unprotected roadless area in the Lower 48, and it contains one of the greatest expanses of alpine tundra in America, as well as the Great Basin's highest peak.

Now Zack is showing you the John Muir Wilderness. The John Muir Wilderness additions protect the dramatic eastern escarpment of the sierra and trout-bearing streams which flow down into the Owens Valley, while maintaining access to popular car camping, hunting, and fishing sites.

The Amargosa River. Our legislation designates about 25 miles of the river as wild and scenic. As the only river flowing into Death Valley, this river is an ecologically important river in a dry desert area.

In addition to Eastern Sierra, the bill also protects 40,000 acres in the Magic Mountain and Pleasant View Ridge areas and 7 miles—7 miles—here of Piru Creek, one of the few year-round trout fishing streams in southern California, all within Los Angeles County. This is amazing. Within Los Angeles County, one of the most urban and densely populated areas, so our people could get to see these wonders.

I hope that these photographs have demonstrated just how truly special these places are, and why Representative McKeon and I have worked so hard over the years to conserve them.

Our population in California is estimated to hit 50 million people in the year 2050. We need to find these places that are secluded where people can find solitude from an ever-increasing hectic lifestyle and, moreover, these sensitive areas safeguard water and air for our expanding populations.

So Senator Wyden, Senator Barrasso, and my colleagues all, it has taken us literally years to get to this point. I cannot tell you how hard this was to sit all the stakeholders around the table. I want to praise my staff for the work that they have done. Congressman McKeon and I, working together—I think we really did it. I think we found the sweet spot, and we hope that you will agree.

So thank you so much for the opportunity to testify on this bill. I look forward to working with you and certainly with Chairman Bingaman and Ranking Member Domenici.

I want to say just an added piece here, which is I know how hard you are all working in a bipartisan way to move forward these non-controversial pieces of legislation. I think it is a measure of your dedication to the task because we are torn asunder on so many things, but on this—our heritage—we should be able to come together. Buck McKeon and I have done it and I hope you can do it. I look forward to answering any questions you may have now or in writing or in any way that you would want me to.

Thank you, Senators.

Senator WYDEN. Senator Boxer, I do not have any questions, but you have clearly toiled long and effectively on this and to have reached an agreement with your Republican colleague shows your commitment to this. We are going to put the staff on working with you immediately. The Majority Leader also is very interested in this matter and very complimentary of you and wants to work on issues on the Furnace Creek Road in the White Mountains. But we are not going to dawdle on this.

Senator BOXER. We will definitely dawdle with you on that later. But we are ready. If there is a tweak here or there or something we need to do, we are ready to do it. But we are excited, and I think you can see why.

Senator WYDEN. Colleagues, does anyone wish to ask Senator Boxer anything? Or we will excuse her at this time.

Senator BOXER. Thank you very much, all.

Senator WYDEN. OK. Thank you, Chair Boxer.

Our next witness will be the Honorable Brent Wahlquist, Director of the Office of Surface Mining Reclamation; Henri Bisson of the Bureau of Land Management; Joel Holtrop of the Forest Service. If all of you will come forward.

Gentlemen, we will make your prepared remarks a part of the record. Mr. Holtrop has heard me say extra credit for summarizing your views will be great because I know colleagues want to ask questions. Why do we not begin with you, Mr. Wahlquist?

STATEMENT OF BRENT WAHLQUIST, DIRECTOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR

Mr. WAHLQUIST. Mr. Chairman and distinguished members of the committee, I appreciate the opportunity to be here to submit testimony on S. 2448. I have submitted a short statement for the record and will be happy to address any questions.

[The prepared statement of Mr. Wahlquist follows:]

PREPARED STATEMENT OF BRENT WAHLQUIST, DIRECTOR, OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT, DEPARTMENT OF THE INTERIOR, ON S. 2448

Mr. Chairman and Distinguished Members of the Committee, thank you for the opportunity to submit testimony on S. 2448, a bill to make certain changes to the 2006 Amendments to the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This bill would require that funds distributed to certified States and Indian Tribes under Section 411(h) be made as direct payments to those States and Indian Tribes as opposed to using simplified grants for this distribution.

Mr. Chairman, as we explain below, this bill will result in a significant loss to the US Treasury. Further, the bill would create a disparate funding advantage to those states and tribes that have no remaining coal AML problems. Yet addressing those problems was the basic reason for creating and extending the AML fund. Additionally, if these funds are distributed as direct payments, then the Treasury would have to borrow money in advance before States are ready to expend it, thereby allowing states to earn interest on those funds at the expense of the Federal taxpayer. That is not prudent fiscal policy. The bill could also have PAYGO costs. For all of these reasons, the Administration cannot support the bill.

BACKGROUND

The Office of Surface Mining Reclamation and Enforcement (OSM) has always used grants to distribute Abandoned Mine Land (AML) funds. When grants are used to make disbursements, the funds remain in the US Treasury until they are actually needed to pay obligations by the States and Indian Tribes. Grants also provide

controls to ensure that funds are spent for authorized purposes, which is particularly important for grants to uncertified States.

The 2006 Amendments created two new types of Treasury payments to States and Indian tribes: (1) distribution of Treasury funds in lieu of the prior unappropriated state/tribal share balance to all states and tribes over 7 years, starting in fiscal year 2008 (Section 411(h)(1))(prior balance replacement funds), and (2) payments in lieu of future state/tribal share to certified states and tribes, starting in fiscal year 2009 (Section 411(h)(2))(certified in lieu payments.) States and tribes receive funds from Treasury equal to their unappropriated balances so that those unappropriated funds actually remain in the AML fund and continue to earn interest that is paid annually to the United Mine Workers of America (UMWA) health care plans.

As the law is currently written, OSM must continue to use grants to distribute both Treasury and AML funds. Therefore, for fiscal year 2008, OSM used grants to distribute both Treasury and AML funds under the 2006 amendments.

For certified States and Tribes, however, we provided a much simpler process since we do not have a responsibility for approving or disapproving individual expenditures.

In this first year of distribution, certified states reported that this simpler process worked well for them. Wyoming, for example, has already obligated fiscal year 2008 payments for the University of Wyoming School of Energy Resources operating budget, a School of Energy Research gasification facility, and other construction projects. Our proposed rule, published on June 20, 2008 and currently out for public comment (Federal Register/Volume 73, No. 120 / June 20, 2008), is consistent with this simpler process.

S. 2448

S. 2448 would require that the Treasury funds described above be distributed as direct payments to the certified States and Indian tribes. The effect of this requirement is a significant loss to the Treasury. The primary effect of this change is that certified states and tribes would be able to immediately deposit these funds in interest bearing accounts until spent rather than establishing a line of credit through a grant against which certified states and tribes can withdraw funds as needed to meet expenses charged to the grant. The bill does not alter distribution for uncertified States.

The Department has serious concerns with the consequences of the direct payment scheme. The effect of this requirement is a loss to the Treasury. Currently, the unappropriated State and Tribal share balance in the AML fund earns interest and, pursuant to SMCRA, the interest is used to help defray the costs of health care for certain retired coal miners through UMWA health care plans. In 2006, Congress mandated that replacement funds come from the Treasury rather than from the AML fund in order to ensure that the AML fund would not be depleted and would continue to produce interest for UMWA health care payments. By requiring that these replacement payments be paid upfront, we will have to borrow those funds and pay interest on them earlier and in a larger amount which will be in addition to the interest the AML fund is paying for UMWA health care.

We are also concerned that the benefit of earning interest on direct payments would only be available to certified states and tribes that no longer have any coal AML problems to address, while those uncertified states with extensive remaining coal AML problems would not receive this benefit.

Finally, the bill could have PAYGO costs by requiring an immediate outlay of funds for direct payments. In contrast, simplified grants provide funds as needed, so the outlays would take place over time.

For these reasons, the Department cannot support S. 2448.

Senator WYDEN. Very good. That is a land speed record for testimony.

Mr. Bisson, why do you not go next?

STATEMENT OF HENRI BISSON, DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY AVRA MORGAN, BUREAU OF RECLAMATION

Mr. BISSON. Thank you, Senator, Mr. Chairman.

Mr. Chairman and members of the committee, thanks for inviting me to testify. Because there are so many bills, I am going to

be very briefly summarizing the Administration's position on each of these.

The Department supports S. 2354, which directs the conveyance of 165 acres of BLM-administered public lands to the city of Twin Falls, Idaho to be used to improve water quality in the Snake River and enhance wildlife habitat. We would like the opportunity to work on some minor technical clarifying amendments.

H.R. 3490 directs that 66 acres of land currently administered by the BLM be taken into trust for the benefit of the Tuolumne Band of Me-Wuk Indians in central California. The Department supports the legislation and would like to work with the committee on clarifying language.

The Department supports H.R. 3651, which directs the conveyance of 431 acres of withdrawn public lands to the State of Utah for the use of the Utah Army National Guard. Again, we would like to work with you on some language regarding the reversionary clause.

Three of the bills before the committee today designate BLM administered lands as wilderness. In general, the Department of the Interior supports the efforts of congressional delegations to resolve wilderness issues in their States. Congress has the sole authority to designate lands to be managed as wilderness, and we have repeatedly urged that these issues be addressed legislatively.

The Department is concerned about ensuring that consideration is given to energy potential when any legislative proposal for special designation is considered. The BLM has reviewed the traditional and renewable energy values of these areas and has determined that there is low or no potential for energy development within the proposed wilderness areas.

S. 3065 designates approximately 211,000 acres of public land in the Colorado Counties of Delta, Mesa, and Montrose as the Dominguez-Escalante National Conservation Area and designates a little over 66,000 acres as wilderness within the NCA. We support S. 3065 and would like the opportunity to work on a few modifications to the bill.

The Eastern Sierra and Northern San Gabriel Wild Heritage Act, S. 3069, designates nearly half a million acres as wilderness, as well as 52 miles of wild and scenic river in the Eastern Sierra region of California. The designations in S. 3069 are largely on National Forest System lands and we defer to the Department of Agriculture on those designations.

We support the proposed Amargosa Wild and Scenic River designation, and with modifications, the proposed Granite Mountain Wilderness Area to be managed by the BLM.

We support H.R. 2632, which designates nearly 16,000 acres of BLM-administered lands in northwestern New Mexico as the Sabinoso Wilderness Area.

Finally, I am submitting testimony on behalf of the Department of the Interior on S. 3085, the Cooperative Watershed Management Act. Because of the concerns outlined in the full testimony, the Administration cannot support the bill.

I am accompanied by Avra Morgan who is from the Bureau of Reclamation who would be happy to answer any questions regarding S. 3085.

Thank you for the opportunity to present the Administration's position on these bills, and I would be glad to answer any questions.

[The prepared statements of Mr. Bisson follow:]

PREPARED STATEMENTS OF HENRI BISSON, DEPUTY DIRECTOR, BUREAU OF LAND
MANAGEMENT, DEPARTMENT OF THE INTERIOR

H.R. 2632

Thank you for inviting me to testify on H.R. 2632, the Sabinoso Wilderness Act. The Department of the Interior supports H.R. 2632, a bill designating 15,995 acres of BLM-managed land in northwestern New Mexico as the Sabinoso Wilderness area.

The Department strongly supports Congressional efforts to resolve wilderness designations throughout the West, and we welcome this opportunity to further those efforts. 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 this goal.

The Sabinoso area provides a rugged and dramatic landscape. Deep sinuous canyons are interspersed with flat-topped mesas in an area that has changed little over the last several hundred years. While there is both archaeological and historical evidence of sporadic human visitation, the rough nature of the terrain has discouraged all but the hardiest. Today, the canyons and mesas are home to mule deer, elk, mountain lion, and wild turkey. Golden eagles and turkey vultures soar off the thermals rising from sandstone canyon walls.

The Department is concerned about ensuring that consideration is given to energy potential when any legislative proposal for special designation is considered. The BLM has reviewed the traditional and renewable energy values of the proposed Sabinoso Wilderness, and has determined that there is low or no potential for energy development within the area.

The BLM is currently working with the state on a land exchange which would result in the acquisition of state land inholdings within the proposed wilderness. This process should be completed within a year. We also are in discussions with private landowners in the area about acquiring either conservation easements or fee title of some of the private inholdings. The BLM only explores such options from willing landowners.

The local community has worked in the spirit of cooperative conservation to reach consensus on the proposed designation. The New Mexico House of Representatives and San Miguel County, New Mexico have passed resolutions in support of wilderness designation of Sabinoso.

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

H.R. 3651

Thank you for inviting me to testify on H.R. 3651, the Utah National Guard Readiness Act. The Department supports the conveyance of the lands identified in H.R. 3651 to the State of Utah for homeland security or national defense purposes. However, we would like the opportunity to work with the Committee on some modifications to the reversionary clause.

BACKGROUND

Camp W. G. Williams is located approximately 25 miles south of Salt Lake City, Utah, in an area of expanding residential development. The 24,000 acre base is a National Guard training site administered by the Utah Army National Guard and includes training facilities for a variety of military purposes. Approximately 18,000 acres of the base are comprised of public land that has been withdrawn to the United States Army as a training facility for the Utah Army National Guard under the provisions of Executive Order 1922 and Title IX of Public Law 101-628, the Arizona Desert Wilderness Act of 1990.

H.R. 3651 directs the Secretary of the Interior to convey to the State of Utah at no cost approximately 431 acres of the 18,000 acres currently withdrawn for the purpose of permitting the Utah Army National Guard to use the conveyed land. The legislation includes a reversionary clause to return the land to the ownership of the United States if attempt is made by the State of Utah to sell the land or use the land for non-National Guard or non-national defense purposes.

Because the public lands proposed for conveyance are currently withdrawn for the benefit of the United States Army, a portion of the overall withdrawal to the Army is revoked by this legislation in order that the lands may be appropriately conveyed. We defer to the Department of Defense on their position on the partial revocation of the underlying withdrawal.

As we have expressed in prior statements, the Department generally supports a conveyance at no cost if the conveyed land is used for important national security and defense purposes. We would note that these lands are already withdrawn for military uses to the U.S. Army for use by the Utah National Guard. We would like clarification why it is necessary to convey land directly to the State of Utah for use by the National Guard.

We would like to work with the sponsor of the legislation on some technical considerations regarding the reversionary clause. Specifically, the reversionary clause language is broad and would be difficult for the Department of the Interior to oversee. Additionally, the Department would like any reversionary clause to be exercised at the discretion of the Secretary.

Thank you for the opportunity to provide testimony.

H.R. 3490

Thank you for inviting me to testify on H.R. 3490, the Tuolumne Me-Wuk Land Transfer Act. The legislation directs that approximately 66 acres of land currently administered by the Bureau of Land Management (BLM) be taken into trust for the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria (Tribe). The House of Representatives passed this legislation on April 29, 2008, with an amendment in the nature of a substitute. The Department supports the bill; however we would like to work with this Committee to clarify language in the House-passed bill.

H.R. 3490 represents years of cooperative effort between the Tribe and the BLM. The Tribe seeks trust status for three parcels of BLM-managed lands: the first tract, an approximately 50.2 acre parcel, to establish a cultural center. The second tract, of approximately 15.35 acres, would help meet the Tribe's agricultural, housing, and open space needs. The third tract, of approximately 0.4 acres, contains a cemetery where tribal members and other Indians are buried. These scattered tracts of public lands are adjacent to the current Tuolumne Indian Rancheria, located just north of the small community of Tuolumne, in rural northwest Tuolumne County, California.

The land in question has been managed by the BLM pursuant to a 1983 Management Framework Plan (MFP) for the Tuolumne River Management Area. The MFP was replaced by the Sierra Resource Management Plan (SRMP) through a Record of Decision on February 15, 2008. The SRMP clearly identifies these scattered tract parcels as potentially available for disposal based on current land uses. Transfer of the administrative jurisdiction of the three parcels from the BLM to the Bureau of Indian Affairs (BIA) would therefore conform to the SRMP.

The Department is pleased that H.R. 3490 addresses valid and existing rights and gaming. Our testimony on H.R. 3490 before the House Committee on Natural Resources (April 9, 2008) raised a concern about the timeframe the bill allowed for completing necessary surveys. At markup, the Natural Resources Committee amended section 3(d) of the bill as we had recommended. The Department appreciates the positive action to address our concerns.

We are concerned that language pertaining to the National Environmental Policy Act (NEPA) in the House-passed bill may lead to confusion. We would appreciate the opportunity to work with this Committee on clarifying language.

The Department has had a cooperative working relationship with the Tuolumne Band of Me-Wuk Indians on this requested land transfer and supports H.R. 3490 with clarification.

This concludes my prepared testimony. I am happy to answer any questions the Committee may have.

S. 3065

Thank you for inviting me to testify on S. 3065 the Dominguez-Escalante National Conservation Area and Dominguez Canyon Wilderness Area Act. The Department of the Interior supports S. 3065 and would like the opportunity to work with the sponsor and the Committee on some modifications.

BACKGROUND

The nearly 211,000 acres of public lands comprising both the proposed Dominguez-Escalante National Conservation Area (NCA) and within it the Dominguez Canyon Wilderness Area span three western Colorado counties: Mesa, Delta and Montrose. Special designation for this area recently came to fruition

through a collaborative process driven by the Colorado Congressional delegation, the Mesa, Montrose and Delta County Commissions, the National Resources and Policy Institute at Mesa State College and the Public Lands Partnership.

This effort, undertaken in the spirit of cooperative conservation, seeks to protect astounding landscapes. Red-rock canyon walls and sandstone bluffs covered in pinyon-juniper tower thousands of feet above a treasure trove of cultural and historic sites. These canyons are interlaced with the West's most valuable resource—water. Escalante Creek and the Little and Big Dominguez Creeks drain the eastern Uncompahgre Plateau, cascading through sandstone canyon walls displaying 600 million years of history. A variety of wildlife call Dominguez-Escalante home, including desert bighorn sheep, golden eagle, mountain lion, black bear, mule deer and the collared lizard. The area offers some of the best mule deer hunting to be found anywhere in the Rocky Mountain West.

Rock art, created by those who came before, tells the story of shelter and sustenance sought in these canyons and valleys for thousands of years. Today, the Ute Tribes view these lands as an important connection to their ancestral past.

S. 3065 proposes to designate 210,677 acres of BLM-managed land as the Dominguez-Escalante NCA and within it the 66,280 acre Dominguez Canyon Wilderness Area. Each of the NCAs designated by Congress and managed by the Bureau of Land Management (BLM) is unique. For the most part, however, they have certain critical elements, which include withdrawal from the public land, mining and mineral leasing laws; OHV-use limitations; and language that charges the Secretary to allow only those uses that further the purposes for which the NCA is established. Furthermore, NCA designations should not diminish the protections that currently apply to the lands. Section 4 of S. 3065 designating the Dominguez-Escalante NCA is consistent with these principles and we support its designation.

Section 5 of the bill designates over 66,000 acres of the NCA as wilderness. These lands are currently part of the Dominguez Wilderness Study Area (WSA). The Department strongly supports Congressional efforts to resolve wilderness designations throughout the West, and we welcome this opportunity to further those efforts. Only Congress can determine whether to designate WSAs as wilderness or release them for other multiple uses and we have repeatedly urged that these issues be addressed legislatively. We support the designation proposed by the legislation and would like the opportunity to work with the sponsor and the Committee on possible minor boundary adjustments to ensure efficient manageability.

The current WSA covers approximately 68,505 acres of BLM-managed public lands. Approximately 3,000 acres currently managed as WSA are not proposed for wilderness designation. We recommend the release of those acres from WSA status. Those acres remain within the NCA but their release from WSA status will improve efficiency and clarify management.

There are three unusual provisions in the S. 3065 which are unique to this area and we would like to briefly describe them. First, section 7(d) (3) allows for the exchange of certain lands within the NCA. Typically we do not exchange lands within NCAs, however in this case the exchange of private land within the NCA for public land within the NCA would further the protective purposes for which the NCA is established and resolve an inadvertent trespass situation. We support this provision. Second, section 7(h)(5)(B) allows for construction of new livestock watering facilities described in existing planning documents, provided they result in no impairment of the wilderness and provide for the protection and improved management of the wilderness. This is consistent with Congressional guidance on grazing in wilderness and is in accordance with BLM's wilderness management regulations. Last, section 7(j) makes clear that the legislation does not affect the preexisting life estate agreement for a single individual within the wilderness. This agreement has been in place for nearly 20 years and we support the provision clarifying that there is no intent to modify or alter that agreement.

The Department is concerned about ensuring that consideration is given to energy potential when any legislative proposal for special designation is considered. The BLM has reviewed the traditional and renewable energy values of this area proposed for designation, and has determined that there is low or no potential for energy development within the proposed Dominguez-Escalante NCA and wilderness area. However, we would note that the BLM has undertaken a planning process for energy right-of-way corridors as required by section 368 of the Energy Policy Act of 2005 (P.L. 109-58). A portion of one of those proposed corridors (#132-136) crosses the eastern edge of the proposed Dominguez-Escalante NCA. This proposed corridor on Federal land provides for an important north-south route connection for critical energy transmission, crossing the Gunnison River on the eastern side of the NCA and connecting to an existing designated corridor on Federal land north of Highway 50. The Draft Environmental Impact Statement (EIS) for the corridor

planning process under Section 368 was released in November 2007; a Final EIS is expected to be released in November of this year. While rights-of-way are not prohibited within NCAs, the sponsor may want to consider a minor boundary modification to exclude the proposed corridor from the NCA.

Thank you for the opportunity to testify in support of S. 3065, I will be happy to answer any questions.

S. 3069

Thank you for inviting me to testify on S. 3069, the Eastern Sierra and Northern San Gabriel Wild Heritage Act. The designations included in S. 3069 are largely on National Forest System lands and we defer to the Department of Agriculture on designations on lands predominantly under their jurisdiction. The Department of the Interior supports the proposed Wild & Scenic River designation on lands administered by the Bureau of Land Management (BLM) and, with modifications, the proposed Granite Mountain Wilderness area to be managed by the BLM.

S. 3069 is a wide-ranging bill which designates nearly half a million acres of wilderness, 52 miles of Wild & Scenic River, and a number of special management areas in the Eastern Sierra region of California. We will limit ourselves to a discussion of those designations directly affecting BLM-managed lands, specifically the proposed Amargosa Wild & Scenic River and the proposed Granite Mountain Wilderness, as well as the release of several BLM-managed Wilderness Study Areas (WSAs). Additionally, we will address those portions of the proposed White Mountain Wilderness and John Muir Wilderness Additions that are managed by the BLM.

The BLM supports that portion of section 6 of S. 3069 that designates approximately 26 miles of the BLM-managed Amargosa River under the Wild & Scenic Rivers Act. This designation is consistent with BLM planning and has strong local backing. Five separate segments of the Amargosa are designated including one wild segment, two scenic segments, and two recreational segments. The Amargosa, known locally as the "Crown Jewel of the Mojave Desert," is the only free-flowing river in the Death Valley area and as such provides a rare and lush riparian space in the desert. This proposed Wild & Scenic River designation is the result of a grassroots community-based effort through cooperative conservation.

Section 3 of S. 3069 designates a number of areas as wilderness, including one that is primarily on BLM-managed lands, and section 5 releases all or part of four BLM WSAs to a wider range of multiple uses. The Department strongly supports Congressional efforts to resolve wilderness designations throughout the West, and we welcome this opportunity to further those efforts. Only Congress can determine whether to designate WSAs as wilderness or release them for other uses. We would like the opportunity to work with the sponsor and the Committee on some technical modifications to the wilderness management language to assure consistency.

The proposed 35,564 acre Granite Mountain Wilderness lies primarily on BLM-managed lands (approximately 2,700 acres are within the Inyo National Forest). This is an area of stunning vistas: to the northwest is Mono Lake with a spectacular backdrop of the Great Basin, and the Sierra Nevada range soars to the skyline with snowcapped peaks and granite spires. Wildlife values are high and the area abounds with raptor nesting sites and provides an intact natural corridor for deer during critical seasonal migrations.

We support the designation and would like the opportunity to work with the sponsor and the Committee on possible minor boundary adjustments to ensure efficient manageability. In addition, we would like the opportunity to prepare the map of the Granite Mountain Wilderness to be referenced in the legislation.

The Department is concerned about ensuring that consideration is given to energy potential when any legislative proposal for special designation is considered. The BLM has reviewed the traditional and renewable energy values of the DOI portions of the Granite Mountain Wilderness proposed for designation and has determined that there is low or no potential for energy development within the area.

The legislation also releases several WSAs and returns them to a wider range of multiple public uses as prescribed in BLM's Bishop Resource Management Plan. Specifically, the bill releases the 6,493 acre Masonic Mountain WSA, the 7,721 acre Mormon Meadow WSA, the 12,840 acre Walford Springs WSA, and those portions of the Granite Mountain WSA not designated by this bill, approximately 22,481 acres. We support these Congressional efforts to resolve WSA status. In addition, we recommend the release of the 760 acres of the White Mountains WSA that are not designated as wilderness by this bill.

Finally, S. 3069 designates as wilderness several areas of BLM-managed land that are contiguous to much larger areas of National Forest System lands des-

ignated as wilderness in this bill. The proposed 80,000-acre John Muir Wilderness Additions include five small BLM parcels totaling 780 acres. The proposed 223,500-acre White Mountains Wilderness includes five small BLM parcels totaling 1,200 acres on the western edge of the proposed wilderness and one large 22,300 acre area on the eastern edge. We defer to the Forest Service on the larger issue of designation of the John Muir Wilderness Additions and the White Mountains Wilderness.

Thank you for the opportunity to testify on S. 3069 as it affects BLM-managed lands. I'll be glad to answer any questions.

S. 2354

Thank you for inviting me to testify on S. 2354. This legislation directs the Secretary to convey without consideration approximately 165 acres of BLM public lands to the city of Twin Falls, Idaho, to be used to improve water quality in the Snake River and enhance wildlife habitat. We understand that the proposed conveyance is part of a broader project that would accomplish important public purposes, and the Department recognizes the vision and leadership of the city of Twin Falls in developing this innovative and cooperative conservation effort. The Department supports S. 2354. We would like the opportunity to work with the sponsors on certain clarifying technical amendments.

BACKGROUND

In 2002, the city of Twin Falls purchased about 520 acres of private land within the Snake River Canyon in order to create a public park and wildlife habitat with unique environmental and public benefits. The land, known as Auger Falls, is located about two miles downstream of the City's wastewater treatment plant, which daily discharges nearly 7 million gallons of treated wastewater into the Snake River. The treated wastewater meets or exceeds Federal permit standards, but still contains nutrients, such as nitrogen and phosphorus, which tend to promote the growth of mosses and other potentially harmful aquatic species within the river. The proposed project would improve water quality in the Snake River by constructing 53 acres of wetlands at Auger Falls. The treated wastewater would be piped from the treatment plant to the wetlands, where it will be filtered further by soils, aquatic plants, and organisms, allowing cleaner water to return to the Snake River. The City's project master plan envisions acquiring and incorporating 165 acres of adjacent BLM lands into the Auger Falls Project. The treated wastewater would be used to establish riparian vegetation in the series of wetlands and to create wildlife habitat throughout the combined 685 acre site. Public access would be provided to the entire area, and hiking, wildlife viewing, environmental education and other dispersed recreation activities would be made available and encouraged.

S. 2354 would convey to the city of Twin Falls, without consideration, four parcels of BLM-managed land totaling approximately 165 acres. Under the bill, the conveyed lands would be used to support public purposes and could not be used for residential or commercial purposes, except for a limited agricultural exemption to allow for water quality and wildlife habitat improvements. The conveyed lands would revert to the United States, at the discretion of the Secretary, if the lands identified were no longer used in accordance with the purposes of the bill. The bill also provides that the city of Twin Falls would pay all survey and administrative costs necessary for the transfer, and that the conveyance would be subject to valid existing rights.

The BLM lands identified for conveyance in S. 2354 are isolated parcels surrounded by private or City-owned lands. Two of the parcels have no legal public access. We note that among the valid existing rights on the parcels are a Federal Energy Regulatory Commission (FERC) Water Power Site Reservation (Project No. 565, IDI-5630), a FERC Power Project Withdrawal (Project No. 6015, IDI-26589), and a United States Geological Survey (USGS) Water Power Site Classification (Project No. 390, IDI-15798). In accordance with Section 24 of the Federal Power Act, patents issued for the conveyed lands must include a reservation to the United States for potential future power site development. We understand that FERC representatives have indicated the proposed transfer would have minimal affect on the withdrawals, but we defer to FERC for its views on this issue.

The Department supports the conveyance identified in S. 2354 because it will help achieve important public purposes and is consistent with the intent of the Recreation and Public Purposes Act. The bill would maintain and potentially enhance the resource values on these lands, and we understand it would also contribute to a broader effort that would provide important public and environmental benefits. To confirm and strengthen this understanding, we would like to work with the sponsors to more fully describe the purpose of the conveyance in terms of the specific goals

of the Auger Falls Project. We would also like to work with sponsors on certain technical amendments to clarify and facilitate the conveyance process, including providing a map instead of legal descriptions of the lands to be conveyed.

We appreciate the effort of the city of Twin Falls and the sponsors to craft an innovative and cooperative conservation effort that will provide wide-ranging benefits to public lands and the region's environment.

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

S. 3085

Mr. Chairman and members of the Subcommittee, I am pleased to provide the Department of the Interior's views on S. 3085, the Cooperative Watershed Management Act of 2008. The Administration believes current programs address some of the purposes of this bill and would like to review its various programs with the sponsors; however, because of the concerns outlined below, the Administration cannot support the bill.

This legislation would authorize \$199 million to provide grants to create a new Cooperative Watershed Management Program (Program) that would facilitate cooperative watershed management groups (Groups). Participation in the Program would be subject to eligibility criteria, and these Groups would be made up of a broad cross section of stakeholders within a given watershed and include tribes and any Federal agencies with authority in the watershed, including the United States Department of Agriculture, the Department of the Interior, and the Department of Commerce (through the National Oceanic and Atmospheric Administration).

The legislation would require DOI, within 1 year of the legislation's enactment, to establish an application process for which an eligible entity would apply for a grant. S. 3085 also would require DOI to establish criteria that would determine if a management entity was eligible for a grant. S. 3085 also proposes implementing this program in three separate phases. The first phase seeks to provide funding as a way of increasing or establishing membership in the various management groups, develop a mission statement for the group, and develop project concepts. The second phase is designed to provide grants to eligible management groups to conduct watershed management projects. Finally, the legislation envisions a third phase that would enable management groups that have completed the requirements of the second phase and demonstrated demonstrable improvements in the functioning condition of at least one river or stream in the watershed to receive multi-year funding.

There are a multitude of groups of various forms with watershed management interests. The groups are generally grass roots in nature and structured to meet local needs. Interior agencies participate in and support watershed groups as appropriate to their local jurisdiction.

The Department has several concerns with S. 3085. While grant funding as in S. 3085 would benefit certain of these groups, implementation of this bill would have to compete for funds with other ongoing Federal projects. Also, the Federal cost share commitment—which can range from 50 percent to 100 percent—could leave the Federal Government as the primary source of funding for these watershed projects.

Furthermore, the Department's Water for America initiative contemplates an increased role for Interior agencies working at the watershed level with urban, rural, and agricultural water users to stretch existing water supplies and carry out measures to protect endangered species at high-risk watersheds, thereby averting water crises. The President's fiscal year 2009 Budget included \$21.3 million for the Water for America initiative.

In addition, the Department's Cooperative Conservation Enhancement Act (S. 2231), introduced by Senator Bingaman on behalf of the Administration, would among other things, authorize grants and cooperative agreements for funding up to 50 percent of the costs of planning, designing, or constructing improvements for water conservation and use purposes. The Department, through the U.S. Fish and Wildlife Service, also provides financial support to implement the National Fish Habitat Action Plan, a state-led investment strategy that fosters local and regional partnerships, which mirror the watershed management groups envisioned by S. 3085. S. 2231 also would clarify existing partnership and cooperative agreement authorities while reducing administrative barriers.

The Department is well aware of the challenges western water users are facing as a result of drought and increased demand for limited water resources. Further, we agree that many of the best solutions to the challenges faced by individual watersheds come from the local level. Toward resolving these problems, Interior agencies have subject matter experts on the ground in these watersheds, and, Reclamation in particular, are working with local entities to address short-and long-term

water challenges. We remain concerned, however, that the new program would compete with existing funding for ongoing projects, and could be duplicative of those efforts.

The Department understands the importance of continuing its coordination and participation with local watershed groups and is continuing to explore options that will provide significant benefits to the water users and public. Thank you for the opportunity to present the Department of the Interior's views on this legislation.

Senator WYDEN. Mr. Bisson, thank you.

We have been joined by the chairman of the full committee, Senator Bingaman, also Senator Craig.

I think what we will do now is we will have you go, Mr. Holtrop, and then we will go to Chairman Bingaman. We will go to Senator Craig for any opening statements they would like to make. Then we will have questions.

Mr. Holtrop.

STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. HOLTROP. Mr. Chairman and members of the committee, thank you for inviting me to provide the Department of Agriculture's views on S. 3069 and H.R. 3473. You have my full statement for the record. So this afternoon I will provide you with a brief summary.

The Eastern Sierra and Northern San Gabriel Wild Heritage Act is a large and complex bill. It would designate more than 470,000 acres of new wilderness and about 52 miles of wild and scenic river. It creates a number of special management areas affecting both National Forest System and Bureau of Land Management lands.

The Department supports many of the provisions of this bill, including many of the wilderness and wild and scenic river designations. We also appreciate the attention placed on motorized winter recreation. We are, however, unable to support all of the proposed designations.

The Forest Service engages citizens in its land management planning process, and in this process, we work cooperatively with them to develop wilderness recommendations. These forest plans inform our views on this legislation.

In general, the Department supports designation for wilderness areas that were recommended for wilderness in our forest land management plans. We would not oppose wilderness designation by Congress for most of the other proposed areas if certain boundary adjustments and technical corrections are made.

In addition, we would not oppose if issues that we identified today are addressed. We would like to discuss specific boundaries with the subcommittee and bill sponsors.

In summary, the Department supports the many aspects of S. 3069 which would add outstanding landscapes in the Eastern Sierra and Northern San Gabriel areas of California to the wilderness preservation system. As I have testified before, the Forest Service has always championed wilderness. We care about maintaining the integrity of wilderness areas as places that are dominated by forces of nature and that offer outstanding opportunities for solitude or primitive and unconfined recreation. For those rea-

sons, we would like to work with the subcommittee and the bill's sponsors to address our concerns.

Turning to H.R. 3473, the Bountiful City Land Consolidation Act, the Department support its concepts. The current bill does not reflect a number of provisions that are needed before we can support this legislation. The bill proposes to exchange an urban parcel of National Forest System land adjoining the city of Bountiful for watershed lands and funds to purchase additional lands on the Wasatch-Cache and Uinta National Forests in Utah. The national forest urban parcel includes a shooting range operated under permit to the local Lions Club. The club desires to invest in shooting range improvements, and the city of Bountiful would like to assist the club.

For the Department to support the legislation, we request a few important changes and clarifications such as providing for a cash equalization payment in excess of 25 percent, providing for the city to assume liability for the hazardous waste associated with the shooting range, requesting flexibility to conduct environmental analysis at an appropriate level. The bill should clearly state that the agency has authority for direct or competitive sale of the urban parcel, and the bill should provide for a 2-year timeframe for the city to acquire the property.

Let me be clear. The Forest Service does not oppose target shooting on national forests. Nevertheless, local partners are often better equipped to manage these facilities. In this case, it would be a better fit for the city to own the land and the Forest Service to manage the lands within the surrounding watershed.

That concludes my statement, and I will be happy to answer any of your questions.

[The prepared statement of Mr. Holtrop follows:]

PREPARED STATEMENT OF JOEL HOLTROP, DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE, ON S. 3069 AND H.R. 3473

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide the Department of Agriculture's views on the Forest Service bills before you today: S. 3069: The Eastern Sierra and Northern San Gabriel Wild Heritage Act and H.R. 3473: the Bountiful City Land Consolidation Act.

S. 3069: THE EASTERN SIERRA AND NORTHERN SAN GABRIEL WILD HERITAGE ACT

S. 3069 is a large and complex bill that would designate more than 470 thousand acres of new wilderness and about 52 miles of wild and scenic river. It would create a number of special management areas, and would establish specific management direction for wilderness areas designated under this Act. These designations would affect both National Forest System (NFS) and Bureau of Land Management (BLM) lands. Our discussion is focused on proposals involving NFS lands.

The Department supports many of the provisions of this bill, including much of the wilderness and wild and scenic river designations, as well as the attention focused on motorized winter recreation. However, we are unable to support all of the proposed designations because of various conflicting uses or because the areas do not meet the criteria established by the Wilderness Act of 1964 and Forest Service policy. Questions and concerns remain on some of the bill's provisions. One area of special concern relates to the clarity and technical adequacy of the maps that accompany this bill and has posed a challenge to our ability to understand the extent of the bill and assess implications regarding on-the-ground management of areas within, and adjacent to, proposed boundaries. We would like to work with the subcommittee and bill sponsors to address these and other outstanding issues.

Consistent with the Wilderness Act and National Forest Management Act, the Department supports wilderness designation for areas that are dominated by the forces of nature, and that offer outstanding opportunities for solitude or primitive and

unconfined recreation. The Forest Service engages the public in its land management planning process as a means of collaboratively developing wilderness recommendations. The Forest Plans for the three National Forests on which these designations would occur have informed our views on this legislation.

PROPOSED WILDERNESS AREAS

Magic Mountain and Pleasant View Ridge

S. 3069 would designate 13,709 acres as the Magic Mountain Wilderness and 28,424 acres as the Pleasant View Ridge Wilderness in the Angeles National Forest, for a total of 42,133 acres of new wilderness. Because these areas were not recommended for wilderness in the Angeles National Forest Land and Resource Management Plan's 2005 Record of Decision, the Department cannot support their designation unless certain boundary adjustments and corrections consistent with the Forest Plan are made to address the issues listed below.

The Forest Plan allocated the majority of these acres (36,871) to Backcountry Non-motorized use. Backcountry nonmotorized areas are managed to meet the physical, managerial, and social settings consistent with the Recreation Opportunity Spectrum descriptions for semi-primitive non-motorized (SPNM) recreation. They provide a wide variety of dispersed recreation opportunities and settings. Natural processes are the primary agents for vegetative change, with vegetation management used only to protect the resource or complement the recreational value. To minimize potential conflicts, the continued use of the current Forest Plan designation remains appropriate, but the Department would not object to the designation by Congress of these lands as wilderness. The remaining acres are allocated to Backcountry Motorized Use Restricted (2,349 acres), Developed Area Intermix use (1,158 acres), and Critical Biological use (774 acres).

These Forest Plan land management designations accommodate several different uses within these areas that wilderness designation could potentially impact. There are four mining operations located in the proposed Magic Mountain Wilderness. In the proposed Pleasant View Ridge Wilderness, there are several linear special use permits, including water and electric lines that would require mechanical equipment to access and maintain, a developed trail camp that serves hikers on the Pacific Crest Trail, and active fuel reduction projects that provide defensible space in the wildland urban interface. To minimize these potential impacts, we suggest the continued use of the current Forest Plan designation remains appropriate.

If wilderness areas are designated on the Angeles National Forest beyond those recommended in the Forest Plan, we suggest the areas allocated as backcountry non-motorized use would be more suitable than the other areas. We would like to work with the subcommittee and the bill's sponsors to adjust boundaries to allow most current uses to continue.

Hoover East and Hoover West Additions on the Humboldt-Toiyabe National Forest

S. 3069 would designate a total of 76,982 acres of new wilderness on the Humboldt-Toiyabe National Forest in the following areas: 39,815 acres as the Hoover East Wilderness and 37,666 acres as the Hoover West Wilderness. A majority of these acres were recommended for wilderness designation in the Humboldt-Toiyabe National Forest Land Management Plan. Therefore we support their designation as wilderness, although we would like to discuss specific boundaries with the subcommittee that are consistent with Forest Plan recommendations. For example, the Hoover East Addition includes two large "cherry stem" wilderness exclusions, which are narrowly drawn corridors to exclude designated roads, travelways, or other areas from wilderness designation, and other boundary lines that do not coincide with the Forest Plan wilderness recommendations. We support the Forest Plan recommendations in their entirety.

Emigrant Wilderness Addition

S. 3069 would add approximately 251 acres of the Humboldt-Toiyabe National Forest to the adjacent Emigrant Wilderness, which is currently managed by the Stanislaus National Forest. This area is allocated as semi-primitive non-motorized recreation in the current Forest Plan. We oppose designation of this area as wilderness due to additional difficulties that we would anticipate in managing oversnow vehicle use, which is already difficult here because of the nature of the terrain and conflicts with motorized crossing of the Pacific Crest National Scenic Trail. We would like to discuss the management situation in this area with the subcommittee and the bill's sponsors.

White Mountains Wilderness, Granite Mountain Wilderness, and Additions to the Ansel Adams, Hoover, and John Muir Wildernesses

Most of the lands that would be designated as wilderness by S. 3069, approximately 313,400 acres, are located within the Inyo National Forest. This includes 16,450 acres of an addition to the existing Hoover Wilderness (Hoover-Bighorn), 15,247 acres of the Owens River Headwaters to be added to the Ansel Adams Wilderness, and 79,850 acres to be added to the John Muir Wilderness. There are also two new wilderness areas designated by S. 3069: White Mountains Wilderness (199,000 acres on NFS lands) and the Granite Mountain Wilderness (2,900 acres on NFS lands). The other portions of these proposed wilderness areas are located on lands administered by the BLM.

Several of these proposed designations were not recommended as wilderness in the Inyo National Forest Land and Resource Management Plan (Forest Plan), which was completed in 1988. The Inyo National Forest Plan recommended that approximately 172,600 acres be designated as wilderness, but not all of those acres coincide with the bill's proposals. However, since the Plan's approval in 1988, many of the issues, concerns, and conditions that informed the Plan decisions have changed, and merit reanalysis.

In this regard, the Department supports designation of those acres recommended for wilderness designation in the Plan. The Department prefers to address other areas in light of changes mentioned above within the context of a forthcoming revision of the Forest Plan, but would not oppose wilderness designation by Congress for most of the other proposed areas, if certain boundary adjustments and technical corrections are made and if issues that we identify today are addressed.

Within the White Mountains, the Forest Plan recommended 120,008 acres as wilderness. Subsequent to the Forest Plan decision, Congress designated approximately 10,000 acres of the White Mountains as the Boundary Peak Wilderness Area within the State of Nevada. S. 3069 would add an additional 89,000 acres within the White Mountains beyond the Plan recommendation. A majority of these additional acres in the White Mountains were identified in the Forest Plan for semi-primitive recreation which includes opportunities for motorized use on designated routes. The Inyo National Forest is currently in the planning process for designating routes through a travel management planning process which, depending on the final decision of the planning process, may or may not concur with the routes designated as "cherry stems" in S. 3069. We would like to work with the subcommittee and the bill's sponsors to address concerns.

MOTORIZED CORRIDORS IN PROPOSED WILDERNESS

Overall, we are concerned with the extensive use of "cherry stems." The areas that would be designated in this bill include over 100 miles of "cherry stems" on NFS lands. In our view, it is important to maintain the integrity of wilderness by designating only those areas which are, as stated in the Wilderness Act of 1964 and in Forest Service policy, "dominated by the forces of nature". Allowing for continued motorized use miles into a designated wilderness, even along designated corridors, can lead to motorized incursions from the roadways, noise, and other intrusions, complicating wilderness management. Consistent with relevant Forest Plans, we recommend that areas where motorized use is necessary for uses such as range management, hunting, undeveloped recreation, and forest administration be omitted from wilderness designation. Such adjustments would result in more manageable boundaries for any proposed wilderness.

Should this legislation move forward with the "cherry stems" as mapped and that are inconsistent with relevant Forest Plans, we would like to work with the subcommittee on establishing corridors wide enough to allow for proper maintenance. Many of these routes are within drainages that are prone to washouts necessitating rerouting or reconstruction. In addition, some of the boundaries are very close to paved high speed roads which incur a high level of use, as they provide access to popular recreation opportunities such as dispersed camping, hang gliding and technical rock climbing.

Within the Inyo National Forest, an additional 11 miles of "cherry stemmed" roads are within inventoried roadless areas and are not designated as National Forest System roads. We would like to discuss this situation and inconsistencies with the Forest Plan with the subcommittee and bill's sponsors.

In addition, on the Inyo National Forest, approximately 32.3 miles of non-system routes as well as 1.1 miles of system road are not "cherry stemmed" but are within the boundaries of the proposed wilderness areas. These routes would require conversion to trails or decommissioning to protect resource values.

WILD AND SCENIC RIVERS DESIGNATIONS

S. 3069 would designate approximately 26.35 miles of streams on NFS lands as part of the Wild and Scenic Rivers System; 19.1 miles of Owens River Headwaters on the Inyo National Forest and 7.25 miles of Piru Creek on the Angeles and Los Padres National Forests.

The Forest Service has not conducted a wild and scenic river suitability study for either of these rivers. The Forest Service did make a determination of eligibility. Of the Owens River Headwaters proposal, all of Glass Creek, the lower portion of Deadman Creek and the 1.0-mile segment of the upper Owens River were found eligible for the National Wild and Scenic Rivers System. Segments A, B and the majority of segment C of Deadman Creek, however, do not possess outstandingly remarkable values and were found ineligible. Consistent with these determinations, the Forest Service supports designation of the eligible river segments. While the Department prefers to address other areas in a manner consistent with relevant determinations, we would not oppose designation of the ineligible segments of Deadman Creek because of their contribution to protecting the Owens River Headwater's outstandingly remarkable values while avoiding the creation of new management conflicts. We also wish to work with the subcommittee and the bill's sponsors to clarify river classifications in this proposal.

Section 6 of the bill incorrectly references the Secretary of the Interior as the administrator for the Owens River Headwaters (#172). The bill should be revised to indicate the Secretary of Agriculture as the administrator.

The two segments of Piru Creek proposed in this bill are both eligible with an outstandingly remarkable value of geology. The Forest Service does not oppose this designation because it would have little effect on current and future resource management.

ANCIENT BRISTLECONE PINE FOREST DESIGNATION

S. 3069 would designate approximately 28,991 acres of the Inyo National Forest as the "Ancient Bristlecone Pine Forest" to conserve and protect Ancient Bristlecone Pines.

This area contains groves of the oldest living trees in the world. We would like to work with the subcommittee on making minor boundary adjustments to add additional acreage to this proposal to ensure that all significant groves of ancient Bristlecone Pine are protected under this designation. The Department would support this designation if the bill is amended to remove the requirement in section 9(c) 4 for development of a new management plan for this area. As recognized in the bill, the 1988 Forest Plan provides sufficient direction for protection of this area, and the requirement to conduct additional planning would require the redirection of funds currently directed at the management of these outstanding resources.

BRIDGEPORT WINTER RECREATION AREA

Section 7 of S. 3069 would create a new designation for approximately 7,680 acres of land on the Humboldt-Toiyabe National Forest called the Bridgeport Winter Recreation Area. The Department supports this designation based on an Environmental Assessment signed in 2005, which includes many of the same management prescriptions included in S. 3069. Accordingly, our support is contingent on amendment of the bill to remove section 7(d), which would require the Secretary to develop a winter use management plan. In addition, we are concerned about section 7(f), which would require the Secretary to establish a snowmobile crossing point along the Pacific Crest National Scenic Trail, and would like to discuss our concerns with the subcommittee and the bill's sponsors.

MANAGEMENT OF "AREA X", HUMBOLDT-TOIYABE NATIONAL FOREST

Section 8 of S. 3069 would designate approximately 3,200 acres referred to as "Area X" as a snowmobile use area. The Department would not oppose this designation if the language is amended to clarify that summer motorized travel will be restricted in "Area X", a management prescription that currently applies to only a portion of the surrounding area.

OTHER MANAGEMENT CONSIDERATIONS

Outfitting and Guiding and Pack Station Considerations

We are concerned about the potential impact that the proposed designations may have on existing outfitting and guiding and pack station operations on the Inyo National Forest and wish to advise Congress of these potential impacts prior to its en-

actment of designations. Without specific language to clarify the intended purposes of the proposed additions to the John Muir, Ansel Adams, and Hoover Wilderness areas, the proposal could directly affect the amount and location of existing commercial uses in these additions.

Each of these wilderness areas has specific quotas on recreational use and, in some cases, court-ordered restrictions that could apply to the additions in the absence of explicit language to the contrary. For instance, the Inyo and Sierra National Forests are currently required by a court order to limit commercial pack stock operations in the John Muir and Ansel Adams Wilderness Areas. Many of the commercial services in these wilderness areas that were intentionally directed to non-wilderness areas to reduce impacts on the wilderness areas would now be included in these proposed wilderness designations. Unless the bill would allow continuation of authorized outfitting and guiding that are currently conducted on lands that would be added to these wilderness areas, the number of service days allocated for outfitting and guiding on those lands would have to be reduced, per the court order.

Section 4(j) of the bill may have been intended to address the foregoing concern. However, we believe additional clarification is needed. We would like to work with the subcommittee and the bill's sponsors to address these issues.

Management of Research Natural Areas

There are three Research Natural Areas (RNAs) within the boundaries of wilderness areas proposed by this bill: Harvey Monroe Hall RNA (Hoover-Bighorn Addition), McAfee Meadows RNA (White Mountains), and White Mountains RNA (White Mountains).

RNAs are administratively designated areas within national forests to be permanently protected and maintained in natural condition for the purposes of maintaining biological diversity, conducting non-manipulative research and monitoring, and fostering education. RNAs help preserve our Nation's natural heritage for future generations. The protection afforded to RNAs is a critical step in maintaining a range of biological diversity of native ecosystems and species. Because they are protected in a natural state, RNAs also provide valuable opportunities for monitoring of long-term ecological change, and comparison of the effects of resource management activities against unmanaged controls.

RNAs that are representative of common ecosystems in natural condition serve as baseline or reference areas for those ecosystems. Each RNA can have its own public use restrictions in order to protect its unique condition. These may be more restrictive than what is normally allowed in designated wilderness, such as prohibiting overnight camping. We will continue to address RNA management needs through our Forest Land Management Planning process.

Administrative Jurisdiction of Wilderness Areas

S. 3069 would designate as wilderness several areas of BLM lands that are contiguous to much larger areas of NFS lands with existing wilderness. The proposed John Muir Wilderness additions include five small BLM parcels totaling approximately 780 acres. The proposed White Mountains Wilderness includes five small BLM parcels totaling 1,200 acres on the western edge of the proposed wilderness. To ensure efficiency and consistency in wilderness management, it may make sense to transfer the administrative jurisdiction of these small parcels from the Secretary of the Interior to the Secretary of Agriculture and exclude the proposed 22,300 acre area on the eastern edge. We would also propose transferring administrative jurisdiction over the 2,700 acres of NFS lands in the proposed Granite Mountain Wilderness to the Secretary of the Interior to improve management over these small parcels. We would like to further discuss this idea with the subcommittee.

Map Concerns

The Department has many concerns regarding the maps that are referenced in the legislation. In general, the maps are difficult to understand and are technically inadequate due to gaps in the Geographic Information System data and improper labeling. Because they are vitally important to our on-the-ground management and implementation of Congress's direction, we would like to work with the subcommittee and bill sponsors to ensure the maps are adequate.

Summary

In summary, the Department supports the many aspects of S. 3069 that are consistent with relevant Forest Plans and which would add outstanding landscapes in the eastern Sierra of California to the Wilderness Preservation System. As I have testified before, the Forest Service has always been a champion of wilderness. We care about maintaining the integrity of wilderness areas as places that are dominated by the forces of nature, and that offer outstanding opportunities for solitude

or primitive and unconfined recreation. For those reasons, we would like to work with the subcommittee and the bill's sponsors on our many specific concerns.

H.R. 3473—THE BOUNTIFUL CITY LAND CONSOLIDATION ACT

When the Bountiful City Land Consolidation Act was considered before the Subcommittee on National Parks, Forests and Public Lands of the House Natural Resource Committee, the Department testified in support of enactment of H.R. 3473. The Department offered a number of amendments regarding mostly minor technical issues. The Department continues to support the concept of a bill as embodied by an amended H.R. 3473 that would authorize an exchange of urban interface lands which may be more appropriately managed by Bountiful City for lands in the watershed above the City, and would authorize the Secretary to retain and expend funds received by the Secretary for the conveyance in order to acquire additional land or interests in land to be included in the Wasatch-Cache National Forest.

However, the bill that passed the House, and that is under consideration by the subcommittee today, is different from the bill we previously testified upon in a number of significant ways. As written, the current bill does not reflect a number of provisions that are needed for the Department's support. I will address the most important of these with you today.

The bill that was introduced in the House and the bill under consideration today, H.R. 3473 would provide for the conveyance of up to 220 acres of an "urban" parcel of National Forest System lands adjacent to Bountiful City, Utah in exchange for 1,680 acres of environmentally significant headwater lands, interior to the National Forest, to be included within the Wasatch-Cache National Forest. This exchange of land could benefit both Bountiful City and the National Forest System by consolidating land ownership if exchanges by the parties reflect equitable values.

The bill as introduced in the House would have provided for the following: 1) an equal value exchange of land between the Forest Service and Bountiful City and the authority for the Secretary to accept, if necessary, a cash equalization payment in excess of amounts authorized under current law; 2) a requirement that the portion of the parcel containing the shooting range be conveyed first; 3) the authority for the Secretary 2 years after the date of enactment, to dispose of any remaining portion of the National Forest System parcel by competitive means; and, 4) the authority for the Secretary to collect funds resulting from the conveyances under the bill, to be used for National Forest purposes, including acquisition of lands on the Uinta and Wasatch-Cache National Forests.

Technical amendments suggested by the Forest Service to Committee staff included: 1) a provision to require the City to assume all liability for the shooting range located on the parcel to be conveyed and the past, present, and future condition of the land upon which the shooting range is sited; and 2) a provision to provide for an easement for the Bonneville Shoreline Trail and to provide for other outstanding rights.

Both the bill as passed in the House and before you today would provide for an equal value exchange of land between the Forest Service and the city of Bountiful, and subsequent conveyance of the remaining Federal land, should certain conditions be met. These provisions would benefit the National Forest System by providing the agency with the authority to convey whatever portion of the isolated parcel of National Forest System land that may remain and to collect the funds for acquisition of lands to be included in the Wasatch-Cache and Uinta National Forests.

However, under this bill, the Secretary would not be authorized to accept a cash equalization payment in excess of the 25 percent limit authorized by section 206(b) of the Federal Land Policy and Management Act (FLPMA). A consultation conducted recently indicates that the value of the Federal parcel will exceed the value of the Bountiful City lands and the 25 percent threshold. Thus a cash equalization payment is likely to be necessary in order to reflect exchanges by the parties that are of equitable value. It is unlikely that the Forest Service and Bountiful City would meet their respective land adjustment and consolidation goals without a provision for a cash equalization payment in excess of the 25 percent limit and thereby protect Federal taxpayer interests, so the Department is unable to support the removal of this provision from the bill.

Further, the Department requests that the bill language clarify that the conveyance of the remaining Federal land may be achieved through competitive sale or direct sale. Without the sale provision, the Forest Service would have limited authority to convey a remaining parcel of National Forest System land. This provision would aid in managing the National Forest as it would eliminate the need for the Forest Service to manage an isolated and fragmented parcel of land and would more

effectively marshal sale proceeds for the acquisition of lands or interests in land on the Wasatch-Cache National Forest.

The bill would require an amendment to the Forest Plan and a public process consistent with the National Environmental Policy Act of 1969 if the Secretary disposes of land identified for possible conveyance and not exchanged under section 2(a) of the bill. While the Forest Service is committed to undertake an environmental analysis, the agency would prefer to retain the flexibility to perform the analysis at the most appropriate level.

This bill currently includes a provision to provide for an easement for the Bonneville Shoreline Trail and to provide for other outstanding rights. However, it does not include a provision requiring the City to assume the liability for the shooting range and the past, present, and future condition of the land upon which the shooting range is located. This is a critical concern for the Department.

In summary, the concept embodied in this exchange is one the Department supports. Exchanging a heavily used urban parcel containing a shooting range to the City for 1,680 acres on the mountainside above the City plus the ability to purchase additional lands has great merit. Our concerns are in the details of liability as related to the disposition of the shooting range, cash equalization, and streamlining the administrative and analysis process for both parties.

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

Senator WYDEN. Thank you very much.

Let us go to the chairman of the full committee, Senator Bingaman.

**STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM
NEW MEXICO**

The CHAIRMAN. Thank you very much, Mr. Chairman, and thank you for letting me sort of parachute into your hearing here for just a minute.

I wanted to speak just about one of the bills that is on your list today. That is H.R. 2632, the Sabinoso Wilderness Act. I know Mr. Bisson just indicated that the BLM supports this legislation. I am very pleased to see that.

This is a bill that Representative Tom Udall from my home State introduced. It is a bill I strongly support. It would designate 16,000 acres of public land that are currently managed by the Bureau of Land Management in San Miguel County in my State. It does have the strong support of the county commission, the San Miguel County Commission, and strong support of the New Mexico legislature. Both have passed resolutions in support of this legislation. Clearly, I think anyone who has seen this area of our State recognizes the wildlife habitat and the important wilderness characteristics of the area that need to be preserved.

Earlier this summer, the House passed H.R. 2632 on a voice vote. I am very glad to see the committee considering it today, and I hope we are able to move it through the committee as soon as possible and to the Senate floor and then on to the President for signature.

Thank you very much.

Senator WYDEN. Thank you, Chairman Bingaman, and I am anxious to work with you on it to address exactly the issues you have raised.

Senator Craig.

**STATEMENT OF HON. LARRY CRAIG, U.S. SENATOR
FROM IDAHO**

Senator CRAIG. Mr. Chairman, thank you for the courtesy. I am here not only for the full agenda, but for two bills specifically, S. 2354 and S. 3085.

S. 3085 is a bill offered by Senator Tester and Senator Crapo. Senator Tester, did you enter Senator Crapo's statement for the record?

Senator TESTER. I did, and thanks for asking.

Senator CRAIG. Great. Thank you for doing it.

It is a cooperative watershed management act. We think it is a very good piece of legislation. I am a sponsor of it, and I thank them and thank Senator Tester for his leadership.

I would ask unanimous consent that my statement on that become a part of the record, Mr. Chairman.

Senator WYDEN. Without objection, that will be so ordered, and we will be working closely with you, Senator.

Senator CRAIG. Secondarily, and certainly as important is S. 2354, which is a pretty typical western kind of problem as we grow in an urban sense and that is the interface of private land with public land and the need to grow and public land is there either in the way or in this instance needing to be brought to change. We are talking about 165 acres in Twin Falls, Idaho between the city itself and its waste treatment plant. The desire of the city to acquire that property and use it for open space, access, all of those kinds of things, all in the appropriate fashion and a critical important piece of legislation that Senator Crapo and I have worked on, Congressman Mike Simpson of the 2nd district, in which the city of Twin Falls resides—and so we thank the committee for the consideration of that.

For the sake of time, I will ask unanimous consent that my full statement on that be a part of the record also.

Senator WYDEN. Without objection, that will be so ordered.

[The prepared statements of Senator Craig follow:]

PREPARED STATEMENTS OF HON. LARRY E. CRAIG, U.S. SENATOR FROM IDAHO

S. 3085

Background

LEC is a cosponsor of S. 3085 the Cooperative Watershed Management Act of 2008 sponsored by Senator Crapo and Jon Tester.

This legislation would create a granting program under the Department of the Interior to encourage the formation of watershed-wide management groups.

Opening Statement

I would like to thank Senators Crapo and Tester for their leadership on this bill.

I would like to remind our audience how important watershed management is to maintaining an environmentally and economically healthy watershed.

Research shows that most of our water quality and management issues are best resolved at the local levels through a consensus of different groups with different interests.

The question becomes, how can we pull these various groups together and use our resources to encourage watershed management in the most efficient and productive manner.

S. 3085 will aide in this effort by creating a grant program that would encourage the formation of watershed-wide management groups.

These groups would be able to handle our most pressing local watershed problems.

Especially those that relate to water availability and quality.
 The new grant will also give greater funding to pilot projects
 And will give local groups and grass roots organizations more public participation
 in the management process.

Many of our dollars have been thrown to the wind because we do not have the
 management to utilize our resources in the most effective manner.

It is hoped that this bill will remedy the situation.

Water in the West is of the outmost importance and this bill seeks to improve
 both the quality and quantity of our water supply by placing management in local
 hands.

S. 2354

Background

This legislation will convey land from the BLM to the city of Twin Falls for the
 purpose of a wastewater reuse project that would improve aquatic ecosystems and
 help develop wildlife habitat in Auger Falls.

LEC is a cosponsor of S. 2354 sponsored by Senator Crapo.

Testimony will be given by Henri Bisson, Deputy Director of the BLM.

The four parcels (roughly 165 acres) of BLM-owned lands are needed to develop
 the park's habitat, because the pipe that will be used for the wastewater reuse
 project cuts across the BLM lands within the canyon floor.

Opening Statement

I would like thank the witnesses for joining us this afternoon.

I would also like to commend Senator Crapo and Congressman Mike Simpson for
 their work on the Auger Falls Project.

For several years now, we have been working on this project in an effort to build
 a community park and recreation center there.

We have worked to secure an estimated 1.7 million dollars for its development.
 The project is well underway and significant progress has been made.

- There have been improvements in the creation of upland and wildlife habitat
 in the area.
- Investigations have been done regarding recreational opportunities for visitors.
- And now, construction of the park has begun.

It is important to maintain funding for Auger Falls and to acquire the land that
 is currently managed by the BLM.

The 165 acres impede current access that is required to maintain the facilities.

Further construction of the wastewater reuse pipe cannot proceed without the ac-
 quisition of these public lands.

The wastewater reuse plan will have multiple benefits for the citizens of Twin
 Falls.

- The treated water from the pipe system will help habitat restoration.
- It will provide new wetlands and improved ecosystems.
- It will sustain the density and diversity of wildlife in one of Idaho's scenic
 areas.
- Finally, it will ultimately improve the quality of water in the Snake River.

While this legislation will primarily benefit the citizens of Twin Falls, there will
 also be a value-added to the general public.

It will provide recreational activities for many of Idaho's visitors and it will dem-
 onstrate that wastewater can have many

Senator Crapo and I, as well as the people of Twin Falls, support the acquisition
 of these public lands that are currently managed by the BLM.

All of the appropriate environmental tests have indicated that the construction of
 the pipe will pose no biological threats to surrounding habitat and will have no sig-
 nificant ecological ramifications.

Furthermore, all activities relating to these lands fall under the gamut of public
 purpose.

Establishing the reuse of reclaimed water will be paramount to our success in pre-
 serving and enhancing the cultural and scenic heritage in Auger Falls.

I look forward to working together with my fellow Senator from Idaho to get this
 legislation enacted.

Senator CRAIG. Thank you.

I would also say I think the Department of the Interior in this
 instance with you, Mr. Bisson, needed a map?

Mr. BISSON. Senator, I think we have a map already.

Senator CRAIG. OK, because if not, here is one.

Mr. BISSON. I have one in my briefing book.

Senator CRAIG. Very good. Thank you.

Thank you, Mr. Chairman.

Senator WYDEN. Thank you, Senator Craig.

Mr. Holtrop, a couple of questions for you, one in particular. In your testimony on S. 3069, Senator Boxer's bill, you raised an issue about a potential adverse impact of wilderness designation on the commercial outfitters. Now, the Wilderness Act gives you very significant discretion so as to let commercial services go forward inside a wilderness area to the extent necessary for activities which are proper for realizing recreational or other wilderness purposes of the area.

I think it would be helpful to have you clarify how adding new lands to an existing wilderness area, even one that has been the subject of litigation, is going to require the Forest Service to limit or restrict additional outfitter activities in a new area.

Mr. HOLTROP. I appreciate the question and the opportunity to clarify that.

We have a wilderness plan which has been established to limit the number of outfitters and guides. It is not an issue of whether outfitting and guiding is allowed in wilderness, but we have a wilderness plan that limits the numbers. We also have a recent court order that limits the number of outfitters in the John Muir Wilderness.

What we wanted to bring to the committee's attention was the potential—if this bill passes in its current state, we may have that same number apply to a much larger acreage, and if we can work with the committee for some language that would allow us to continue to look at the areas that would be added to the wilderness that already have outfitters and guides in them and not have them subjected to the same numbers restricted in the other part of the wilderness that already exists.

Senator WYDEN. We will work with you on it. I think we are going to need to have you amplify your views on that because it seems clear that Senator Boxer and the sponsors want to be sensitive to these concerns.

One question for you, Mr. Bisson, on again S. 3069. The Forest Service has suggested transferring administrative jurisdiction over several of the small parcels, the small BLM parcels which are adjacent to the large Forest Service wilderness areas from BLM to the Forest Service. Do you all have any objections to that?

Mr. BISSON. We would not object to that, Senator.

Senator WYDEN. OK.

One other question for you on the Utah bill, S. 3651, the conveyance of lands for use by the Utah National Guard. You testified in support of the bill but then noted that the lands are already withdrawn from military use, and then you said, well, why is it necessary to convey all this directly to the State of Utah? As a general question, if you do not know why the bill is necessary, tell us, first, why the Administration is supporting it?

Mr. BISSON. I believe the Administration is supporting it because we try to support the Defense Department in meeting its needs for

training and for military purposes. In this case, that is the position we have taken. We think if the military says they need it and they are going to use it for defense purposes, then we are fine with it, sir.

Senator WYDEN. OK.

Senator Barrasso, questions for this panel?

Senator BARRASSO. Yes, thank you very much, Mr. Chairman.

I would like to start, if I can, with Mr. Wahlquist and maybe Mr. Bisson may want to jump in as well. I am focused on S. 2448, the Surface Mining Control and Reclamation. We visited in Senator Enzi's office. Senator Enzi now has some technical corrections, which we thought would never be necessary because we thought the bill itself was very clearly written. It called for a direct payment.

In the testimony on the bill—I read the testimony, and I think you used the word a direct payment “scheme.” I am absolutely offended by the use of the word “scheme.” It called for direct payment, and to call that a scheme against the people of our great States, I think is an insult by the Federal Government.

Several questions. One is I understand that there is a good deal of internal disagreement among the Department of the Interior, the Office of Management and Budget, the Solicitor's Office regarding the interpretation of how these payments would be made. Is that correct? It dealt with the word “payment.”

Mr. WAHLQUIST. I think it is fair to say that there has been some discussion of what the word “payment” would mean, and that is the reason that I raised the question to the Solicitor's Office about a year ago or a little more than a year ago in terms of wanting clarification as to what the amendments meant in this regard. We got an opinion from the Solicitor's Office last December on this issue.

Senator BARRASSO. Mr. Bisson, when you take a look at a program you are familiar with, payment in lieu of taxes. “Payment” in lieu of taxes. The Secretary of the Interior shall make a payment for each fiscal year to each unit of general local government. Are these payments not direct distributions made in the form of reimbursement grants, direct payments each year? I am just trying to figure why we are so tied up with the word “payment” because it seems that in other areas, the Government kind of understands the word and does what one would think you should do with that word.

Mr. BISSON. As it regards the PILT payments, I think you are accurate, Senator.

Senator BARRASSO. So I do not know why this would be any different. I do not know if you want to comment on that.

Mr. BISSON. I would rather not. I have not looked at the bill.

Senator BARRASSO. I am looking at Senator Tester. He is getting ready.

[Laughter.]

Mr. BISSON. I am not the witness on that bill.

Senator WYDEN. This will surely produce a spirited discussion.

Mr. WAHLQUIST. Would you like me to respond on that?

Senator BARRASSO. Yes, sir.

Mr. WAHLQUIST. Certainly in the context of the word “payment”—and there is a footnote in the Solicitor's opinion on this issue that notes that in those areas where it is basically revenue

sharing, that there is a distinction there as to how those were done, that under the Surface Mining Act, these are quite distinct from that, and that the word "payment" as used can take many forms and that one of those forms is grants.

Senator BARRASSO. Actually I think what they came out with is they did not say may be grant, but must be, which was also surprise I think to people involved in this. It did not even give you that opportunity to say may.

Mr. WAHLQUIST. I asked if we might do it that way. I was told I had to do it that way.

Senator BARRASSO. When I read the testimony that you give, it almost sounds like that the main reason for the not wanting to make the payments to the State is you want to hold onto the money and make the interest.

Mr. WAHLQUIST. I think it is fair to say that the Administration is very concerned about protecting the Treasury, yes.

Senator BARRASSO. In spite of what the law says, in spite of what is clear to people involved and the fact that every decision by the Federal Government to hold onto the money and not give it to the States where it belongs, that denies the States the ability to earn the interest from that money.

Mr. WAHLQUIST. I think it is fair to say that we also view this as being very consistent with the law as it is currently written, that this is the best interpretation of the law as it is currently written.

Senator BARRASSO. I would just take exception to that as being the best interpretation of the law which seems very clear to Members of the Senate. They wrote it intentionally that way, and that is why this bill has been introduced.

Thank you, Mr. Chairman. I could go on and on, but I do not want to waste the panel's time. Thank you.

Senator WYDEN. I thank my colleague.

Senator Salazar.

Senator SALAZAR. Just a quick comment and that is to thank you, Mr. Bisson, for the support of the Administration on S. 3065, which we will be talking about more in the succeeding panel, but I appreciate the work of the Administration in helping us move forward with the protection, preservation and the right balancing with respect to over 200,000 acres of public lands in a very, very beautiful part of the State of Colorado. So thank you very much.

Senator WYDEN. Senator Tester, questions for this panel?

Senator TESTER. Oh, I sure do. I also want to thank the witnesses for their support of S. 2448 and S. 3085. Thank you very much.

Any comment on that?

Mr. WAHLQUIST. I do not recall that I supported S. 2448.

Senator TESTER. All right. Mr. Wahlquist, we have been here before.

How much is owed to Montana from this account? Is it about \$52 million or \$58 million, somewhere in that ballpark?

Mr. WAHLQUIST. We are looking at the 8.1 times 7, which is about \$56 million.

Senator TESTER. \$56 million. It is fair to say that this is money that is owed to Montana. Correct?

Mr. WAHLQUIST. It is obvious in the statute that they concluded that this money was owed to Montana, yes.

Senator TESTER. OK. Have you ever sold a pickup to somebody and they have never paid you for it?

[Laughter.]

Mr. WAHLQUIST. Yes, I have sold things I have not been paid for.

Senator TESTER. How does that make you feel? I mean, does it make you feel you got shafted or?

[Laughter.]

Mr. WAHLQUIST. In fact, I guess I would recognize, though, that in this statute you are still not getting that money back. That money is staying there in the AML fund, and instead, Congress has decided to provide that money from the Treasury rather than from the AML fund.

Senator TESTER. You know, I mean, I cut up a pig for a guy one time, and he told me that he was not going to pay me because he had to use that money to buy shoes for his kids. So, I mean, there is justification for it all over the place.

What I am saying is that it really does seem somewhat ironic to me that the Administration would oppose this bill. I have seen it happen when I was in State government with counties too. It was not right then and it is not right now. For us to have to dot every I and cross every T to make sure the States get their money I think is as ridiculous as the guy who did not pay you for the pickup. It really is. I would hope that the Administration would take a look at this and see it for what it is.

You hold onto the money because it collects interest that goes into the general fund, and it helps the general balance. But it is really not your money to do that with. It is the States' money because the States need to do the same thing with it. They need to utilize it.

I would just ask you to go back. You have opposed this from the get-go, but I mean, I think it would be good if you went back and re-evaluated your position and worked with us to get these payments out sooner rather than later. Why the Solicitor thinks it has to be done in grants and tells you it has to be done in grants when I think the law was pretty explicitly clear and both sides of the aisle see it the same way, but we have been here before.

I need to ask some questions on, I believe it is, S. 3085, the watershed bill.

Mr. BISSON. Senator, we have a Bureau of Reclamation technical witness here who could answer questions that you may have. If it is OK, I would like to ask her to sit up here.

Senator TESTER. That would be marvelous.

Mr. BISSON. Her name is Avra Morgan.

Senator TESTER. Avra, it is good to have you here.

I assume all the questions should be directed at her. Right, Henri?

Mr. BISSON. Yes, Senator.

Senator TESTER. How long have you worked for the Department?

Ms. MORGAN. I work for the Bureau of Reclamation and I have worked there for 5 years.

Senator TESTER. For 5 years, and you are still employed currently?

Ms. MORGAN. Yes.

Senator TESTER. You plan on being employed for a while longer. Right?

Ms. MORGAN. Yes.

Senator TESTER. OK, I just want to make sure because the last one we had, the guy was a short-timer. He is a great guy, but I mean, he was a short-timer. So that is good.

A couple things. The Administration supports the ideas laid out in S. 3085. Would that be fair to say?

Ms. MORGAN. The Administration supports the goals of S. 3085, but cannot support the bill primarily because of their concerns that it would compete for funding with other efforts ongoing by the Administration by Reclamation for similar types of programs.

Senator TESTER. Is there a similar type program to this already on the books?

Ms. MORGAN. The programs that we have that are similar to this, I would say, are those included in the Water for America initiative. The Water 2025 program, which you may be familiar with, includes a challenge grant program for projects to increase water use and efficiency, also system optimization reviews under that same program.

Senator TESTER. Mr. Chairman, my next line of questions, since she brought up the Water for America initiative, is going to take longer than 35 seconds. I am willing to come back or I can just keep going.

Senator WYDEN. What kind of time does the Senator need?

Senator TESTER. Another 5 minutes.

Senator CRAIG. Please because these are the questions I would be asking.

Senator WYDEN. Why do we not take another 5 minutes?

Senator TESTER. Sure, OK.

Do you know how much the budget request was for the Water for America Initiative for 2009?

Ms. MORGAN. For 2009, the request is \$21.3 million for the Water for America line item. For Bureau of Reclamation, just to refine that a little bit, the total request for Water for America activities \$31.9 million.

Senator TESTER. A \$31.9 million total. How much of that money is dedicated to programs that might overlap with this bill?

Ms. MORGAN. The Challenge Grant Program would be about \$11 million.

Senator TESTER. At \$11 million. How much of that \$11 million would be dedicated to local watershed groups to be able to hire full-time coordinators?

Ms. MORGAN. It is difficult to say. In general, the Water 2025 Challenge Grant Program provides grants to irrigation districts, water districts, municipalities, and States. However, we do encourage cooperation with stakeholders and some of them have formed groups to administer the grants and to implement the projects. But it is difficult to say whether they will or not. We encourage it, but it does not always happen.

Senator TESTER. So you really do not know.

Ms. MORGAN. No.

Senator TESTER. OK.

How much is dedicated for them to undertake projects?

Ms. MORGAN. Most of the \$11 million would be dedicated toward that. There are certain—

Senator TESTER. To local watershed groups.

Ms. MORGAN. Oh, for local watershed groups. It is dedicated for projects by irrigation and water districts, municipalities who may be part of watershed groups or may form watershed groups, but it is impossible to say whether they would be applying.

Senator TESTER. So how much was given to local watershed groups for any reason? Do we know that?

Ms. MORGAN. As I said, to be eligible to receive the funds, you have to be a water management entity created under State law, but that includes districts, irrigation districts, conservancy districts, municipalities, and States.

Senator TESTER. We are going to have a person come up and testify that works with watershed groups in the next panel of witnesses. I am going to ask him how available money is. He has worked all over the State of Montana. I am going to ask him how available this Government money is.

We had a wolf hearing last week, and I was told that the Department of Agriculture had plenty of money for taking care of ranchers that lost cattle or sheep to wolves when, in fact, that was not the case at all.

I am here to tell you that—and you are a great lady—but you do not know how much was allocated to hire full-time coordinators. You do not know how much was dedicated to undertake watershed projects. You do not know how much is allocated for groups for any reason.

The fact is I think the Administration shot from the hip on this one. They did not know what they were going to hit when they shot, but they just wanted to oppose this because they think they have got something that works that does not.

Would you like to comment on that?

Ms. MORGAN. Yes. I did not mean to imply that the Challenge Grant Program is directed at exactly the same purposes as your bill. I do not believe that it is. I think what is different from your bill is that it is aimed at forming watershed groups, and that is not the purpose of the Challenge Grant Program. Watershed groups sometimes participate in the Challenge Grant Program, but it is not the primary purpose and I did not mean to imply that it was.

Senator TESTER. Thank you for that answer because why is there a conflict then?

Ms. MORGAN. The conflict is in terms of a concern about competition for funding for our programs that have similar goals. While they may not be exactly the same in terms of implementation, there are similar goals directed at water conservation and improving water quality.

Senator TESTER. But totally different groups, totally different designs. You have got collaborative efforts with these watershed groups, totally collaborative. By the way, I think collaboration is the key when it comes to water. You have got to have everybody sitting at the table or you are going to end up in court anyway.

Ms. MORGAN. We agree with you and I would agree, as you said, that your program is geared toward the formation of these water-

shed groups, and we do not have a program that provides funds to watershed groups to form coalitions.

Where the similarity lies is that in our program for Challenge Grants, we do give extra points in the scoring process when we are considering projects if they are put forward by a group of stakeholders from a watershed. We also have the Basins Studies Program as part of Water for America that does rely on stakeholders in an entire watershed.

Senator TESTER. I understand. Water is the most important thing we have on this earth. If you do not have good water, you are done. I mean, literally life cannot exist if you do not have good water. I think by your own answers to these questions, it tells me that we are not taking care of this resource in a way we could, in a way that is most cost effective, I might add, because you are bringing in local governments with local cost share and local people on the ground which tends to be much more cost effective than us coming from the top-down. This is going to be more bottom-up once we get this thing going.

I have got more questions, but I will wait until the Senator from Idaho gets done.

Senator WYDEN. Thank you.

The Senator from Idaho.

Senator CRAIG. I simply want to echo what Senator Tester has been speaking to. While you talk about groups coming to make application for, this approach is to bring those stakeholders together to form the group to make the application and to resolve and bring forth a united effort on a given watershed or a given watershed problem.

So I agree with Senator Tester. I do not see the conflict. In fact, I see the opportunity of facilitating collaboratively in advance of, which brings down the conflict and oftentimes brings the unity that makes the application that resolves the problem. That is how I believe this is intended in the broad sense.

We in the West are populating at unprecedented rates, and watershed management and water quality management cooperatively with the finite resources that all the publics have to deal with this issue and especially here at the Federal level. It is awfully important that we stay out of the conflict and use the resource to amplify the quality of the water or improve the watershed itself.

So no additional questions. I guess I can understand what appears to be an expression of duplication when in our opinion it is not or we do not believe it to be. We believe it to be that which forms the group to make the application to utilize the resource.

Do you wish to make a comment on that?

Ms. MORGAN. My only comment would be that our programs tend to focus on the implementation part, and while we encourage stakeholders to collaborate to make the application, we have focused our limited resources toward the actual projects in the watershed. In our experience, we have seen that that sometimes does result in them coming together and collaborating and forming a group. So I think the distinction with the program proposed here is that it is really focused on forming the groups in the beginning as you have said.

Senator CRAIG. Thank you, Mr. Chairman.

Senator WYDEN. I thank my colleague.

We are going to excuse all of you, but I also want to express—I hardly ever do it in this business—a thank you because we have given you a lot of bills.

Does Senator Tester want another round?

Senator TESTER. I will try not to take the whole 5 minutes.

Senator WYDEN. All right. Before we excuse them, we will let you have another 5.

Senator TESTER. Thank you.

We will stay on S. 3085. Is the BOR willing to work with my staff to iron out the administrative concerns of this bill except for the money issues?

Ms. MORGAN. Certainly we are.

Senator TESTER. Is that something we could expect in the next week, the next few weeks? When could we—

Ms. MORGAN. We are happy to talk with your staff as soon as they are available to talk about any technical issues.

Senator TESTER. All right, good.

Now, you've said you cannot support this program. We have got a number of watershed groups, I will ask Tom Hinz when he comes up here next how many there are in the State because I am sure he will know, and one of them is a group called the Greater Galatin Watershed Coalition, in a high growth area in the State, that deals with water issues. They are having a heck of a time because they cannot get grants under the Water for America initiative. They are not eligible. This group consists of, well, farmers, recreationalists, government officials, business folks.

What can the BOR do to help these groups if a bill like this is not passed?

Ms. MORGAN. They could partner with an eligible entity under the Challenge Grant Program. They could also participate in our new Basins Studies Program which is kind of a broader scope, but it is focused on studies. It is not focused on water implementation projects like the Challenge Grant Program is.

Senator TESTER. Right.

Ms. MORGAN. We also have our Field Services Program which has technical staff in our regional and area offices that are focused on helping individual irrigators and local entities with technical—

Senator TESTER. You know what I would like to have you do, if it would not be too much of a problem? If you could get me a list of programs out there that would help this group specifically, and then we might just see if any of that money is available.

Ms. MORGAN. OK.

Senator TESTER. All right? Thank you very much. I want to thank all the panelists. Thank you guys for being here.

Senator WYDEN. I thank all of you.

I am going to turn this next panel over to Senator Salazar to chair.

But before the Administration witnesses take off, I want to express my thanks to all of you. I know we have given you something like 17 bills just in the last week, but I think it is a reflection of how much interest there is here in the Senate. So we have appreciated the cooperation.

So the next panel will be chaired very ably by Senator Salazar, and I will turn it over to him at this time.

**STATEMENT OF HON. KEN SALAZAR, U.S. SENATOR
FROM COLORADO**

Senator SALAZAR [presiding]. Thank you, Mr. Chairman.

If we could have the next panel come up: Commissioner Jan McCracken from Delta County and Tom Hinz, the Chairman of the Greater Gallatin Watershed Council.

Let me, first of all, welcome this panel, and as I welcome this panel, I also want to say thank you and state my appreciation to David Brooks and all of our staff on this committee, both Democratic and Republican, who make all of this work possible.

I thank the witnesses, Commissioner Jan McCracken and Tom Hinz, for being a part of this panel.

I am going to start out with my opening statement with respect to the Dominguez-Escalante Canyon because I had foregone my opportunity to do that at the very beginning of the hearing. So I will do that at this point.

First, let me say that I know that Commissioner McCracken has traveled a long way from Delta, Colorado to be here with us in Washington, DC, and I appreciate her work on the Dominguez-Escalante Canyon bill for the last several years. Her tenacity, her willingness to find a way forward when things seemed to get stuck, and also her work not only with her fellow commissioners in Delta County, but also Montrose County and Mesa County as well.

I also, to today's hearing, welcome her family who is traveling with her from Colorado, Carrie Phiester and Lisa Hawkins. Thank you both for being here.

We have been working on the Dominguez-Escalante Canyon National Conservation Area and Wilderness for almost 2 years. As Commissioner McCracken will tell the members of the committee, these are some of the most spectacular desert landscapes in the West, and they have a very rich history. You get a sense of that history from the rock art on the canyon walls, from the journals of the Dominguez-Escalante expedition that came to the area in 1776, and from the ranching heritage that is still alive and well now and will continue to be that way.

The more than 210,000 acres that we are proposing to designate as a national conservation area lie in Mesa, Montrose, and Delta Counties on Colorado's western slope. They are a favorite spot for hunters, anglers, hikers, off-road vehicle users, cyclists, and all sorts of recreation.

At the center of the proposed national conservation area is an area that is as rugged and primitive as you will find anywhere in the West. We are proposing to designate these 65,000 acres which are currently managed to protect their back-country characteristics as wilderness.

The bill I have introduced and which Congressman John Salazar from the 3rd congressional district has introduced in the House protects these signature Colorado landscapes but does so in a way that protects water rights, private property rights, and the traditional uses of the land.

Thanks to the leadership of people like Jan, the Delta, Mesa, and Montrose County commissioners, the Mesa State College, and Natural Resources and Land Policy Institute, the Public Lands Partnership, the BLM, Senator Allard and Senator Allard's staff, a wide range of stakeholders, and all the local citizens who care so much about these lands, we have held a set of public meetings over the last 2 years to discuss whether to do this legislation, and if we are to do it, how to do it right. We concluded that we can and will do it right.

The consensus findings of this public process is reflected in this bill and incorporated in the substance of this bill.

The national conservation area and wilderness area we are proposing to create continues to allow grazing, as it should, protects private property rights, as it should, withdraws land from mineral leasing, as it should, and allows for continued invasive species control and fire prevention activities.

In addition, the bill incorporates water language specifically crafted with our hand and the hand of the Colorado River District, the State of Colorado, wilderness advocates, and other stakeholders who have all had a hand in drafting this bill. They all agree that the language in our bill protects existing water rights and traditional water uses while protecting the wilderness qualities of the land.

I am proud of all the work we have put into this bill over the past 2 years. I am proud that this bill will protect some of the most stunning desert landscapes on Colorado's western slope for recreationists, hunters, and anglers to enjoy for generations to come, while protecting the traditional uses of these lands.

The bill has widespread support in the local communities among stakeholders, and I ask that a set of letters* of support be included in the hearing record. I will, therefore, order that they be included in the record.

I look forward to continuing to work with this committee to get this legislation completed as soon as possible.

I have a few pictures that I just want to share with Senator Barrasso and with the members of this committee about this area.

The first is a picture of rock art. It is rock art that is found in the Dominguez Wilderness Area. You can see the very beautiful depictions in that very old rock art.

The second picture is a picture of rafters on the Gunnison River. The Gunnison River is one of the largest, most beautiful rivers that we have in the State of Colorado.

The third is a picture of a waterfall on the Little Dominguez Creek. As you can see, that waterfall in that very pristine area is a very beautiful place of our Nation.

The final depiction that we have here is a map of the national conservation area that also shows the 65,000 acres of wilderness within the NCA.

I am very much looking forward to working with my colleagues to getting this legislation done.

With that, what I would like to do is to call on the Honorable Jan McCracken for her testimony. Commissioner McCracken.

*See Appendix II.

**STATEMENT OF JAN MCCRACKEN, DELTA COUNTY,
COMMISSIONER, DELTA, CO**

Ms. MCCRACKEN. Thank you, Mr. Chairman and members of the committee, for the honor of speaking with you about the Dominguez and Escalante canyons area near my home in Delta, Colorado.

My name is Jan McCracken. I am member of the Board of County Commissioners and have been for approximately 6 years. I am also a third generation resident in this area of which we speak today.

I had an oral presentation ready, and basically Senator Salazar took the words right out of my mouth, so I am not going to reiterate all of those just for the sake of time.

But some of the things I do want to let you know is that this was an effort that brought a diverse group of people together, and we worked on it, very heated issues—I am sure some of you are very familiar with that—because of the private lands in there, because of some of the wilderness issues and the water rights. We have worked with every entity, the BLM, the Colorado River District, to ensure that those water rights are so that they will not be jeopardized and to let the property owners know that they can still carry on their livestock business, their orchards, and not have to fight over the water and how it is used.

So the only thing I guess that I can add to what Senator Salazar said, we have worked hard on this for 2 years. It sat on the table for well over 10 years, and I just felt like with Senator Salazar and Senator Allard, we had a chance because of their background in agriculture, that they understood the importance of keeping the ag community intact down there, as well as affording that beautiful area for many to enjoy with many different varieties of interests.

We have worked hard with the motorists, the four-wheeling clubs, to see what their interests are. The BLM has helped with signing out trails.

What we did was we divided that whole area into five different areas, stating what was to be primary use for each area, whether it be the rafting down the river or whether it be the four-wheeler club, or whether it would be the hikers or the bicyclists or the horseback riders or the gold panners. We tried to make sure that each group that we knew used that area was brought to the table and hammered out our concerns. We really feel like this is the best package. What you have before you today is what, after 2 years of hard work, was created.

So I just basically want to thank you again for the opportunity to discuss before you this beautiful place, an important place, and a place that Delta County—the Delta County commissioners support this legislation, as well as you all do, and hope it will go forward as quickly as it possibly can through this process. I just want you to know what I am presenting today is something that I support and the Delta County commissioners support and we support it with honor.

So thank you for your time.

[The prepared statement of Ms. McCracken follows:]

PREPARED STATEMENT OF JAN MCCRACKEN, DELTA COUNTY COMMISSIONER,
DELTA, CO

INTRODUCTION

Thank you, Mr. Chairman and members of the committee, for the honor of speaking with you about the Dominguez and Escalante canyons area near my home in Delta, Colorado.

My name is Jan McCracken and I am a member of the Board of County Commissioners for Delta County, and have been for 6 years. I am also a third generation resident of the lands that surround the Dominguez-Escalante area.

Delta County is one of three western Colorado counties with land proposed for protection under S. 3065, which will establish the Dominguez-Escalante National Conservation Area and, within that NCA, the Dominguez Canyon Wilderness, all to be maintained and directed by the Bureau of Land Management.

It is my honor to speak with you, not just because of the nature of this bill, but because of what it is built upon. It is built upon a truly remarkable landscape—a landscape first journaled by the Dominguez Escalante Expedition of 1776—a landscape that has been maintained by an equally remarkable group of ranchers and fruit growers for approximately 125 years. If not for their continued stewardship and care for this landscape—which is surrounded by private working ranches and orchards—it is possible that the Escalante Dominguez would not be the jewel it is today and I would not be sitting before you today, testifying for this bill to establish the Dominguez-Escalante National Conservation Area.

The NCA and wilderness, based on original recommendations from the BLM, will recognize and maintain the area's striking red canyon walls, key wildlife habitats, perennial streams and waterfalls, ancient artifacts and rock art, scenic cliffs along the Gunnison River, and portions of the Old Spanish National Historic Trail. It will also recognize the needs of agriculturalists who have helped preserve the area and contributed to the surrounding economies for over a century.

The Delta County Commissioners endorse this legislation, and we urge the committee to recommend approval to the Senate so that it can be promptly passed by Congress. We have come to this position based on our familiarity with the lands proposed for protection and the needs of the agricultural community that has inhabited the area for a century. Most Escalante/Dominguez residents are fellow members of the community of Delta. Delta is where Escalante/Dominguez produce is sorted, packed and transported. Delta Sale Barn is where local livestock business is conducted and it is in the Delta schools that Escalante/Dominguez children are educated. The whole Delta community benefits from the long term commitment and sense of place exhibited by those who work on and live in the Escalante/Dominguez area.

We also bring with this endorsement knowledge gained from initiating and helping conduct a very extensive public review which included discussion of the uses, values, and attitudes on these lands and surrounding communities. Together with the commissioners from neighboring Montrose and Mesa counties, the Mesa College Public Lands Partnership (a diverse local citizen's group), and Colorado State University Extension, we facilitated a series of public meetings. Throughout this entire process, we collaborated with and worked closely with the BLM. Final comments and input regarding wilderness, agriculture, recreation, water rights, and local economics were all based on this extensive effort and collaboration.

The national conservation area will recognize and ensure the continued variety of recreation activities now found in the area, including motorized recreation in Cactus Park and on the east side of the Gunnison River, bicycling in several rugged and challenging portions, horseback riding and packing throughout the area, river rafting, unique opportunities for solitude in the wilderness portion, and even gold panning along the river.

We have insisted, and the legislation ensures, that agricultural uses continue in a thriving manner which not only benefits the landscape and wildlife but also the ranchers and orchardists who have lived and contributed to the Escalante-Dominguez area for generations. In particular, livestock grazing and crop irrigation will continue so as to maintain livelihoods of generations as well as the surrounding communities of Delta, Montrose and Mesa Counties. Hunting and fishing will continue throughout the area, managed under the existing authority of Colorado's Division of Wildlife.

The legislation directs that a detailed management plan be prepared within 3 years after the NCA and wilderness are designated. This will provide another valuable opportunity for local citizens to help craft the future of these unique and socially important lands.

The wilderness designation includes several custom features that recognize some unique circumstances particular to this area. The boundaries have been revised and refined carefully to keep all private land outside the wilderness, thus avoiding conflicts with activities on those private lands. The boundary is designed to follow a variety of readily identifiable natural and human-made features, and to be effectively manageable by the BLM.

The water protection provisions associated with the wilderness designation have been painstakingly negotiated and crafted, with endorsements from all three county commissions, the local and regional water districts, and from the State of Colorado, which is responsible for administering water rights in our state. The language creates a unique state-Federal partnership for the protection of water flows through the wilderness, while ensuring complete protection for existing water rights and uses in and near the wilderness. The Gunnison River itself is kept outside the wilderness because of the extensive water diversion rights and uses it provides.

Overall, this legislation represents an effective western Colorado solution, providing resource protection for the distinctive and delicate beauty of the area, while maintaining diverse recreation opportunities, protecting existing rights and uses, and ensuring that local agriculture continues to thrive and utilize the land. It also represents several years of collaborative education, citizen involvement and the emergence of unlikely alliances. This collaboration has taken a significant amount of work on the part of not only county commissioners and Federal land management agency personnel, but local residents working together to retain our social and economic western culture while preserving the landscape of the Escalante/Dominguez. As such, it is a package I am honored to support.

Thank you again for this time to discuss such a beautiful and important place and this measure that will sustain it as such.

Senator SALAZAR. Thank you very much, Commissioner McCracken.

Tom Hinz, the Chairman of the Greater Gallatin Watershed Council from Bozeman, Montana.

**STATEMENT OF TOM HINZ, CHAIRMAN, GREAT GALLATIN
WATERSHED COUNCIL, BOZEMAN, MT**

Mr. HINZ. Thank you, Mr. Chairman, members of the committee. My name is Tom Hinz. I am Chairman of the Greater Gallatin Watershed Council located in Bozeman, Montana. I am here today representing GGWC in regard to S. 3085, the Cooperative Watershed Management Act of 2008.

The Greater Gallatin Watershed where I live encompasses 1,000 square miles. Within that area, the Greater Gallatin Watershed Council works to promote the conservation enhancement of our area's water resources while supporting the traditions of community, agriculture, and recreation. As part of this broad mission, GGWC is responsible for developing and implementing strategies to reduce total maximum daily loads, TMDL's, for non-point source pollution in our streams.

GGWC and Montana's other watershed groups lack adequate financial resources to ensure their long-term viability without assistance from outside sources. All rely to varying degrees on the Montana Department of Environmental Quality's grant programs, grants from philanthropic organizations, funding from some of Montana's 58 conservation districts, and private donations from Montana citizens and others concerned about water and watershed health.

Although the State's population is small, much of the estimated 10 percent growth in population during the present decade is occurring on critical watershed lands, especially near our streams and rivers. GGWC and other Montana watershed groups have consistently found that engaging the burgeoning number of Montana resi-

dents in meaningful conservation dialog is costly. Informing our citizens and engaging them in safeguarding the environment that brought them to Montana requires both money and a lot of time. Our time investment includes not only project planing and design, but also the sometimes slow business of involving affected stakeholders, landowners, and the public at large.

Our watershed groups work with a voluntary, nonregulatory framework. All have boards comprised of unpaid volunteers. Some have coordinators that are conservation district employees. Some raise funds to pay at least a part-time coordinator, and some lack coordinators altogether. Montana's watershed groups are a diverse mix of farmers and ranchers, mining interests, recreationists, environmental organizations, tourism, timber interests, government and others.

Although critics of a collaborative process claim that involving diverse stakeholders is inefficient and ineffective, Montana's conservation success stories of the past decade clearly show that without inviting stakeholder participation, long-term sustainable conservation simply does not happen. Montana's watershed groups, given ample resources to organize and to plan, are the most appropriate level of organization to deliver water conservation on a landscape scale in our State.

Specifically we would like to add that we support the voluntary versus regulatory direction of this bill.

Also, while using watershed groups to deliver this program, we recommend that the focus of the legislation be water conservation both in terms of water quality and water quantity.

We acknowledge and fully support the program's provision for funding the creation, enlargement, and project development aspects of the watershed group activity.

We realize that some see the CWMA as having significant overlap with the Water for America initiative. To the contrary, we see a very complementary fit between the two programs.

We have heard the Administration's concern about budget constraints relative to the CWMA program. However, given the status of water supplies in western States like Montana, we believe that watershed conservation is appropriately among the highest environmental priorities. We would urge Congress to ensure that funding for the program does not come at the expense of existing Department of the Interior programs which could result in a net loss of conservation benefits in Montana.

Finally, fine-scale definition of watersheds eligible for funding is necessary to ensure that CWMA funds can flow to the local level at which all Montana watershed groups operate. Funding projects at a scale such as the Missouri River watershed in Montana is likely to cause ineffective distribution of program funding across the State.

Thank you for the opportunity to speak today, and I would be happy to answer any questions that I can.

[The prepared statement of Mr. Hinz follows:]

PREPARED STATEMENT OF TOM HINZ, CHAIRMAN, GREAT GALLATIN WATERSHED COUNCIL, BOZEMAN, MT, ON S. 3085

Chairman Wyden, Distinguished Subcommittee members, my name is Tom Hinz. I'm chairman of the Greater Gallatin Watershed Council (GGWC) located in Boze-

man, Montana. I'm here today representing GGWC in regard to S. 3085 titled the Cooperative Watershed Management Act of 2008. I also wish to convey that there are a number of other watershed groups in Montana that have or are in the process of sending letters that support the intent of this legislation.

Since I received a call last Tuesday inquiring about GGWC's ability to send someone on short notice to testify here today, I met with our Board to discuss this possibility and to request their financial support for my travel to Washington. I also talked with representatives of our parent organization, the Montana Watershed Coordination Council, other Montana watershed groups, the Montana Association of Conservation Districts, and interested individuals in regard to the future of this legislation. GGWC, in addition to its own pledge to send me here today, has received a number of other commitments, some for as little as \$50. These modest pledges not only demonstrate the limited financial resources of many of our watershed groups that can be put to this purpose, but more importantly, clearly show the hope that many of our groups have expressed for the future of this legislation as it evolves and moves forward.

Montana is the fourth largest state in the nation, covering over 145,000 square miles. Our state's population is less a million people, or roughly six people per square mile. Ours is not a wealthy state in terms of personal income, ranking 41st in the nation. What makes Montana rich though is that like our neighboring states, it has an abundance of land, open space, clean air, and an adequate supply of clean water. It's in regard to the latter that we hold some of our greatest concerns for our state's future.

The Greater Gallatin Watershed where I live encompasses 1000 square miles, an area roughly the size of the state of Rhode Island. Within that area, the Greater Gallatin Watershed Council (GGWC) works to promote the conservation and enhancement of our area's water resources while supporting the traditions of community, agriculture, and recreation. As part of this broad mission, GGWC is responsible for developing and implementing a watershed restoration plan that includes strategies to reduce Total Maximum Daily Loads (TMDLs) for nonpoint source pollutants in our streams.

The Greater Gallatin Watershed Council, like all watershed groups in Montana, struggles to gather the necessary funds not only to staff our organization but also to implement conservation projects beneficial to our surface waters and groundwater supplies. Our parent organization, the Montana Watershed Coordination Council (MWCC), is not a lobbying organization but does provide a valuable forum for information sharing, interaction, and support for Montana's watershed conservation efforts.

GGWC and Montana's other watershed groups don't possess adequate financial resources to ensure their long-term viability without assistance from outside sources. All rely to varying degrees on: 1.) the Montana Department of Environmental Quality's TMDL and Watershed Assistance Grant programs; 2.) grants from philanthropic organizations; 3.) grants from some of Montana's 58 Conservation Districts; and 4.) private donations from Montana citizens and others concerned about water and watershed health.

GGWC and many of Montana's watershed groups were formed relatively recently, typically in response to our rapidly developing landscape. Although the state's population is small, much of the estimated 10 percent growth in population during the present decade is occurring on critical watershed lands, especially near our watercourses. Montana's Governor Brian Schweitzer issued a statement in March 2006 warning that development along the state's rivers and streams that destroys protective riparian areas is possibly the single most urgent ecosystem threat facing Montana today.

GGWC and other Montana watershed groups have consistently found that engaging the burgeoning number of new Montana residents in a meaningful conservation dialog is costly. Informing our citizens and engaging them in safeguarding the environment that brought them to Montana in the first place requires both money and a lot of time. Our time investment includes not only project planning and design, but also the sometimes-slow business of involving affected stakeholders, landowners, and the public-at-large in effective watershed conservation projects.

Our collective watershed efforts, which are voluntary and nonregulatory, are carried out with very limited financial resources. Our watershed groups all have boards of dedicated, unpaid volunteers. Some have coordinators that are Conservation District employees, some raise funds on a continuing basis to pay at least a part-time coordinator, and some lack coordinators altogether. Montana's watershed groups are a diverse mix of livestock producers, farmers, mining interests, recreationists, environmental organizations, tourism interests, the real estate community, timber interests, and representatives of Federal, tribal, state, and local governments. Although

critics of collaborative process claim that involving stakeholders viewed as extractive may embolden such interests with even greater opportunity to wreak havoc on the environment, our TMDL process requires inviting all these stakeholders to the table. More importantly, Montana's conservation success stories written in the past decade by the Blackfoot Challenge, the O'Dell Creek Headwaters Restoration partners, and many other collaborative conservation partnerships clearly show that without all stakeholders at the table, true long-term conservation simply doesn't happen. Yes, a few limited-membership groups, agencies, or organizations may win some skirmishes, but the progress of long-term, landscape-scale conservation is best served when all those interested are welcome to participate.

I've solicited the views of many people prior to addressing you today in regard to the current version of the Cooperative Watershed Management Act of 2008 and how it would potentially affect the functioning of Montana's watershed groups. Although primarily representing the Greater Gallatin Watershed Council here today, I also know that many if not most of our watershed partners around Montana would echo many of the following viewpoints.

GGWC resoundingly supports establishing a Cooperative Watershed Management program to complement local efforts to conserve water resources across Montana. Collectively, our watershed groups, given ample resources to organize and to plan, are without question the most appropriate foundation for delivery of watershed conservation on a landscape scale in Montana.

Specific to the language in the current version of the CWMA, GGWC would like to make the following points:

- 1.) We support the voluntary versus regulatory direction of the bill.
- 2.) While using watershed groups to deliver this program, we recommend that the focus of the legislation be water conservation, both in terms of water quality and quantity.
- 3.) We acknowledge and fully support the program's provision for funding the creation, enlargement, and project development aspects of watershed group activity. With CWMA funding available to deliver the First Phase of the program, project benefits resulting from the Second and Third Phases of the program in our state will be significant. In Montana, project funds are easier for our groups to raise than funding for coordination and administration.
- 4.) We understand that some see the CWMA as having significant overlap with The Water for America Initiative. We fundamentally disagree and are encouraged by the very complementary fit between the CWMA and the Water for America Initiative.
- 5.) We have heard the Administration's concern about budget constraints relative to the CWMA program. However, given the status of water supplies in western states like Montana, we believe that watershed conservation is appropriately among the highest environmental priorities with funding decisions made with this in mind. As the CWMA legislation moves forward, we would urge Congress to ensure that funding for the program does not come at the expense of existing Department of Interior programs which could result in a net loss of conservation program benefits in Montana.
- 6.) Eleven of the sixteen major watersheds of Montana are part of the Missouri River watershed, or more accurately, the Mississippi River Watershed, the largest watershed in North America. Fine-scale definition of watersheds eligible for funding is necessary to ensure that CWMA funds can flow to the local level at which all Montana watershed groups operate. Funding projects at a scale such as "the Missouri River watershed" in Montana has the potential for inefficient and ineffective distribution of program funding across the state.

In closing, I'd like to again express my appreciation for this opportunity as well as to acknowledge the other conservation organizations and conservation-minded individuals who have already written in support of this forward-looking legislation. The Greater Gallatin Watershed Council, the Montana Watershed Coordination Council, and our 50-plus watershed organizations across Montana will continue to engage others in gathering written comments over the coming weeks to provide you with a collective view of this legislation from our state. Thank you.

Senator SALAZAR. Thank you very much, Mr. Hinz.

I think for purposes of how we proceed, we will take S. 3065 and ask whatever questions we want to Commissioner McCracken, and then we will move to S. 3085. There may be some questions. I am sure Senator Tester has some questions on that.

Beginning on S. 3065, Commissioner McCracken, the Dominguez-Escalante National Conservation Area is an area that is 210,000-plus acres and encompasses parts of Delta and Montrose and Mesa Counties. So there are three counties involved. Are all three counties supportive of the legislation and moving forward with this initiative?

Ms. MCCRACKEN. Yes, all three counties are. Originally Mesa County, Montrose County, and Delta County commissioners got together and decided how are we going to go forward with this. Delta and Montrose Counties took the first initiative to go forward with it, had several public meetings. Mesa County jumped on board and did. I think in your package you have three letters of recommendations and a resolution of support. If this goes forward, these were the conditions we would like to see addressed, and as far as I can tell, in the act, as I read it, those all have been addressed.

Senator SALAZAR. Second, the Colorado River Water Conservation District was very involved in crafting this water language to make sure that water rights are, in fact, protected both for their existing uses, as well as any conditional uses, and making sure we were not interfering with the State's water rights system of allocation. Are you comfortable with the water language that is included in the legislation?

Ms. MCCRACKEN. Yes, I am because I felt like the experts put it together. You know, it would not have been something that I feel like a county commissioner would have been qualified to ask be put in the language, but when that came up as a concern, we asked the Colorado River District to look into it and to protect those water rights. You know, what would their language be? That language was adopted and is what I read.

I understand that the wilderness boundary will never include the Gunnison River. Whether the river floods or whether it shrinks, the boundary will always be outside of the river corridor.

Senator SALAZAR. Finally, you are a leader and a very effective member of the Board of County Commissioners for Delta County and a person whose roots go down into the soils of that county for a long time. What does this mean to you?

Ms. MCCRACKEN. You know, as I grew up, this is an area that we went and played. We had picnics. We saw the art that was shown in your pictures, the cabins that are down there. My father would tell stories of the old-timers there that would jump from cliff to cliff basically on their horses or some of the rustlers or the cattlemen that would get angry with each other over water and shoot each other. So this was a way of life for us.

It is a beautiful area that we can share with whomever wishes to come and see a part of it. I do feel like what made that valley, that canyon, so beautiful were the orchards down there, as well as the agricultural production. Again, you have written into the legislation to protect that, to make it an area that we have always enjoyed. It is a beautiful area that we could share with those who want to see it.

Again, I cannot express to you the work that went into this and the collaborative effort through all of the stakeholders through all of those meetings and time.

Senator SALAZAR. Thank you, Commissioner McCracken. If you are in agreement, I will include your entire statement that you had prepared for this hearing into the record because you did not go over it all, and I thought it was a very eloquent statement. So I will incorporate that into the record here for this hearing.

Ms. MCCracken. Thank you for that. I just felt like you had hit so many points that I was going to hit, and I know these can be long days.

Senator SALAZAR. I think you said them better than I would have said them. Thank you very much for being here.

Senator Barrasso or Senator Tester, do you have any questions of Commissioner McCracken?

Senator BARRASSO. Thank you, Mr. Chairman. While I have no questions of the panel, I have a few letters* I would like to have included in the record: two on 2448, one from Senator Enzi and one from John Carra, the Wyoming Department of Environmental Quality; and then two dealing with Senate 3069, one from the city of Los Angeles and one from the International Mountain Bicycling Association, with your permission, Mr. Chairman.

Senator SALAZAR. They will be included in the record without objection.

Senator SALAZAR. Thank you, Commissioner McCracken, and you are excused from the hearing.

Senator TESTER. If I might, Mr. Chairman, I just want to say to Jan McCracken I appreciate the work that you have done to make this thing happen. I do not know if it is good or bad. But to listen to you talk about it and bringing the groups together is no small feat. Leadership at the local level is critically important if we are going to get things like this to go and getting people all on the same page. So I want to thank you for that.

I also want to tell you that Senator Salazar oftentimes beats people to the punch. So do not feel alone.

[Laughter.]

Ms. MCCracken. I would not have stressed as much if I would have known he was to say my speech earlier. So thank you all.

Senator SALAZAR. We are going to ask Mr. Hinz about pickup trucks in just a few minutes.

[Laughter.]

Senator SALAZAR. Thank you very much, Commissioner McCracken, and you are excused.

How will we move over to testimony regarding S. 3085 and I would ask if members of the committee have any questions?

Senator TESTER. Yes, thank you, Mr. Chairman.

Tom, I want to thank you for being here today. My staff tells me that your trip started out in Bozeman, Montana, then went to Salt Lake, then went to Atlanta, and then up here, and all the while you had a seat mate that was a 10-month-old child. We all know what that is like, so we want to thank you for being here. I appreciate your testimony and I want to thank all those folks who chipped in to get you here.

How many watershed groups are there in Montana? Do you know that?

*See Appendix II.

Mr. HINZ. The Montana Watershed Coordination Council, which is an information-sharing forum that sort of coordinates the work of the watershed groups from Montana, currently estimates there are about 53 active watershed groups in Montana.

Senator TESTER. Basically north, south, east, west, they fairly well cover the State.

Mr. HINZ. They are all over the State, yes.

Senator TESTER. Would it be fair to say that they are all on shoestring budgets and, for the most part, underfunded? I mean, everybody can claim they are underfunded, but truthfully, do they have enough money to be effective and as effective as they could be?

Mr. HINZ. Without question, they do not have enough money to be as effective as they could be. There are more well-known watershed groups like the Blackfoot Challenge, which I am sure has been discussed in these proceedings earlier, who received funding for a variety of management programs, but for the types of work that we are talking about in S. 3085, I would say without question all of our watershed groups do not have the funding necessary to do the work described therein.

Senator TESTER. Could you sum up for me fairly concisely what the two or three biggest problems are for startup groups like the Gallatin watershed group?

Mr. HINZ. The Greater Gallatin Watershed Council that I chair and the other watershed groups in Montana I think have three primary challenges. No. 1, providing sort of a continual source of funding so that you can secure a coordinator and someone to essentially staff the work of the volunteer board.

Pulling the stakeholders together from very diverse interest groups, including sort of impacts associated with development and other sectors of the watershed is a challenge as well. But that is something that I think our watershed groups do pretty well.

I think the other big challenge for these groups is getting the funding to do projects. We need to come up with funding from, as I mentioned earlier in my comments, private foundations. In some cases I think pursuing projects because there is funding available to do certain things that draws our watershed groups in one direction or the other because that is where the funding is available.

But for the work that is described in S. 3085, most of our watershed groups have essentially no funding. Our group at our annual meeting in January 2008 for general operating funds had 76 cents on account.

Senator TESTER. These groups are basically focused on what you talked about in your testimony, and that is water conservation and quality?

Mr. HINZ. They are. I think that is based, I believe, on the acknowledgement that whether you are in the business of livestock production, irrigated agriculture, trout fishing, duck hunting, or you are someone who just likes to recreate, swim, enjoy the water, take your family to the river to have a picnic, all those people depend on one thing and that is clean water, as you mentioned earlier in your comments, Senator. So that is where we focus because we know that if we can meet that one need, the needs of all these groups will ultimately be realized.

Senator TESTER. Recently this bill was called a recipe for disaster because it brought to the table folks who raise crops and livestock. Could you talk a little bit about how important it is to have these folks and all the folks at the table?

Mr. HINZ. The user groups, stakeholders that you just mentioned, are without a doubt the primary conservationists in Montana. If it was not for our farmers and ranchers, our programs would be dead in the water because literally it is farms and ranches that give us the foundation for doing stream restoration work, wetland restoration work, riparian conservation because they still hold land in large enough pieces that they need to create a living for themselves there. It is those large pieces that if we put them under conservation easement or in some other conservation status—we have a landowner or a family with whom we can work to do watershed restoration projects to enhance water quality and to secure surface water and groundwater supplies.

Senator TESTER. In their testimony—and Avra Morgan pointed this out in the questions—the Administration implied there was overlap with the Water for America initiative, and that is one of the reasons they oppose this bill.

Mr. HINZ. Yes.

Senator TESTER. Do you see any overlap?

Mr. HINZ. For the Greater Gallatin Watershed Council, there is none.

Senator TESTER. No overlap?

Mr. HINZ. Zero. We do not qualify for those funds.

The one aspect of the Administration's testimony where I have some experience is in the Challenge Grant Program through Department of the Interior agencies, including the Fish and Wildlife Service, BLM, and BOR, but specific to the BOR funding, we have worked with BOR in funding some projects on the mainstem Madison and Missouri River through a cooperative program with PPL Montana. But for local watershed groups like the Greater Gallatin Watershed Council, it is a nonissue. We do not have access to any of those funds. None.

Senator TESTER. When water issues, local water issues in particular, get out of hand, it usually results in litigation. It ends up in the courts. As the lady before talked about, there were water fights a long time ago, and there continue to be.

Do you see the role of these watershed groups minimizing the kind of actions that could take place in court and kind of settling this stuff before it gets to a boiling point?

Senator SALAZAR. Mr. Hinz, can you hold on just for 1 second?

Mr. HINZ. Yes.

Senator TESTER. This is the last question.

Senator SALAZAR. I was going to say this is a very important stream of questions. You obviously can stay doing this for a long time. I am going to have to leave, though. So you will gavel down. I am going to turn the gavel over to you.

Senator TESTER. I will sit here and we are good to go. Thank you, Senator Salazar.

Senator SALAZAR. Thank you, Senator Tester.

Senator TESTER [presiding]. Anyway, from a litigation standpoint, do you see empowering these groups being able to—

Mr. HINZ. From the perspective of the Administration, the comments that were conveyed earlier, I think it would be nice to be able to say that through the collaborative work of these watershed groups, there were significant savings in the offing in terms of reduced court costs, lengthy legal battles, things that move up through the court system from the State to the Federal level, et cetera.

But I think the thing that we have to sell essentially that is of value that would emanate from S. 3085 is the ability of our watershed groups to conserve water. Whether we are going to be more effective in saving the Federal Government money as a result of preventing some litigation through the work of the watershed groups, I guess I cannot respond to that because we do not have examples of that, I do not think, in Montana yet like in the Klamath Basin of Oregon, for example.

But one thing I am convinced is that our watershed groups can do this work and bring these groups together, diverse stakeholder groups together, and deliver these benefits that conserve the water that Montanans need. I hope that we can do that, and I believe that we can do that and generate significant benefits for people who live in Montana, visit Montana, or downstream users of Montana water.

Senator TESTER. Very good. I want to thank you, Tom. I appreciate your testimony. I appreciate your answers to the questions.

Mr. HINZ. Thank you.

Senator TESTER. I appreciate you coming all the way to Washington, DC.

With that, this committee hearing is adjourned.

[Whereupon, at 3:56 p.m., the hearing was adjourned.]

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF JOEL HOLTROP TO QUESTIONS FROM SENATOR BARRASSO

H.R. 3473

H.R. 3473, to provide for a land exchange with the city of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, and for other purposes.

I note that there is a shooting range involved in this land exchange and that you want language that indemnifies the Federal Government from the hazardous wastes there.

Question 1. What steps has the Forest Service taken over the years to manage this site and the hazardous wastes that you seem to be concerned about?

Answer. This target range has been under special use permit for many years and the Ranger District works with the permit holder, the Lions Club, to address any management concerns. Lead from the shooting activity is contained in the hillside within the target range. The Forest Service is concerned, should there be a change in ownership, about any potential liability the US government would incur for removing lead from the site as this could be quite expensive.

Question 2. Should we take the agency's repeated attempts to divest itself from shooting ranges on Federal land as a statement of opposition to shooting guns on Federal land for target practice?

Answer. The Forest Service has demonstrated its continued support for shooting sports on national forests. Attesting to that commitment, the Deputy Chief recently signed a Memorandum of Understanding (MOU) with the National Shooting Sports Foundation along with forty other organizations. This Federal Lands Hunting, Fishing and Shooting Sports Roundtable MOU creates a cooperative framework to plan activities and projects for mutual benefit.

National forests across the Nation host both dispersed shooting and focused target shooting areas. In some cases, designated target ranges are managed by the Forest Service and in other cases they are managed under a Special Use Permit as is the case in Bountiful. In this case the Lions Club would like to make improvements at the range and hence the City and Club would prefer to own the land.

The Forest Service does, at times, have a need to address issues associated with designated target ranges such as safety, illegal dumping and conflicts with other uses. These issues are sometimes more acute when the target ranges are closer to urban settings.

Nevertheless, we actively support many of the goals of the shooting and hunting community including access to Federal lands as well as enhancing opportunities to hunt and engage in shooting sports. Together we work with partners and communities to promote marksmanship and hunter education in a safe and environmentally sound manner.

Question 3. Should we take this opposition to shooting as carrying over to hunting on Federal lands?

Answer. The Forest Service welcomes and supports hunting on national forests as demonstrated in our commitment to the aforementioned MOU. We are actively implementing the August 2007 Executive Order, "Facilitation of Hunting Heritage and Wildlife Conservation." In addition, individual forest plans address the protection and enhancement of habitat for all game species thus ensuring a wide range of hunting opportunities. We work closely with state agencies responsible for regulating hunting.

Mr. Holthrop, the Committee has received a letter from the County of Los Angeles on S. 3069 that indicates because of fire risk S. 3069 “could jeopardize life and property in urban interface communities . . . by precluding the performance of common fire control, suppression, and prevention activities.”

Question 4. Do you concur with the County that designating these lands as wilderness will complicate the State of California and the Forest Service’s efforts to manage in these areas to control and reduce the risk of wildland fires?

Answer. The lands that would be designated as wilderness in Los Angeles County (Pleasant View Ridge and Magic Mountain) were not recommended for wilderness in the 2005 Angeles National Forest Land Management Plan. Wildland fire concerns in the wildland urban interface and planned hazardous fuel reduction projects influenced the Forest Plan decision. We share the County’s concern about reducing the risk of wildland fires and managing wildfires in this area. We stated in our testimony for S. 3069 that we feel the continued use of the current Forest Plan designation of Backcountry Non-motorized use for the majority of this area remains appropriate.

We understand S. 3069 includes language for the control and prevention of fire in the proposed wilderness, but we still have concerns about the proposed boundaries. We would like to work with the subcommittee and the bill’s sponsors to adjust the boundaries to address concerns about hazardous fuel reduction, wildfire management and other competing uses.

My staff informs me that Senator Boxer and Representative McKeon had a bill in the 109th Congress (S. 2567) that covered this same area but only covered 39,680 acres.

Question 5. Can you tell me how the additional acres of wilderness designation will impact the Forest Service as compared to that in S. 2567 from the 109th Congress?

Answer. S. 2567 introduced in the 109th Congress would have designated approximately 39,680 acres called the “Hoover Wilderness Addition” and 640 acres that would have been added to the Emigrant Wilderness. Both of these are on the Humboldt-Toiyabe National Forest.

The Hoover Wilderness addition proposed in S. 2567 appears to be the same as the Hoover West Addition proposed in S. 3069. There was no area proposed in S. 2567 that is comparable to the approximately 24,000 acre Hoover East Wilderness addition proposed in S. 3069. The Emigrant Wilderness addition in S. 2567 was 640 acres and is 251 acres on S. 3069. It appears now that the 640 acres was in error concerning its size and that the area proposed under both bills is essentially the same.

Our July 16, 2008 testimony for S. 3069 stated that we support wilderness designation for the Hoover West and East Wilderness Additions named in the Bill, but not for the Emigrant addition, because of the complexity of managing snowmobile use and the Pacific Crest Trail in that area.

Since our 2006 testimony, the Humboldt-Toiyabe National Forest has completed a forest plan amendment that allocates the area in the proposed Emigrant addition for semi-primitive non-motorized recreation. We oppose designation of this area as wilderness. We feel designating these acres as wilderness would complicate management of the Emigrant Wilderness, the Pacific Crest Trail and the Bridgeport Winter Recreation Area in this vicinity. We prefer keeping the boundary of the Emigrant Wilderness as it currently is on the clearly definable ridge, rather than adding 251 acres. We understand this is a complex situation and we remain willing to discuss this further with the Committee staff.

S. 3069 also designates additional acres of wilderness as follows:

National Forest	Name of Area in S. 3069	Acres of proposed wilderness in S. 3069	Acres recommended for wilderness in Forest Plans	USDA position (July 16, 2008 testimony)
Humboldt-Toiyabe	Hoover West Wilderness Addition	76,982 See Sec 3 (1)(A) of S. 3069. These acres may change slightly to reflect mapping by Forest Service at request of committee	41,460 including Area X; based on current FS GIS maps of Forest Plan	Support
Humboldt-Toiyabe and Inyo	Hoover East Wilderness Addition		23,840 based on current FS GIS maps of Forest Plan	Support with boundary adjustments
Inyo	Bighorn Wilderness Addition		0	Support some portions with boundary adjustments
Humboldt-Toiyabe	Emigrant Wilderness Addition	251	0	Do not support
Inyo	Owens River Headwaters/ Ansel Adams Wilderness Addition	15,247 acres	0	Support some portions with boundary adjustments
Inyo and BLM	John Muir Addition	80,112	93	Support with boundary and jurisdiction adjustments
Inyo and BLM	White Mountains Wilderness	223,517	120,008	Do not oppose with boundary modifications to address "cherry stem" configurations
Inyo and BLM	Granite Mountain Wilderness	35,564	0	Support with boundary and jurisdiction adjustments

National Forest	Name of Area in S. 3069	Acres of proposed wilderness in S. 3069	Acres recommended for wilderness in Forest Plans	USDA position (July 16, 2008 testimony)
Angeles	Magic Mountain Wilderness	13,709	0	Cannot support without boundary adjustments and corrections
Angeles	Pleasant View Ridge Wilderness	28,424	0	Cannot support without boundary adjustments and corrections

Question 6. Of the forest acres designated as wilderness in this bill how many were recommended for wilderness in the most recent forest plan for this area?

Answer. Please see table above.

RESPONSES OF HENRI BISSON TO QUESTIONS FROM SENATOR BARRASSO

S. 3069

Mr. Bisson, the Committee has received a letter from the County of Los Angeles on S. 3069 that indicates because of fire risk S. 3069 “could jeopardize life and property in urban interface communities . . . by precluding the performance of common fire control, suppression, and prevention activities.”

Question 1. Do you concur with the County that designating these lands as wilderness will complicate the State of California and the BLM’s efforts to manage in these areas to control and reduce the risk of wildland fires?

Answer. While none of the proposed Wilderness areas to be managed by the BLM are within Los Angeles County, we certainly understand the concerns raised by the County. The Wilderness Act of 1964 provides agencies the authority to allow necessary equipment to be used to control fire in Wilderness Areas (Sec. 4(d)(1)). That authority is specifically cited in section 4(e) of S. 3069.

The BLM’s policy of fire management in designated wilderness is very clear. The BLM has the authority, and uses that authority when appropriate to use necessary motorized equipment in wilderness during fires. The authority has been delegated to our State Directors to ensure timely decisions are made by those BLM officials with direct knowledge of the situation.

For example, the BLM generally allows the construction of bulldozer lines in wilderness in cases where this is needed. Earlier this summer the BLM pre-approved the use of bulldozers to build fire lines within wilderness on the Piute Fire in Kern County, the Basin and Indian Complex Fire (Big Sur) in Monterey County, and the Red Mountain Fire in Mendocino County.

Question 2. My staff informs me that Senator Boxer and Representative McKeon had a bill in the 109th Congress (S. 2567) that covered this same area but only covered 39,680 acres.

Can you tell me how the additional acres of wilderness designation will impact the BLM as compared to that in S. 2567 from the 109th Congress?

Answer. S. 2567 did not include the designation of any BLM-managed lands as Wilderness. However, approximately 24 miles of the Amargosa River, which is managed by BLM, was proposed as an addition to the National Wild and Scenic River System in that legislation, and we supported its designation in testimony during the 109th Congress.

S. 3069 would designate approximately 57,000 acres of BLM-managed land as wilderness. As we noted in our testimony we support, with minor modifications, the designation of the Granite Mountain Wilderness to be managed by BLM, and we defer to the Forest Service on the issue of designation of the White Mountains and

John Muir Additions. The BLM believes these areas can be managed as wilderness with negligible effect on current uses.

Question 3. Of the BLM acres designated as wilderness in this bill how many were recommended for wilderness in the most recent forest plan for this area?

Answer. The BLM reviewed Wilderness Study Areas (WSAs) for suitability for wilderness as part of the 1991 Wilderness Study Report (unlike the Forest Service we do not re-review WSAs in subsequent land use plans.) Both the Granite Mountain WSA and the White Mountains WSA were recommended unsuitable for wilderness. Since that report, there have been a number of changes on the ground, including the acquisition of private lands, and the reduced possibility of geothermal potential in the area.

S. 3065

I know that there are roads within the recommended National Conservation area and grazing infrastructure in both the National Conservation area and the proposed Wilderness Area.

Question 4. If Congress were to add language to protect access to these areas, would the BLM object to such protections for the ranchers and the private property owner who is involved?

Answer. We would be happy to review any proposed language. We believe that the language in the bill on grazing in section 7(b) (which is consistent with other wilderness bills enacted over the last several years) provides assurances on existing grazing improvements. Section 4(b)(2)(B) provides for motorized vehicles within the proposed NCA on designated roads and trails.

Question 5. Of the BLM acres designated as wilderness in this bill, how many were recommended for wilderness in the most recent forest plan for this area?

Answer. In the January 7, 1993, Wilderness Study Report the BLM recommended the vast majority of the entire Dominguez Canyon WSA as suitable for designation, including all of the areas designated as wilderness by S. 3065.

Question 6. Of the BLM acres designated as National Conservation Area in this bill, how many were recommended for National Conservation areas status in the most recent forest plan for this area?

Answer. The BLM does not have the authority to consider Congressional designations of potential NCAs during its land use planning process.

H.R. 3651

Some have suggested that the need for the transfer remains unclear, and that the land is already withdrawn and used for the purposes that would be permitted under the terms of the bill.

Question 7. From your experience and what you know about the requirements and processes of the BLM, would the transfer of this land help expedite the Utah National Guard's ability to utilize these lands as part of Camp Williams?

Answer. As you note, these lands are already withdrawn for the use of the Army, therefore the BLM is no longer involved in the management of these lands. We are not familiar with the specific needs of the Utah National Guard.

APPENDIX II

Additional Material Submitted for the Record

THE COLORADO MOUNTAIN CLUB,
Golden, CO, July 14, 2008.

Hon. KEN SALAZAR,
U.S. Senate, Washington, DC.

DEAR SENATOR SALAZAR, On behalf of our more than 9,000 members across the state, Colorado Mountain Club (CMC) would like to express our sincere appreciation for your efforts to create the Dominguez-Escalante National Conservation Area and Dominguez Canyon Wilderness. Thank you for introducing legislation to protect this unique and remarkable place.

The Dominguez Canyons area provides critical undisturbed, arid, lower elevation wildlife habitat and quiet recreation opportunities. With protection, this area will serve to enhance and sustain biodiversity and recreation within the state of Colorado. CMC members, volunteers and staff have explored, hiked, and inventoried the proposed lands.

Our members appreciate the rugged, colorful, quiet landscape of the Dominguez Canyons area, and look forward to enjoying the permanent protection that wilderness designation will offer this special landscape. We join with the many endorsers of your legislation to urge you to continue working diligently to pass it through Congress this year.

Again, thank you for your work in protecting Dominguez Canyons.

With warm regards,

BRYAN MARTIN,
Assistant Director of Conservation.

COLORADO ENVIRONMENTAL COALITION,
Denver, CO, July 14, 2008.

Hon. KEN SALAZAR,
U.S. Senate, Washington, DC.

DEAR SENATOR SALAZAR, On behalf of our more than 100 coalition partners and the 150,000 Coloradans they collectively represent across the state, Colorado Environmental Coalition (CEC) would like to express our sincere appreciation for your efforts to create the Dominguez-Escalante National Conservation Area and Wilderness. Thank you for introducing legislation to protect these beautiful lands.

Colorado Environmental Coalition has been actively supporting the designation of Dominguez Canyons Wilderness from the very beginning of the Bureau of Land Management's wilderness process starting in 1976. CEC staff, members and volunteers have explored, hiked, and inventoried the proposed lands. We have met with interested parties, from ranchers to county commissioners to land management agencies to local citizens.

Our members look forward to enjoying the permanent protection that wilderness designation will offer these special landscapes. We join with the many endorsers of your legislation to urge you to continue working diligently to pass it through Congress this year.

Again, thank you for your leadership in protecting Dominguez Canyons.

With warm regards,

ELISE JONES,
Executive Director.

WESTERN COLORADO CONGRESS,
Grand Junction, CO, July 14, 2008.

DEAR SENATOR SALAZAR, On behalf of the 3100 members of Western Colorado Congress, we thank you for introducing the Dominguez Escalante National Conservation Area and Dominguez Canyon Wilderness Area Act (S. 3065). We appreciate your support and your leadership on this important public lands legislation.

We strongly endorse this legislation and urge Congress to promptly pass it into law this year, as do a diverse variety of conservation organizations, businesses, local governments, recreation groups, and individual citizens.

Many of our members have visited the area and cherish its quiet, rugged, colorful beauty. It provides undisturbed wildlife habitat rare in such an arid landscape, along with wonderful recreation opportunities.

Thank you again for your good work on this important legislation.

Sincerely,

BILL GRANT,
WCC Public Lands Committee.

SHEEP MOUNTAIN ALLIANCE,
Telluride, CO, July 14, 2008.

Hon. KEN SALAZAR,
U.S. Senate, Washington, DC.

DEAR SENATOR SALAZAR, I write to you on behalf of the nearly 400 members of Sheep Mountain Alliance in San Miguel County. As neighbors of the Dominguez-Escalante region, we thank you for introducing Dominguez-Escalante national conservation area and wilderness legislation. We appreciate your support for protecting this unique and remarkable place.

We strongly endorse this legislation and urge Congress to promptly pass it into law this year, as do a diverse variety of conservation organizations, businesses, local governments, recreation groups, and individual citizens.

Many of our members have visited the area and cherish its quiet, rugged, colorful beauty. It provides undisturbed wildlife habitat rare in such an arid landscape, along with wonderful recreation opportunities.

Thank you again for your good work on this important legislation as well as many other conservation efforts throughout Colorado.

Sincerely,

HILARY WHITE,
Director.

WESTERN RESOURCE ADVOCATES,
Boulder, CO.

Hon. KEN SALAZAR,
U.S. Senate, Washington, DC.

Re: Dominguez-Escalante National Conservation Area & Wilderness bill

DEAR SENATOR SALAZAR, Thank you for your continued leadership on Federal public lands issues in Congress. As a former resident of Montrose, I've spent more days than I can count kicking around the Uncompahgre Plateau, one of the most unique and stunning landscapes in Colorado or anywhere else.

In the early 1990s, I worked with Jim Martin and Senator Wirth to achieve Federal protection for Roubideau Canyon the Tabeguache area on the Plateau. The far-sighted decisions to protect those two natural areas have been good for the local economy, the State and the nation. I took my two sons backpacking in Upper Roubideau several years ago, and enjoyed an Easter adventure to Tabeguache in 2007.

Dominguez-Escalante encompasses some of the most outstanding country on the Uncompahgre Plateau. Visitors to Escalante Breaks near the crest of the Plateau can easily imagine that they are fur trappers or Ute warriors in the early 1800s. Dominguez Canyon would take months to properly explore. It ranks with Utah's renowned National Parks as some of the most stunning redrocks wilderness in the southwest. On the first day of my 2007 trip, we observed ancient petroglyphs on rock walls and desert bighorn sheep in a side canyon while exploring around camp at dusk. On our way back to the trailhead, we saw a large herd of desert bighorns highlighted against the sky, on the rim of the canyon above the Colorado River. It was a magical moment that I won't forget, in the company of a wildlife biologist who had helped reintroduce the sheep to Colorado.

Western Resource Advocates strongly supports the new legislation to afford balanced protections for these outstanding landscapes. In addition to the broad appreciation and support of current citizens, future generations will greatly appreciate your visionary leadership on these and other public lands and natural resources issues.

Very sincerely yours,

MIKE CHIROPOLOS,
Lands Program Director.

GREAT OLD BROADS FOR WILDERNESS,
Durango, CO.

Hon. KEN SALAZAR,
U.S. Senate, Washington, DC.

DEAR SENATOR SALAZAR, Great Old Broads for Wilderness, with over 400 Colorado members, thanks you for introducing Dominguez-Escalante national conservation area and wilderness legislation. We appreciate your support for protecting this unique and remarkable place.

We strongly endorse this legislation and urge Congress to promptly pass it into law this year, as do a diverse variety of conservation organizations, businesses, local governments, recreation groups, and individual citizens.

Many of our members have visited the area and cherish its quiet, rugged, colorful beauty. It provides undisturbed wildlife habitat rare in such an arid landscape, along with wonderful recreation opportunities.

Thank you again for your good work on this important legislation.

Broadly,

VERONICA EGAN,
Executive Director.

BOARD OF DELTA COUNTY COMMISSIONERS,
STATE OF COLORADO,
Delta, CO, April 7, 2008.

DEAR SENATOR WAYNE ALLARD AND SENATOR KEN SALAZAR, Public meetings have been held throughout Delta, Mesa, and Montrose Counties over the past 2 years collecting information regarding the proposed Dominguez Escalante National Conservation and Wilderness Study Area.

The Dominguez Escalante National Conservation and Wilderness Study Area and adjacent Federal lands include a variety of unique ecological, geological, scenic, historic, economic and wildlife components.

This area and adjacent Federal lands provide extensive opportunities for ranching, economic, educational and recreational activities, and are publicly used for hunting, hiking, camping, fishing, recreation, motorized use, and for solitude.

The public land within and surrounding the proposed Dominguez Escalante National Conservation Area contributes to the economic viability of surrounding landowners, communities and offers unique geological, paleontological, scientific, educational, and recreational resources.

On behalf of our agricultural constituents and many other interested members of our communities we offer the following conditions to be incorporated in the form of actual language into potential legislation for the Dominguez Escalante National Conservation Area/ Wilderness Area designation.

- Express disclaimer of any reserved Federal water rights.
- Express disclaimer of any effect on existing water rights.
- Express disclaimer of any effect of the Wilderness Area or the National Conservation Area on water quality standards in or upstream of the Federal land designations.
- Express exclusion of the Gunnison River from the wilderness irrespective of the river's flow at any time (i.e., no one can claim that because the Gunnison River in a particularly high water year rose into the wilderness, that the river is therefore part of the wilderness).
- Gunnison River included in the National Conservation Area.
- Express disclaimer of any Federal water right on the Gunnison River for the National Conservation Area.
- Reliance on Colorado's instream flow program for any water rights required by the wilderness: the Federal Government will file for an instream flow right at roughly the same time as the State files for its instream flow right, but the Fed-

eral Government are expressly prohibited from pursuing adjudication of the Federal right unless the State fails to adjudicate or enforce its right. This allows the Federal Government to maintain a priority date for a potential water right equal that of the State's.

- The State and Federal Government will enter into a joint operating agreement for the enforcement of the State's instream flow right.
- Access to private properties within or adjacent to the designated lands will be granted to the private property owner where necessary and physically possible.
- Livestock grazing practices shall continue as traditionally provided for under law.
- Sound range management science protocol shall be used for grazing management practices, plans and implementation.
- Range improvement projects, including but not limited to vegetation modification, fencing, noxious weed control, and water development may occur when conducted under the supervision of the appropriate public conservation agency.
- The use of motorized vehicles for livestock grazing and range management purposes can occur as provided for the appropriate management plan.

Our collective belief through the public scoping meetings with key stake holders over the past 2 years the above provisions are in the best interest of both the natural resources and the agricultural and greater communities associated with a Dominguez Escalante National Conservation Area with a wilderness component. It is our resolve to include the provisions, in the form of identical or similar language, to potential designation legislation on behalf of our agricultural and general constituencies.

Thank you for the opportunity to comment.

Sincerely,

WAYNE E. WOLF,
Chairman.

R. OLEN LUND,
Vice Chairman.

LELA J. MCCrackEN,
Commissioner.

BOARD OF COUNTY COMMISSIONERS,
MONTROSE COUNTY,
Montrose, CO, April 28, 2008.

DEAR SENATOR KEN SALAZAR AND SENATOR WAYNE ALLARD: After a great deal of public input from the general public and specific meetings with interest groups it appears to the Montrose County Commissioners that a workable proposal for the Dominguez Escalante National Conservation and Wilderness Study Area (NCA/WA) has been achieved. The proposal provides a vehicle for improving on the sound multiple use management of the area. The land will be managed for both public use and the protection of natural values.

The existing proposed boundaries include the Gunnison River as it flows through the NCA. Keeping the river inside the NCA and outside of any designated wilderness provides the Bureau of Land Management positive assistance in managing the recreation use already occurring on the Gunnison River. Water language has been developed which will have no impact to existing water rights and allow no federal reserve water right as a result of any forthcoming legislation.

The Montrose County Commissioners are not in favor of extending the existing WSA to include additional lands. We are satisfied with the wilderness recommendation on Dominguez Canyon which was made after significant study and public input by the Bureau of Land Management and is included in their 1989 Resource management plan.

With respect to grazing operations, an NCA would not hinder current operations. Grazing in the current WSA is and will continue to be controlled by current law. Off road issues will be studied carefully with the public in an NCA management Plan after designation.

The Montrose County Commissioners support the designation of the Dominguez/Escalante National Conservation Area and the Dominguez Wilderness Study Area for Wilderness.

Sincerely,

GARY J. ELLIS,
Chairman.

WILLIAM N. PATTERSON,
Vice Chairman.

ALLAN J. BELT,
Commissioner.

STATEMENT OF MICHAEL ROGERS, POLICY & PROGRAMS DIRECTOR, WILD CONNECTIONS, FLORISSANT, CO, AND JOHN STANSFIELD, COORDINATOR, CENTRAL COLORADO WILDERNESS COALITION, MONUMENT, CO

On behalf of both Wild Connections and the Central Colorado Wilderness Coalition, we want to express our support and thank you for introducing legislation to establish the Dominguez-Escalante National Conservation Area and Dominguez Canyon Wilderness. We appreciate your support for protecting this unique and remarkable place.

We strongly endorse this legislation and urge Congress to promptly pass it into law this year, as do a diverse variety of conservation organizations, businesses, local governments, recreation groups, and individual citizens.

The Dominguez-Escalante area provides cherished quiet recreational opportunities amidst a rugged, colorful landscape. More important, it provides critical protections to undisturbed, arid, lower elevation wildlife habitat. These protections serve to enhance and sustain the biodiversity within the region, and within our broader, beautiful state of Colorado.

Thank you again for your good work on this important legislation.

Wild Connections, a science-based advocacy organization, works to identify, protect and restore lands of the Upper Arkansas and South Platte watersheds to ensure the survival of native species and ecological richness. We focus on designing, implementing and defending the Wild Connections Conservation Plan—a vision for the future of this region that embodies the results of many years of roadless area mapping, citizen input and conservation science.

The Central Colorado Wilderness Coalition works to protect, defend, and preserve for future generations the ecological integrity of wild places in the Pikes Peak Region of central Colorado and promote permanent protection of these areas through wilderness designation.

STATEMENT OF HON. MICHAEL B. ENZI, U.S. SENATOR FROM WYOMING, ON S. 2448

I would like to begin by thanking Chairman Wyden and Ranking Member Barrasso for holding this hearing. I would also like to thank Chairman Bingaman and Ranking Member Domenici for allowing this hearing to move forward and for their efforts to reform the Abandoned Mine Land (AML) Trust Fund. I have been intimately involved in this issue during my entire service in the Senate. I cosponsored numerous bills on AML, and I authored the final version of the Surface Mining Control and Reclamation Act Amendments of 2006 signed by President Bush into law on December 20, 2006.

When the bill was signed into law, it was clear to me and my colleagues who worked on this measure what the legislation would do. It would lead to the cleanup of more abandoned mines. It would fix the health benefits for orphan miners so that they would not have to worry about healthcare in years to come. Most importantly to my state of Wyoming, it would return the money to certified states that had been hijacked by the Federal Government for other purposes, and it would fix that problem for money that would be owed to certified states in future years—without any strings attached.

When I received word that there may be some “conflicting” interpretation of Congressional intent, I met with the Office of Surface Mining and the Office of Management and Budget to make clear to them what Congress meant when we passed that bill. I assumed, that, because I had drafted the language that would eventually become law, I could explain to those agencies what Congress meant. Unfortunately, I was wrong.

Only in Washington can someone tell you what your words mean and think that it makes complete sense. Only in a bureaucracy as large as ours can a nameless staffer explain to the Members of Congress who drafted the law just what Congress “really” meant with their own words.

In this case, the Administration has taken the word “payment” from our legislation to mean “complicated grant process.” Instead of receiving funding through the “no strings attached” process that was anticipated, the States are forced to jump through hoops that were never intended by Congress. This should be changed.

While I am pleased that States are receiving more money than ever before, I am disappointed by this process. After the misinterpretation was released by the Administration, I asked its own lawyers to provide me with language that would do what we initially intended—provide the states money with no strings attached. The bill before your Committee is that product and I hope you can support this effort.

I look forward to working with you on this matter and look forward to passing this legislation so that the Administration will finally follow the intentions of Congress.

COUNTY OF LOS ANGELES,
LEGISLATIVE OFFICE,
Washington, DC, July 11, 2008.

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

Hon. PETE V. DOMENICI,
Ranking Minority Member.

DEAR CHAIRMAN BINGAMAN AND RANKING MINORITY MEMBER DOMENICI: On behalf of the County of Los Angeles, I am writing regarding the Eastern Sierra and San Gabriel Wild Heritage Act (S. 3069/H.R. 6156), which would designate 472,804 acres of public land in California as wilderness, including 42,000 acres of land in Los Angeles County as wilderness.

The County of Los Angeles is the most populous County in the Nation with 10.3 million people and a land area covering over 4,000 square miles. The wilderness areas in Los Angeles County designated by S. 3069/H.R. 6156 are located within the Angeles National Forest, which comprises over 655,000 total acres, most of which are within the County. The Los Angeles County Fire Department, in conjunction with the California Department of Forestry, is responsible for fire control and suppression activities in and around the Angeles National Forest, consisting of hazardous fuels reduction to minimize wildland fire hazards and protecting the region’s natural resources from adverse impacts.

The Angeles National Forest is unique compared with most national forest, park, recreation and wilderness areas in that it is located in the middle of a high-density urban environment. The Angeles National Forest also features elevations ranging from 1,200 to 10,000 feet, over 1,000 miles of roads, almost 700 miles of trails, while having one of the highest usage rates in the entire national forest system.

For all of the attributes of the Angeles National Forest, it is also one of the most fire-prone areas in California. The 42,000 acres of land that S. 3069/H.R. 6156 would designate as wilderness are adjacent to several populated communities such as Newhall, Canyon Country, Acton, Ague Dulce, and Juniper Hills. Many of these areas have regularly experienced wildfires in recent years, and each of these communities (with the exception of Juniper Hills) was impacted to some extent by the series of fires which occurred in October 2007.

The perpetually dry Southern California climate, rugged terrain, varying elevations, and unpredictable winds present numerous challenges in the control and prevention of wildfires in the Angeles National Forest and its surrounding communities. This wildland-urban interface area has always been a major focus for fire management in Los Angeles County. In addition, the increase in fine fuel volume created by last year’s high rainfall has resulted in forming continuous fine fuel beds throughout the desert, valleys, and foothill areas of the Angeles, which promote quick ignition, rapid rates of spread and large fire development. Passage of S. 3069/H.R. 6156 as currently drafted could impede the ability of local fire departments and other public safety personnel in responding to fires and other emergencies in a timely and effective manner. In addition, the legislation could jeopardize life and property in urban interface communities such as those adjacent to the Angeles National Forest by precluding the performance of common fire control, suppression, and prevention activities.

The County of Los Angeles is available to provide technical assistance with this legislation as appropriate.

Sincerely,

P. MICHAEL FREEMAN,
Fire Chief, Forester & Fire Warden.

INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION,
Boulder, CO, July 14, 2008.

Hon. RON WYDEN,
Chairman, Subcommittee on Public Lands and Forests, Committee on Energy & Natural Resources, U.S. Senate, Washington, DC.

Hon. JOHN BARRASSO,
Ranking Member, Subcommittee on Public Lands and Forests, Committee on Energy & Natural Resources.

DEAR MR. CHAIRMAN AND RANKING MEMBER: On behalf of the International Mountain Bicycling Association (IMBA) and the millions of mountain bicyclists in California, I write over our objections to H.R. 6156 and S. 3069 that seek to establish new Wilderness areas in California's eastern Sierra.

The International Mountain Bicycling Association (IMBA), founded in 1988, leads state, national and worldwide mountain bicycling communities through a network of 80,000 supporters and more than 700 affiliated clubs, including 60 in California. Nationwide, IMBA members and affiliated clubs contribute over 1 million hours of volunteer trail and advocacy work annually and are some of the best partners to Federal, state, and local land managers. California has more mountain bicyclists than any other state. It is estimated that between 3 and 5 million people ride mountain bikes on dirt surface trails in the state.

IMBA applauds the movement to preserve wild areas in California. However, we are in favor of land management designations that allow for a flexible range of sustainable, human powered outdoor recreation, while preserving the environment for future generations. Unfortunately, Federal Wilderness is an excessively restrictive land use designation that significantly limits recreation activity, specifically human powered bicycle travel. Although we are in agreement with the majority of the proposed Wilderness sections in H.R. 6156 and S. 3069, we disagree with two proposed areas, mainly the Owens River Headwaters and Pleasant View Ridge land parcels. The proposed Wilderness designation will significantly restrict current and potential recreation opportunity for thousands of mountain bicyclists in the state. At a time when the state's population is approaching 37 million people, and mountain bike recreation is on the increase, we think it is shortsighted public policy to further limit areas for quality outdoor recreation.

In the case of the Owens River Headwaters, our objection to Wilderness is based on the following:

- The proposed parcel is directly adjacent to the well-known Mammoth Lakes Resort community that draws millions of visitors from the Los Angeles basin seeking numerous forms of outdoor recreation including mountain biking. Unfortunately, mountain bike trails are limited to the privately run Mammoth Mountain ski area that requires a significant trail use fee. There is a paucity of quality mountain bike trail opportunities on surrounding public lands, thereby eliminating the opportunity for pristine backcountry riding that cyclists cherish. Mountain bikers are now crammed into the over crowded ski slopes of Mammoth Mountain.
- Local trail advocates realize that trail systems are a vital part of their recreation offerings and have visions for future trail expansion on adjacent public lands. The Owens Headwaters is a prime area for future development of non-motorized, sustainable trails for bicyclists and hikers. The Wilderness designation will prevent bicycles in this area.
- A developed trail system will provide much needed high quality recreation opportunity for thousands of cyclist, and will have the added benefit of becoming an economic driver for Mammoth Lakes and the surrounding mountain communities. It is well documented that when there are high quality, sustainable trail systems, mountain bikers will come from far and near to enjoy them.

In the case of the Pleasant View proposed Wilderness, our objections to Wilderness are based on the following:

- The proposed area currently has significant riding opportunities for mountain bikers. Specifically trail 10W02 from Devils Punchbowl to Buckhorn is a pop-

ular ride for cyclists. The same is the case for trail 9W02 that runs from South Fork Campground to the highway near Little Jimmy.

- These two trails provide what we in the mountain biking community call “epic” rides, because of the natural beauty, the length of the ride, the opportunity for a loop trail experience (if a short stretch of road is used for a connector) and the unique opportunity to ride from desert like surroundings to beautiful mountain top vistas.
- The area is in close proximity to the large population center of Los Angeles Basin, and the communities of Pasadena, Burbank, Mission Hills and San Fernando. There are thousands of cyclists in this region and many of them frequent the area in question. The population of new cyclists is growing; hence preserving a range of cycling opportunities is vitally important.
- The US Forest Service conducted a lengthy planning process with extensive public review and input for the three southern California Forests. Pleasant View was a part of this process and it was not designated for Wilderness consideration in the final Forest Plan. Mountain biking is allowed in the Forest Plan; however, that would change if Wilderness were established.

IMBA has a strong interest in preserving wild areas in California. Cyclists enjoy riding on sustainable trails in beautiful pristine environments. We are supportive of land designations that preserve these special places and at the same time allow for low impact recreation. We look forward to continued discussion with Wilderness proponents to arrive at mutually supportive solutions.

Sincerely,

TOM WARD,
California Policy Director.

INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION,
Boulder, CO, July 16, 2008.

Hon. RON WYDEN,
Chairman, Subcommittee on Public Lands and Forests, Committee on Energy & Natural Resources, U.S. Senate, Washington, DC.

Hon. JOHN BARRASSO,
Ranking Member, Subcommittee on Public Lands and Forests, Committee on Energy & Natural Resources.

DEAR MR. CHAIRMAN AND RANKING MEMBER: The International Mountain Bicycling Association (IMBA) endorses Senator Salazar’s proposal to bring lasting protection to Dominguez Canyon, reflected in the Dominguez-Escalante National Conservation Area and Dominguez Canyon Wilderness Area Act (S. 3065). IMBA strongly supports protection of these public lands and urges the committee to pass this bill.

Mountain bicyclists value public lands for the same reasons as other quiet, low-impact users. We cherish the freedom, solitude, clean air, clean water and natural landscapes that bring us closer to nature.

IMBA highly values its partnership with the Bureau of Land Management (BLM). In 1990, IMBA participated in the first BLM mountain bike seminar in Durango, Colorado. From this meeting and others, the 1993 National Mountain Bike Strategy was released, and in 2002, with IMBA’s input, the BLM published the National Mountain Bicycling Strategic Action Plan. The volunteer National Mountain Bike Patrol works to inform, assist, and educate mountain bikers and other trail users on BLM lands across the country.

Locally, the Colorado Plateau Mountain Bike Trail Association (COPMOBA) is a dedicated steward on many trails in the BLM’s Grand Junction Field Office. This IMBA-affiliated club donates hundreds of volunteer hours each year to the construction and maintenance of sustainable shared-use BLM trails.

The Grand Junction area has long been an important resource for the mountain bicycling community. Highly valued trails like the Tabeguache Trail have been used for many years by bicyclists appreciative of their unique scenic vistas and challenging terrain. Mountain bicyclists cherish these trails and the experiences they provide.

Foremost, IMBA appreciates the efforts to protect lands surrounding traditional mountain biking trails with a National Conservation Area (NCA) designation. It is vitally important to our community that any proposal protects the land and allows for continued bicycling. Senator Salazar’s plan preserves our quiet, low-impact, human-powered activity with bicycle-friendly designations like the NCA and

through boundary adjustments that do not disturb bicycle access to important routes in the immediate vicinity.

IMBA also supports the approximately 65,000-acre Wilderness designation nested within the larger NCA. Federal land management agencies do not allow bicycling in Wilderness, but this particular area does not affect existing bicycle access.

IMBA looks forward to working with your office to promote this model legislation.

Sincerely,

JENN DICE,
Government Affairs Director.

STATEMENT OF THE NATIONAL WILDLIFE FEDERATION, THE NEW MEXICO WILDLIFE FEDERATION, ALBUQUERQUE WILDLIFE FEDERATION, THEODORE ROOSEVELT CONSERVATION PARTNERSHIP, THE MULE DEER FOUNDATION—NEW MEXICO, NEW MEXICO COUNCIL OF TROUT UNLIMITED, SPORTSMEN CONCERNED FOR NEW MEXICO MORA SPORTSMEN & CONCERNED CITIZENS, SOUTHWEST CONSOLIDATED SPORTSMEN, BACKCOUNTRY HORSEMEN OF NEW MEXICO—LOWER RIO GRANDE CHAPTER, REPUBLICANS FOR ENVIRONMENTAL PROTECTION—NEW MEXICO CHAPTER, COMMON GROUND UNITED, AUDUBON NEW MEXICO, NEW MEXICO WILDERNESS ALLIANCE, SOUTHWEST ENVIRONMENTAL CENTER, OIL & GAS ACCOUNTABILITY PROJECT, BROTHERHOOD OF LOCOMOTIVE ENGINEER & TRAINMEN—DIVISION 446 OF BELEN & GALLUP NEW MEXICO, ON H.R. 2632

On behalf of The National Wildlife Federation, The New Mexico Wildlife Federation, The Albuquerque Wildlife Federation, The Theodore Roosevelt Conservation Partnership, The Mule Deer Foundation—New Mexico, New Mexico Council of Trout Unlimited, Sportsmen Concerned for New Mexico, Mora Sportsmen & Concerned Sportsmen, Southwest Consolidated Sportsmen, Backcountry Horsemen of New Mexico—Lower Rio Grande Chapter, Republicans for Environmental Protection—New Mexico Chapter, Common Ground United, Audubon New Mexico, New Mexico Wilderness Alliance, Southwest Environmental Center, Oil & Gas Accountability Project, Brotherhood of Locomotive Engineers & Trainmen—Division 446 of Belen & Gallup, New Mexico we are pleased to submit this testimony in strong support of the Sabinoso Wilderness Act of 2007, H.R. 2632. Our organizations collectively represent thousands of individual New Mexicans, state and local governments, businesses, organizations, ranchers, hunters, anglers, hikers, horsemen, conservationists, and others.

The designation of Sabinoso Wilderness will continue New Mexico's proud wilderness tradition of working to set aside special areas of our public lands for present and future generations—a tradition that started with Aldo Leopold. His efforts helped establish the Gila Wilderness in southwestern New Mexico in the 1920s—and that tradition continues with this legislation today.

We would like to thank Representative Tom Udall for his leadership and commitment to wilderness protection and for the hard work that has gone into developing this legislation. Representative Udall and his staff has worked in partnership with a wide range of stakeholders and listened to the concerns and recommendations from all interested parties to develop this popular proposal.

Bureau of Land Management (BLM) State Director Linda Rundell and her staff deserve praise for their leadership and willingness to work with the conservation community, hunting interests, local elected officials, ranchers and others in the region. Much of the area has been managed by the Bureau of Land Management as a Wilderness Study Area (WSA) for more than two decades.

BROAD SUPPORT FOR THE SABINOSO WILDERNESS

H.R. 2632 is a positive, vital piece of legislation that enjoys broad support from adjacent landowners, sportsmen, conservation groups, individuals, businesses, local governments, Governor Richardson and other state officials. Resolutions supporting the designation of the Sabinoso Wilderness were passed by the New Mexico State House of Representatives, San Miguel County Commission, Village of Wagon Mound, and the Town of Springer. Further, the Las Vegas San Miguel County Economic Development Corporation supports the area's protection.

WILDERNESS VALUES AND QUALITIES

As Representative Tom Udall said when introducing this bill “New Mexico is filled with extraordinary landscapes, complex and diverse ecosystems, and some of the most breathtaking natural environments in the country. One of New Mexico's most precious gems is the Sabinoso Wilderness Study Area...”

Because of Sabinoso's unique characteristics and qualities it needs to be included in the National Wilderness Preservation System. At nearly 20,000 acres in size, Sabinoso rises 1,110 feet from the surrounding plains and is dominated by majestic sandstone cliffs and rugged canyons packed with dense vegetation and wildlife. The scenery within the areas is exceptional and noted for its sharp contrast of densely vegetated mesas bisected by colorful canyons and breathtaking vistas of the eastern plains. The dominant feature in the wilderness study area (WSA) is the 1,000-foot-deep Cañon Largo, which connects to the Canadian River just outside the area's boundary. Sabinoso mesas are dominated by pinyon-juniper trees and scattered patches of Ponderosa pines. Cottonwood and willow trees form part of the riparian vegetation in the canyon bottoms, and understory plants include wavyleaf and shinnery oak, mountain mahogany, netleaf hackberry, skunkbush sumac, and Navajo tea. Grasses in the unit include black, sideoats, blue, and hairy grama; galleta; little bluestem, wolftail; Indian rice grass; and vine mesquite.

The area's diverse habitats, from forests to cliffs to riparian bottomlands, support a wide variety of birds including red-tailed hawk, American kestrel, western scrub-jay, pine siskin, juniper titmouse, morning dove, lesser goldfinch, savannah sparrow, chipping sparrow, mountain chickadee, Bewick's wren, broad-tailed hummingbird, white-breasted nuthatch, pinion jay, Virginia warbler, hairy woodpecker, white-throated swift, gray flycatcher, bushtit, and turkey vulture. Wildlife in the area also includes coyote, bobcat, gray fox, ground squirrel, racer snake, and a variety of frogs and butterflies in the riparian zones. Sportsmen prize the Sabinoso because it contains mule deer, quail, and turkey in a wild, remote scenic landscape. In addition, Sabinoso offers outstanding recreational opportunities for hiking, horseback riding, and landscape photography.

While cultural resources in the area are unknown due to limited surveys, archaeological records of northeastern New Mexico suggests that a large number of cultural resources are very likely based on the its unique location and habitat.

Clearly, the Sabinoso Wilderness is eminently qualified for designation under the Wilderness Act and will serve as an outstanding, diverse addition to the National Wilderness Preservation System. If designated, the area will be the first wilderness area in the northeastern plains of New Mexico and one of only a handful of wilderness areas managed by the BLM in our state. The Sabinoso Wilderness also would be only the second new Wilderness Area designated in New Mexico in twenty years. Currently, only about 2 percent of New Mexico is designated Wilderness which is low compared to other western states. For example, 5 percent of Colorado is designated as Wilderness, 14 percent of California and 6 percent of Arizona.

ADDITIONAL BENEFITS

New Mexico's varied wildlands enhance our quality of life and create a powerful incentive for attracting new businesses to our state by creating the kind of environment where people want to live, work and recreate with their families. Over the last several years numerous studies have shown designated Wilderness can be an economic boon to local communities. From 1970 to 2000, real per capita income in isolated rural counties with designated Wilderness grew more than sixty percent faster than in isolated counties without these protected public lands. Polls have shown that residents of counties with designated Wilderness acknowledge the presence of Wilderness as an important reason they moved to that county while long-term residents cite Wilderness as one of the reasons they stay. Recent economic data from New Mexico and other Rocky Mountain states indicate that many firms decided to locate or stay in the West because of protected public lands and the benefits they offer their employees i.e. scenic amenities, wildlife-based recreation, etc. Wilderness and other protected public lands can clearly be an economic asset and play a part in sustainable local economies.

CONCLUSION

We look forward to working with Members of the Committee and their staff, on this important legislation that will enhance New Mexico's "Land of Enchantment".

STATEMENT OF ALAN VAN VLIET, RESIDENT OF BEND, OR AND VICE PRESIDENT OF DEVELOPMENT AND CONSTRUCTION FOR JELD-WEN COMMUNITIES, ON S. 3088

Chairman Wyden and Members of the Subcommittee, thank you for receiving my testimony. My name is Alan VanVliet, and I am a longtime resident of Central Oregon. I am submitting this testimony on behalf of JELD-WEN Communities in strong support of S. 3088, the Oregon Badlands Wilderness Act of 2008. I currently

serve as the Vice President of Construction and Development for JELD-WEN Communities, and have worked with JELD-WEN Communities (formerly Eagle Crest, Inc) for over 13 years.

JELD-WEN Communities, which develops destination resorts such as Eagle Crest and Brasada Ranch in Central Oregon, is one of the largest employers in Central Oregon, employing over 300 people in 2008.

At JELD-WEN Communities, we have long recognized that the beautiful and expansive natural setting where our developments are located is a substantive factor in our success. The first time people visit Central Oregon, they are immediately drawn to the crisp desert air and the wide open landscape. As a company that strives to attract new visitors and residents to the area, we see a definite economic value in protecting wild places like the Badlands. But in addition to this benefit, the presence of protected natural areas can help our business attract and retain employees and set ourselves apart from our competition.

Located just 15 miles from the city of Bend, the Oregon Badlands represents an invaluable opportunity to protect a piece of the high desert landscape that defines our region. It provides key trails for the quieter recreational activities such as hiking, horseback riding and camping, and is a place where we can find solace and a moment away from our busy lives. This is something that I believe the majority of Central Oregonians value about the place we live—the ability to escape our everyday lives and find solitude in the natural world. It is an opportunity that I hope future generations will have, and I thank Senator Wyden for taking action to protect this special area.

I urge Senator Smith and the rest of the Subcommittee on Public Lands and Forests to work with Chairman Wyden and move quickly to protect the Oregon Badlands as Wilderness. Thank you again for your consideration of this important bill.

STATEMENT OF THE BLUERIBBON COALITION, POCATELLO, ID,
ON H.R. 6156 AND S. 3069

The BlueRibbon Coalition (BlueRibbon) is an Idaho non-profit corporation with over 10,000 individual, business and organizational members representing approximately 600,000 individuals nationwide. BlueRibbon members use motorized and non-motorized means, including Off-Highway Vehicles (OHV), snowmobiles, horses, mountain bikes and hiking, to access and enjoy recreating upon state and federally managed lands throughout the United States, including lands throughout the National Forest System and Bureau of Land Management (BLM) lands. Our members will be directly affected by the provisions contained in the Eastern Sierra and Northern San Gabriel Wild Heritage Act (HR 6156 and S. 3069).

BlueRibbon has served as a leading advocate for reasonable management of recreation in our National Forests and other public lands. This role has included partnering with academia, conservation groups, and the agencies in cutting edge research and supporting education projects to address excessively loud OHV exhaust noise. In addition, we promote a strong trail ethic and work with groups such as Tread Lightly! and the National Off-Highway Vehicle Conservation Council to champion responsible OHV use. We also have an active litigation presence, most often in support of the Forest Service and other Federal land managers.

BlueRibbon is a grassroots, user-supported non-profit organization that has achieved a surprising prominence in notable lawsuits and numerous other National Forest and BLM specific recreation initiatives throughout the country.

We would like to first point out that there is no impending threat which warrants legislative action. No vast commercial clear-cut logging operations or mining ventures are contemplated for these lands. The U.S. Forest Service is currently managing the lands in such a manner that protects the wildlife, watershed and other natural resources, while allowing an appropriate and sustainable mix of human recreational activities.

The prominent human use of these lands is for recreation. The areas proposed for Wilderness contain numerous roads and trails used by Americans who choose or are required to use motorized vehicles to view and enjoy these lands. Many popular snowmobile areas also exist within the proposed Wilderness boundaries. In addition to motorized uses, mountain bike enthusiasts also utilize roads and trails within the proposed Wilderness boundaries. All of these mechanized forms of transport are prohibited in designated Wilderness.

If Congress wishes to bring greater emphasis to conserving and protecting these natural resources, we believe an alternative other than Wilderness should at least be discussed. As you know, there are numerous changes or alternative proposals currently being considered that would accommodate the existing recreational uses.

This fact indicates that Wilderness designation may not be the best option. It is BlueRibbon's contention that the best method to protect the undeveloped character of this remarkable area is with an alternative Congressional designation, such as the "Backcountry Recreation Alternative" proposed by our organization (info at <http://www.sharetrails.org/backcountry>), a National Recreation Area (NRA) or a National Conservation Area (NCA).

In the event that Congress will further consider the bill as written, we suggest the following changes be made:

"BUFFER ZONE" LANGUAGE SHOULD BE INCLUDED

The Wilderness boundaries come very close to developed areas and even areas with an urban character yet the legislation does not include "buffer zone" language. It seems entirely appropriate that the bill include similar language to that included in the 1994 Desert Protection Act:

The Congress does not intend for the designation of wilderness areas of this Act to lead to the creation of protective perimeters or buffer zones around any such wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within a wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

"CHERRY-STEM" LANGUAGE SHOULD BE INCLUDED IN THE FINAL BILL

The initial draft of the legislation does not include adequate language to ensure continued motorized uses of the designated "cherry-stemmed" routes within the Wilderness boundaries. History has proved that simply cherry-stemming a route into a Wilderness area does not ensure that preservationist groups and Wilderness activists will not successfully close them through other means such as litigation.

PROPOSED LANGUAGE

Continued motorized and mechanized access along these routes shall be deemed a valid use of the affected lands. The Secretary shall exercise applicable authority to maintain and make these routes reasonably available to continuing public access, and any administrative decisions regulating access along these routes shall not have the effect of prohibiting or unduly restricting travel by any presently authorized vehicle type.

WILDERNESS BOUNDARIES ALONG DESIGNATED ROUTES (CHERRY-STEMS)

The Wilderness boundaries are shown in many cases adjacent to routes proposed for designation by the Inyo National Forest Travel Plan. There should be language in the bill to ensure an adequate Wilderness boundary setback of at least 150 feet on each side of existing Inyo National Forest Travel Plan designated routes to ensure ample room for repair and maintenance in the event of a major washout of a designated route.

"WILLING SELLER" PROVISIONS SHOULD BE INCLUDED

The bill does not include provisions requiring that private property must be acquired from a willing seller. Most Wilderness bills include a requirement that the seller must be willing.

THE FURNACE CREEK ROAD

OHV groups, as well as all other stakeholders, participated in a series of "compromise and consensus" meetings regarding the management of the Inyo National Forest in the latter part of the 1980's. The "Wilderness Issues Workgroup" consisted of stakeholders ranging from cattlemen to OHV users to Wilderness activists. The result was a management plan that had full "consensus" with all the stakeholders. OHV users agreed to road and trail closures because the final agreement was a "workable compromise." What made the compromise workable is that all of the stakeholders, including the Wilderness activists, agreed that important recreational roads, such as the Furnace Creek Road, were to remain open.

Fast forward a couple of decades, and we have radical anti-recreation groups suing to have the Furnace Creek Road closed, and the key compromises made years ago are being formally tossed in the trash bin. This is a major flaw in this legislation that must be addressed. The Furnace Creek Road extending through Tres Plumas Meadow should be cherry-stemmed out of the Wilderness.

SPECIFIC MODIFICATIONS TO WILDERNESS ADDITIONS CONTAINED IN THE BILL

(Map names below correspond to those available for view at <http://www.Congress.org/congressorg/webreturn?url=http://mckee.house.gov> URL as of July 15, 2008)

White Mountains Wilderness Map

The road toward Granite Meadow from Eva Belle mine road, Forest Service road number UN2666, was discussed in the Collaborative Access Team meetings and agreement was reached to keep it open, but it has been omitted in H.R. 6156. This road should be cherry-stemmed out of the Wilderness

The existing road between Iron Creek and Wildhorse Creek was eliminated on the White Mountains Wilderness Map. This road is used during deer season to allow dispersed hunting. This is the only access to the mouth of the canyon on Wildhorse Creek. This road was not discussed during the Collaborative Access Team meetings because it is administered by the Bureau of Land Management, but it should be cherry-stemmed to allow motorized access.

The road extending east from Highway 266 to Indian Garden Creek should be extended on the north fork to at least through section 14 to the eastern boundary of Section 15 and the south fork of the road should extend to the old ruins in Section 23. The south fork of the road to the Buck Mine should be cherry-stemmed out of the Wilderness area through Sections 30 and 36 for access to hunting and rockhounding. This road was not discussed during the Collaborative Access Team meetings because it is entirely administered by the Bureau of Land Management.

Ancient Bristlecone Forest Map

Section 33 at the northern end of Mollie Gibson Mine Road should be excluded from within the boundaries of the Ancient Bristlecone Forest. This section has a large number of roads, old mines, and other non-natural features. This area is important for hunting and sightseeing, and is used by many local and southern California jeep clubs for backcountry touring. This area also has many opportunities for gem and mineral collecting. This area was reviewed by the Collaborative Access Team, who concluded that all the routes in Section 33 are acceptable for inclusion in the Inyo National Forest Travel Management System.

Section 22 as indicated on the attached map includes a small section of an important motorized trail that was accepted for inclusion on the Inyo National Forest Travel Management Plan by the Collaborative Access Team. There has been some discussion as to whether motorized backcountry trails will be permitted within the boundaries of the Ancient Bristlecone Forest. If this is the case, the Ancient Bristlecone Forest Boundary should be modified to ensure the continued use of the designated road in Section 22. See attachment 4.

Very small detached Wilderness Designations

The Wilderness boundaries currently indicated on the White Mountains Wilderness Map associated with H.R. 6156 include a number of very small detached Wilderness areas that should be eliminated. They really serve no useful purpose and contain very few Wilderness qualities, if any. The following areas should be considered for elimination from the proposed Wilderness boundaries in the White Mountains:

- Near Piute Mine in Section 14, northeast of Chalfant Valley
- Near Queen Dicks in Section 23
- Along the Inyo/Mono County line north of Gunter Canyon
- East of very short cherry-stem on the road along Cottonwood Creek in Sections 32 and 33.

The tiny portion of detached Wilderness area in Mono County east, where Cottonwood Creek Road crosses the Inyo County line, should be eliminated. It is very small, there are no significant Wilderness values within this area, and it would be hard to administer. Elimination of this small detached Wilderness would prevent the road along Cottonwood Creek from having to go through a very short cherry-stem.

The portions of the White Mountains Wilderness Study Area designated by SEC. 109 of the California Desert Protection Act of 1994 that are not designated by H.R. 6156 should be released from further Wilderness review.

Popular snowmobile areas should be removed from the proposed Wilderness:

- Laurel Canyon
- McGee Mtn.
- Rickey Peak

- Crater Crest
- Eagle Peak

STATEMENT OF STEVEN A. BRINK, VICE PRESIDENT, PUBLIC RESOURCES, CALIFORNIA FORESTRY ASSOCIATION, SACRAMENTO, CA

The California Forestry Association offers the following comments regarding the Boxer/McKeon proposed wilderness additions to California. The California Forestry Association (CFA) is a trade association whose members consist of forest products producers, forest landowners and natural resource professionals committed to environmentally sound policies, responsible forestry, and sustainable use of natural resources. Our members process over 90 percent of the wood products manufactured in the state of California.

Though CFA is a trade association concerned about wood supply, we are also very concerned about the sustainability of all of California's natural resources. Essentially every one of the proposed wilderness additions (totaling 430,671 acres) will reduce or eliminate the ability of land management agencies to protect property and public safety when wildfires hit. All of these proposed wilderness areas are in fire-adapted ecosystems. We all lose without the ability to manage vegetation and have access to suppress wildfires as needed to protect life, property and watershed values and function. No ability to manage natural resources is what additional wilderness would mean for California.

Many of these proposed wilderness additions are: 1) adjacent to existing roads, 2) near communities, 3) in the proximity of private land and associated improvements, 4) support vegetation crucial to watershed function and production of clean water, and, thus are barriers to good land management rather than attributes.

California has just burned over 880,000 acres since June 21. California had unhealthy air (2-10 times the Federal air standards several days) due to these unnecessarily large wildfires. Large portions of watersheds are now denuded and exposed to dramatic increases in sediment rates for the coming winters. Most, if not all, of the burned National Forest lands will type convert to brush fields due to the Forest Service's inability to salvage, rehabilitate and restore burned landscapes. Suppression costs are in the hundreds of millions of dollars. Without management of the overly dense vegetative conditions, these massive wildfires will continue to burn up more and more of California at faster rates into the future.

Adding more wilderness additions is not the answer for California. Having access to and the opportunity for our land management agencies to address forest health so that we can have stands resistant to insects, disease, and wildfire is the answer. Please squelch any new wilderness additions for California.

STATEMENT OF JOHN STERLING, EXECUTIVE DIRECTOR OF THE OUTDOOR INDUSTRY CONSERVATION ALLIANCE, AND RESIDENT OF BEND, OR, ON S. 3088

Chairman Wyden and Members of the Subcommittee, thank you for this opportunity to offer testimony in support of S. 3088, the Oregon Badlands Wilderness Act of 2008. I am Executive Director of the Outdoor Industry Conservation Alliance, and a native Oregonian. I have lived full-time in Bend since 2002.

The Conservation Alliance is a group of roughly 160 outdoor companies that work together to support conservation projects throughout North America. Our members are scattered throughout the US and Canada, but our offices are based in Bend, OR. Our goal is to help secure protection for wild lands and rivers for their habitat and recreational values. Our member companies make the outdoor clothing, footwear, backpacks, tents, and other gear that people use to fully enjoy the outdoors. We recognize that protected public lands play an important role in the economic health of the outdoor industry. Our member companies' customers need these lands and waters to participate in the outdoor activities—hiking, backpacking, climbing, paddling, birding, and skiing—that are so important to them.

The Conservation Alliance strongly supports Wilderness designation for The Badlands because such protection represents an investment in the future of outdoor recreation in Central Oregon. Central Oregon is widely known for its spectacular outdoor recreation opportunities. We are fortunate to have the Three Sisters Wilderness, a world-class mountain landscape, in our backyard. We also benefit from the Wild and Scenic Deschutes River that flows just south of downtown Bend. And we have the Newberry Crater National Monument, recognized for its remarkable volcanic features. Each of these protected public lands and waters contributes to the high quality of life that has made Bend such a successful and prosperous commu-

nity. These places also contribute to a wide range of outdoor recreation opportunities in the area.

Protecting The Badlands as Wilderness would add a unique landscape to the collection of special wild places in Central Oregon. The Badlands offers a special experience to people who enjoy exploring ancient junipers, Native American rock art, and striking geologic formations. A mere 15 miles east of Bend, The Badlands offers recreational opportunities year-round, particularly for people who prefer not to recreate in deep snow and Winter conditions.

As our economy shifts away from traditional industries—mining, wood products, farming and ranching—Oregon's economic growth is coming from the diverse sectors of finance, high-tech, real estate, business services, and outdoor recreation. A recent study by the Sonoran Institute (*Prosperity in the 21st Century West*, July 2004) concludes that:

Wilderness, National Parks, National Monuments, and other protected public lands, set aside for their wild characteristics, can and do play an important role in stimulating economic growth—and the more protected, the better.

My home town of Bend is a perfect example of how protected public lands support economic growth in the West. Bend is among the fastest growing towns in the country. Though that growth poses challenges for the community, it is irrefutable that Bend's economy is vibrant and strong. People move to Bend for a variety of reasons that all revolve around quality of life. Bend is surrounded by BLM and Forest Service lands that provide open space and recreation opportunities, and serve as a de facto urban growth boundary.

People flock to Bend to take advantage of the outdoor opportunities provided by these public lands. These lands play a key role in attracting tourists and new residents alike. *Prosperity in the 21st Century West* found that, from 1970 to 2000, the closer a county was to protected lands, the faster that county's economy grew. Central to this study's findings is that the economy of the rural West has changed. Communities once dependent on logging, mining, and ranching have built new prosperity on high-end service industries like finance, engineering, real estate and business services. The reason for this shift is that people are increasingly moving to rural Western towns for their unique landscapes and quality of life. Many of these new arrivals are retirees with investment income. They buy or build new homes, eat out, and appreciate the public lands in their new communities.

The study concludes that rural communities benefit substantially from protected public lands—Wilderness, National Parks, National Monuments—particularly when coupled with improvements in schools, transportation infrastructure, and the arts.

This perspective is compelling when placed in the context of the proposal to designate The Badlands as Wilderness. If we accept that protected public lands are an important economic asset, then S. 3088 is an investment in Central Oregon's economic future. By protecting 30,000 acres of wilderness in Oregon's high desert, this legislation responds to the demand from an overwhelming majority of Oregonians to ensure that future generations can enjoy Oregon's natural heritage the same way we have. It would also help safeguard Oregon's quality of life, and give Oregon's economy a competitive edge over states that lack our bounty of spectacular public lands.

Thank you for considering my comments. We look forward to working with you to ensure that The Badlands Wilderness is designated this year.

TROUT UNLIMITED,
Arlington, VA, July 11, 2008.

Hon. JON TESTER,
204 Russell Senate Office Building, U.S. Senate, Washington, DC.

Re: TU Comments on S. 3085, the Cooperative Watershed Management Act of 2008

DEAR SENATOR TESTER: Trout Unlimited applauds your leadership in offering a promising solution to resolving the growing water conflicts across the country. The Cooperative Watershed Management Act encourages local, engaged stewardship of watersheds through Department of the Interior grant support, a process that works, in Trout Unlimited's nearly 50 years of experience with hands-on watershed restoration when we have a seat at the table. Stakeholder knowledge is the best resource in formulating strategies for making the most of limited water supplies, and a collaborative approach to restoring watershed health built on local knowledge can provide some of the most enduring conservation benefits.

Trout Unlimited (TU) is the nation's largest coldwater fisheries conservation organization with 150,000 members nationwide. TU's mission is to "conserve, protect and restore North America's coldwater fisheries and their watersheds." Since TU was founded in 1959, on-the-ground restoration of streams, watersheds, and fisheries has been our hallmark. Throughout the country, our staff has worked with our volunteers in their local chapters to implement restoration projects within their home watersheds.

We believe this Act is intended to address ongoing and widespread water quality issues that aren't adequately addressed by the provisions in the Clean Water Act—like non-point source pollution, agricultural run-off, sedimentation, and alterations of a natural flow regime. In rural states like Montana, these sources of impairment account for nearly 90 percent of all water quality-related problems, yet the Clean Water Act has very limited authority and little effectiveness in addressing these problems. This Act fills a void created by the limitations of Federal and state water quality laws, and provides an avenue for effectively addressing problems that have eluded a regulatory approach.

We recognize that it takes stakeholder involvement to successfully create and implement plans for using and preserving water resources. TU has been successful in investing in collaborative, local watershed projects. For example, our quarter-century involvement in a community-based, watershed restoration effort in the Blackfoot River basin in Montana has been acclaimed nationally as a model of successful aquatic restoration and community building. Through collaborative partnerships with local ranchers, our local "Big Blackfoot" TU chapter and TU staff, the "Blackfoot Challenge" watershed group, and state and Federal agency staff, the success of this project has drawn landowners closer together as they manage their water and lands at the landscape-scale. In the Blackfoot, over 400 individual restoration projects, involving more than 200 landowners and leveraging over \$7 million for watershed restoration, has resulted in more clean, clear, cold water supporting more fish and wildlife along side satisfied landowners.

In the Blackfoot, the United States Fish and Wildlife Service (FWS), has been an important agency partner in the success of this community restoration effort. Not only due to the long-term dedication of agency field staff to the on-the-ground restoration projects through FWS' Partners in Wildlife Program, but also because the agency has expertise in planning, monitoring, and participating in species' recovery and habitat restoration efforts. The FWS' effective partnership with TU in the Blackfoot and in other watershed efforts around the country, make FWS the logical agency to implement the Cooperative Watershed Management Act.

Increasingly, our work at the watershed and landscape scale holds the promise of achieving sustainable, lasting improvements to both fish habitat and community dialog. The Cooperative Watershed Management Act offers a sensible approach to addressing our water challenges—it is based on a model that has been tested by on-the-ground efforts, and has paid dividends where regulatory approaches have failed at a high cost. For all of these reasons, we thank you for your leadership on this important issue and look forward to working to ensure the bill's passage.

Sincerely,

STEVE MOYER,
V.P. of Government Affairs.

INTERNATIONAL MOUNTAIN BICYCLING ASSOCIATION,
Boulder, CO, September 11, 2008.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy & Natural Resources, U.S. Senate, Washington, DC.

Hon. PETE DOMENICI,
Ranking Member, Committee on Energy & Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND RANKING MEMBER: On behalf of the International Mountain Bicycling Association (IMBA) and the millions of mountain bicyclists in California, I wish to again comment on the Eastern Sierra and Northern San Gabriel Wild Heritage Act, S. 3069 (and H.R. 6156) that seek to establish new Wilderness areas in California's eastern Sierra.

The International Mountain Bicycling Association (IMBA) is a non-profit educational association, whose mission is to create, enhance and preserve great trail experiences for mountain bikers worldwide. Since 1988, IMBA has been bringing out the best in mountain biking by encouraging low-impact riding, volunteer trailwork participation, cooperation among different trail user groups, grassroots advocacy and

innovative trail management solutions. IMBA's worldwide network includes 35,000 individual members, more than 700 bicycle clubs, more than 150 corporate partners and about 400 bicycle retailers. IMBA's members live in all 50 U.S. states, most Canadian provinces and about 30 other countries.

Mountain bikers are passionate about the outdoors. We believe in managing public lands as a public trust and as priceless national treasures. We share the concern with other trail users that the pressures of growth and industry threaten the qualities that make our favorite rides special. We want to see the forests and mountains where we ride protected in their natural state, with clean air and clean water.

IMBA applauds the movement to preserve wild areas in California's and specifically the eastern Sierra. At a time when the state's population is approaching 37 million people, it is vitally important to preserve pristine backcountry for quality outdoor recreation. We are in general agreement with much of the proposed Wilderness areas in H.R. 6156 and S. 3069, however there are some adjustments that we would like to see that would allow for current and future recreation opportunities for the mountain biking public.

Wilderness rules exclude human powered bicycle travel, therefore, where possible, we request allowances for this type of low-impact activity. Our areas of interest in the proposed Wilderness legislation are the White Mountains, the Owens River Headwaters and the proposed Pleasant View Wilderness.

In the case of the White Mountains, the recent boundary adjustment (from the original map dated May 16, 2008) that makes the Mono-Inyo county line the southern most border will eliminate existing riding opportunities for mountain bikers. We request that the oval section that includes Sage Hen Flat, Bucks Peak and Red Peak be excluded from the proposed Wilderness boundary and to re-establish the southern boundary line as portrayed in the map dated May 16, 2008.

The Owens Headwaters proposed Wilderness area has strong potential for future mountain biking opportunity, and therefore we request that the area be withdrawn from Wilderness consideration. This area needs to be preserved in its pristine state from motorized intrusion under a land management category that allows trail recreation, but does not exclude human powered bicycle travel. The proposed parcel is adjacent to the popular Mammoth Lakes resort community that draws millions of visitors annually from the Los Angeles' basin. Current mountain biking opportunity is mostly limited to the Mammoth Mountain Ski Resort, where visitors are required to pay to mountain bike the private trails. Visitors to the area routinely request a backcountry biking experience away from the crowded ski slope. Bicycle enthusiasts and other local trail advocates view the Owens parcel as the optimal location to build sustainable, non-motorized trails to meet the growing demand for epic backcountry experiences.

The proposed boundaries for the Pleasant View Wilderness will eliminate current mountain biking trails. Therefore, we request that corridors for these trails be allowed within the proposed Wilderness to preserve existing mountain biking opportunities. Mountain cyclists currently ride the trail from Devils Punchbowl to Buckhorn, as well as the trail that runs from South Fork Campground to the highway near Little Jimmy. These trails provide what mountain bicyclists call "epic" rides because of the remoteness, natural beauty, length of ride, the opportunity for loop trail experience and the uniqueness of riding from a desert like environment to beautiful mountain top vistas. These trails, though remote, are in close proximity to the large population center of the Los Angeles basin, and the communities of Pasadena, Burbank, Mission Hills and San Fernando, that have a large community of mountain bicyclists.

We welcome the opportunity to join with others to protect the eastern Sierra, to ensure current and future generations can enjoy high-quality outdoor experiences away from development, noise and pollution. We look forward to continued discussion of how best to meet the needs of mountain bikers and other trail users for this very special region of California.

Thank you for your consideration.

Sincerely,

TOM WARD,
California Policy Director.

STATEMENT OF JON BOWERMAN, RESIDENT OF CLARNO, OR, ON S. 3089

Chairman Wyden and Members of the Subcommittee, thank you for the opportunity to submit testimony regarding S. 3089. My name is Jon Bowerman, and I am a lifetime resident of Oregon. I am writing to offer my strong support of the Oregon Spring Basin Wilderness Act of 2008 (S. 3089). I have been a Wheeler County

resident for over 35 years and live and ranch immediately adjacent to the proposed Spring Basin Wilderness.

Spring Basin is located in Wheeler County, and in connection with the Oregon Museum of Science and Industry's Hancock Field Station and John Day Fossil Beds National Monument, provide a key attraction in the County. It is a wonderful place for both local residents and visitors to explore our public lands.

The Spring Basin Wilderness Act would protect a special Palouse prairie landscape, which by some estimates currently exists in only 1 percent of its historic range. Blooming wildflowers and cacti seasonally thrive in the protected basin, which is surrounded by ancient basalt rock formations. Year-long access to horseback riding, hiking, birding, and camping would showcase the wild beauty of this region.

There are five landowners adjacent to the proposed Spring Basin Wilderness, including the Confederated Tribes of Warm Springs Indian Reservation who own and manage the Pine Creek Conservation Area. Each of the landowners support the wilderness proposal and the associated land exchanges that have been developed in conjunction with the BLM. By consolidating land ownership, these proposed land exchanges will improve public and private land management and secure public access to Spring Basin and the John Day Wild and Scenic River.

Thank you Senator Wyden for introducing this important legislation and I encourage the Public Lands and Forests Subcommittee and the entire U.S. Senate to enact legislation as soon as possible to protect this natural treasure. Our community and the American public will benefit from this legislation for generations to come.

Again, thank you for the opportunity to provide testimony, and I welcome any questions that you may have.

STATEMENT OF KIRK B. RICHARDSON, CHIEF OF CORPORATE SOCIAL RESPONSIBILITY FOR KEEN FOOTWEAR, BOARD MEMBER OF THE CONSERVATION ALLIANCE OF THE OUTDOOR INDUSTRY, AND RESIDENT OF PORTLAND, OR, ON S. 3088

Chairman Wyden and Members of the Subcommittee, thank you for taking the time to consider my testimony in support of the Oregon Badlands Wilderness Act of 2008. I am a native Oregonian, 55 years old, who has lived, worked and recreated in this great state for most of my life. I have worked as an executive in the athletic footwear industry (NIKE 27 years and KEEN Footwear, 2.5 years) for nearly 30 years.

I am writing to express my support for wilderness designation for the Badlands in central Oregon. As a key stakeholder in the outdoor industry, KEEN is committed to protecting our country's last remaining wild and scenic places—especially in our own backyard of the high desert of Oregon. Outdoor recreation has always been a trademark of "Brand Oregon" and our unique way of life. Saving the Badlands will preserve that way of life for generations to come and in the process create economic opportunities for the Central Oregon region in the form of eco-tourism, recreation, and outdoor education. The Badlands can and should be a pillar both for the quality of life in Oregon, but also protecting backyard access to the traditional outdoor recreation that Central Oregonians have enjoyed for decades.

We often talk about Sustainability consisting of three main pillars: People—Planet—Profits. This Wilderness Act for the Badlands represents a balanced piece of legislation which supports all 3 pillars:

- **People**—Outdoor Recreation is vital to the health and well-being of Oregonians. Three-fourths of us participate annually in Outdoor Recreation in Oregon, according to the Outdoor Industry survey of 2006. We all know how fast Central Oregon is growing, and access to Outdoor Recreation is a principal draw to the region.
- **Planet**—with 1000 year-old Juniper trees, Native American pictographs, vital wildlife habitat and 30,000 acres of outdoor recreational space, the preservation of the Badlands Wilderness protects forever this incredible parcel of Federal land from potentially destructive land-use choices owing to the speed of development in Central Oregon this decade.
- **Profit**—Outdoor Recreation is a \$730 billion annual stream of revenue in the US Economy which contributes \$88 billion in both Federal and state national tax revenues. In Oregon alone this tax revenue equates to \$585 million per year as of 2006. Salaries and Wages for Oregonians employed in this industry surpassed \$2.1 billion in 2006—and it is growing. Wild and scenic outdoor destinations are critical to both companies like KEEN and the Federal tax revenue picture.

Oregon has a unique opportunity to preserve a very special place for future generations if we act now. As the population grows and pressures expand on public lands, now is the time to act and protect, preserve the Badlands for our future. I hope you will take these comments to heart when you make plans for S. 3088, the Oregon Badlands Wilderness Act of 2008. Thank you very much.

STATEMENT OF GARY L. FOWLES, CENTRAL OREGON RESIDENT AND REAL ESTATE
BROKER AT THE HASSON COMPANY REALTORS, ON S. 3088

Senator Wyden and members of the Subcommittee,

I have been a real estate professional in central Oregon for 29 years. My career has allowed me to identify the features that make my area an attractive place for population in-migration and growth. Central Oregon is isolated from the larger population centers in Oregon and does not enjoy the geographic location normally associated with rapidly growing areas. Nevertheless, the tri-county area of Crook, Jefferson, and Deschutes counties has enjoyed the benefits of explosive growth, as more people choose to relocate here to enjoy all that central Oregon has to offer.

It is clear to me that this growth is a direct result of the quality of life that can be experienced here. I am convinced that protecting the amenities that make central Oregon so special is imperative if we are to continue our growth. The proposed Badlands wilderness area adds an important element to the mix of amenities that attract people to our area.

"The Potential Economic Impacts of Badlands Wilderness in Central Oregon" a study prepared by Bozeman, MT based Headwaters Economics confirmed what I know intuitively, that wilderness designation for the Badlands would bolster our economy and bring quality businesses and employees to the tri-county area. Today's growth in central Oregon is an example of a new economic model which is based upon "migration first, then jobs".

Local governments, our state's Governor, various civic and business groups and 69 percent of central Oregon's citizens believe that the Badlands deserve wilderness designation. I thank Senator Wyden for recognizing the will of the people of central Oregon by introducing this legislation and ask the Subcommittee and the entire Senate to enact this legislation.

WILDERNESS WORKSHOP,
Carbondale, CO, July 18, 2008.

Hon. RON WYDEN,
*Chairman, Subcommittee on Public Lands and Forests, U.S. Senate,
Washington, DC.*

DEAR SENATOR WYDEN: We strongly endorse S. 3065, the Dominguez-Escalante National Conservation Area (NCA) and the Dominguez Canyon Wilderness legislation, introduced by Sen. Ken Salazar (D-CO). We urge swift Committee action on this bill.

S. 3065 will protect unique and beautiful lands that are important to citizens of Western Colorado. The proposed Dominguez-Escalante NCA includes a large diversity of geography, scenery, habitat, and recreation opportunities. The Dominguez-Escalante NCA surrounds the proposed Dominguez Canyon Wilderness. A wilderness designation will afford permanent protection for the Dominguez Canyon, which was recommended by the BLM for designation in 1991.

S. 3065 is a well-crafted bill, which takes fully into account concerns and uses unique to the communities surrounding the proposed designation. In addition, the bill includes an innovative Federal-state water rights partnership allowing for natural flow of water through the wilderness, while ensuring complete protection for existing water rights and uses in and near the wilderness.

Finally, the bill is well supported by environmental and conservation organizations statewide, the county commissioners from Delta, Mesa and Montrose Counties, the Colorado River Water Conservation Board, The State of Colorado, The International Mountain Bicycling Association, local and regional newspapers, and over 100 local businesses.

We are grateful for Senator Salazar's leadership on behalf of Dominguez Canyon and request your and the Subcommittee's full support for S. 3065.

Sincerely,

SLOAN SHOEMAKER,
Executive Director.

COLORADO MOUNTAIN CLUB,
THE WILDERNESS SOCIETY,
Denver, CO, July 16, 2008.

Re: S. 3065

Thank you, Mr. Chairman, and members of the committee, for this opportunity to express our strong support for the proposed Dominguez-Escalante National Conservation Area (NCA) and Dominguez Canyon Wilderness, and for S. 3065, legislation to establish those important protective designations.

We urge the committee to promptly recommend the legislation to the full Congress for passage into law this year.

NATURAL, WILDERNESS, AND CULTURAL VALUES

The proposed Dominguez-Escalante NCA includes a large diversity of geography, scenery, habitat, and recreation opportunities, among them:

- Cactus Park, found in the northern uplands portion of the area, has become increasingly popular for motorized recreation. Existing trails there and in the adjoining national forest will be supplemented with select additions to handle the use without damaging the landscape;
- Cactus Park and other connecting portions also support challenging and popular bicycling recreation;
- Tributaries in the Dominguez-Escalante NCA and Dominguez Canyon Wilderness flow into the Gunnison River, the major waterway in the immediate region. The river is very popular for boating and other forms of recreation. Improved management will provide facilities for increasing use in order to protect the scenic and fragile river corridor. Existing water rights in the river will not be harmed by either the NCA or wilderness designation;
- The Gunnison Slopes tower over the west side of the Gunnison River and afford long scenic views of the landscape;
- Gunnison Bluffs on the east side of the river offers extensive and popular recreational day-use;
- The Old Spanish National Historic Trail (designated by Congress in 2002), which passes through the proposed NCA along the uplands east of the Gunnison River, will be supplemented with interpretive facilities to improve visitor experiences;
- The Escalante Canyon Area of Critical Environmental Concern, a 1,900-acre reserve protecting sensitive plants, natural seeps, hanging gardens and several globally unique plant associations along Escalante Creek, the perennial stream that transverse the southern portion of the proposed NCA;
- The wide ranging elevations support a broad array of ecosystems, including Desert Sonoran desert along the river, pinyon juniper uplands, and Douglas fir-aspen forests on the plateau above;
- Dominguez & Escalante historic and cultural sites, which will see increased protection, stabilization, and interpretive information for visitors as part of the proposed NCA;
- Dry Mesa, a sweeping upland cut by multiple canyons, providing extensive, hiking, bicycling, motor-based day-use, and successful hunting areas;
- Livestock grazing will continue throughout the area, especially in successful allotments on the uplands in the western and southern portions of the NCA.
- The proposed Dominguez Canyon Wilderness lies in the center of the NCA.

The Dominguez Canyon Wilderness designation will afford deserved and permanent protection for the diverse and unique values of the wilderness study area established in 1980 and recommended by the BLM for designation in 1991. Outstanding features of the area include:

- Extensive artifacts, rock art, and dwelling sites—some pieces 2,000 years old—from ancient civilizations that lived and passed through here beginning perhaps 6,000 years ago;
- Large and healthy desert big horn sheep herd well adapted to the steep canyon walls and sparse water sources in the wilderness;
- Other wildlife, including eagles, native cutthroat trout, bobcats, and songbirds.
- Striking wildflowers that seasonally accent the scene;
- Stark and scenic contrasts between sheer, dry, red canyon walls and lush riparian areas along perennial Big and Little Dominguez Creeks, which sport several striking waterfalls and pools;
- Broad delta canyon floors as the creeks approach confluence with the Gunnison River, punctuated by cottonwood galleries and native desert shrubs;

- Cooler uplands of pinyon, juniper, and aspen that are part of the headwaters for the creeks and that help diversify seasonal habitation and safety zones for wildlife. The higher lands afford scenic long views of the canyons below and dominant Uncompahgre Plateau to the west;
- Winding canyon bottoms provide over 30 miles of exploration opportunities;
- Outstanding opportunities for recreation, solitude, wildlife protection, hunting, fishing, archaeological preservation, fossil discoveries; and
- Continued grazing in three primary allotments.

NEGOTIATIONS AND COLLABORATION

The crafting of this bill includes elements both standard and unique to the area that were carefully and extensively negotiated with a diverse amount of groups. The negotiations include:

- Full and normal wilderness protections under the term of The Wilderness Act of 1964;
- Affirmation of certain special provisions from that Act, assuring continued grazing, emergency access, and state wildlife management authority;
- A unique form of protection for natural flow of water through the wilderness, while ensuring complete protection for existing water rights and uses in and near the wilderness through a Federal-state water rights partnership. This language was crafted in detailed negotiation among The Wilderness Society (in behalf of the Colorado Wilderness Network), advisors to that network (including former Department of the Interior Solicitor John Leshy, University of Colorado Law School Dean David Getches, and Colorado water attorney Barney White), the Colorado River Water Conservation District (in behalf of several local water districts and other water rights holders), the State of Colorado (Governor, Department of Natural Resources, Water Conservation Board, and Stream & Lake Protection Program), and county commissioners for three affected counties, in consultation with BLM water rights specialist;
- Land exchange authorization for clarifying ownership and establishing enforceable wilderness boundaries;
- The revision and refinement of the wilderness and NCA boundaries to eliminate conflicts with private property owners, allow effective management by the BLM, and create a boundary that was clear with for non-wilderness recreation users;
- Affirmation of an existing life estate for a long-time resident who transferred his inholding to the BLM several years ago; and
- Language on stock ponds that will allow for continued grazing in a manner that helps disperse stock and protect the wilderness area.

SUPPORT

A wide and varying amount of organizations, government officials, and businesses have come out in support of the designation of the proposed NCA and wilderness area. The support includes:

- Colorado Wilderness Network member organizations;
- All three sets of affected county commissioners (Delta, Mesa, Montrose);
- Colorado River Water Conservation Board (for the water language);
- State of Colorado;
- International Mountain Bicycling Association and local bicycle clubs;
- Local and regional newspapers;
- Over 100 local businesses;
- The proposal is accepted, if not heartily endorsed, by local ranchers and grazers, and by other recreation organizations.

Overall, this legislation will provide protection to unique and beautiful lands that are important to citizens of western Colorado. Extensive citizen involvement throughout the process has allowed all major concerns to be addressed. As a direct result, there is an overwhelming amount of support for this bill.

Thank you again for allowing us to discuss why the bill would protect a beautiful and unique area in Colorado. Please act promptly to pass this important legislation into law this year.

STEVE SMITH,
Assistant Regional Director, The Wilderness Society.

BRYAN MARTIN,
Assistant Director of Conservation, Colorado Mountain Club.

STATEMENT OF KEVIN DAY, TRIBAL CHAIRMAN, TUOLUMNE ME-WUK TRIBAL
COUNCIL, TUOLUMNE, CA, ON H.R. 3490

My name is Kevin Day and I am the Chairman of the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria. Thank you for holding this hearing on H.R. 3490. We are especially appreciative of your willingness to entertain this measure at this time because, as I will discuss below, one of the things that this bill does is transfer land for a local tribal fire station and we are currently living through a very frightening wildfire situation in Northern California.

I'd like to start by giving you some background; the Tuolumne Band of Me-Wuk Indians is a small federally recognized California Tribe with an approximate membership of around 400 people. Our modern tribal government was organized under the Indian Reorganization Act in January 1936. As you can see on the California State map (attached as Exhibit A)* our small reservation is located in the western foothills of the Sierra Nevada, approximately 1 hour north of Yosemite National Park and 2 hours east of Sacramento. We operate a successful casino under a compact with the State of California, a new and very successful health clinic that serve both, native and non-native customers, a native plant nursery business, and numerous governmental service programs.

While we are proud of our success, our limited tribal land base, and its rocky terrain have presented us with some serious problems. Among these, are the fact that: (1) only 150 of our 400 members are actually able to reside on our tribal lands and (2) our ability to construct things like an adequate tribal fire station are limited at best. Virtually all of our existing trust land is currently being used for administrative offices or housing, or it is not well suited for new construction. In fact, a study of our unused lands has found that their rocky and hilly terrain is best suited for the grazing of livestock.

Lack of available housing for tribal members is one of most serious problems. Today, we have approximately 64 on-reservation homes, which are fully occupied. Many of these homes are seriously overcrowded, and we are constantly finding ourselves addressing health and safety issues within them. Many of our off-reservation members wish to return to the reservation, but our lack of housing sites makes those moves impossible. To make matters worse, many of our children, who were raised on the reservation, are being forced to leave when they reach adulthood in order to find their first home.

Our lack of adequate fire protection is also a serious concern. Currently, we are only able to house one fire truck and our local Federal fire substation was severely cut back due to a lack of Federal funding. We have been thinking about this problem every day this month, as the Northern California wildfires continue to burn. We were already in contact with the Department of Interior and the U.S. Forest Service about our proposed solution to this problem before this round of fires broke out. If we can obtain this land and develop a new greatly expanded fire house, we have agreed to try to work out an arrangement with the U.S. Forest Service to house their emergency equipment in that expanded facility. Locating this facility on the lands we are seeking to acquire could easily make the difference between protecting and losing lives and property if a wildlife fire were to break out on any of the Federal lands which surround our reservation. I direct your attention to the attached letters from the Department of Interior and the U.S. Forest Service expressing their desire to work out a fire station arrangement with the Tribe if those lands can be acquired.

H.R. 3490 is a very straightforward piece of legislation. It transfers three small parcels of surplus land from the Bureau of Land Management (BLM) to the Bureau of Indian Affairs (BIA) to be held in trust for the benefit of our Tribe. It also extends the boundaries of our reservation to encompass those new BLM lands as well as the other lands our Band has acquired in recent years. This reservation boundary extension is very important to us because many Federal programs, including some Indian housing programs, draw a clear distinction between on and off-reservation assistance. While the Secretary of Interior has the legal authority to extend the boundaries of most existing reservations, he lacks that authority in our case because many Federal programs, including some Indian housing programs, draw a clear distinction between on and off-reservation assistance. While the Secretary of Interior has the legal authority to extend the boundaries of most existing reservations, he lacks that authority in our case because our reservation, like many in California, was established by Executive Order. Thus, we need your help to accomplish this simple goal.

If you will turn now to the map which is attached to my testimony and labeled as Exhibit B, I would like to describe the parcels we are requesting to transfer. This

* Exhibits A-E have been retained in subcommittee files.

map has parcels that are color coded in yellow, blue and green. The light and dark Yellow parcels are lands which are currently held in trust for the Tuolumne Band. The star in the light yellow parcel is our tribal headquarters and the star in the dark yellow parcel shows you where our tribal casino is located. This casino is operated pursuant to an existing compact with the State of California and in accordance with an existing Memorandum of Understanding with Tuolumne County. The Blue parcels are the BLM lands we are seeking to acquire, and the green parcels are lands which the Tribe currently owns in fee simple. Those lands are pending tribal trust acquisition under the normal fee-to-trust process.

All of the blue BLM parcels have been listed as "potentially available for disposal" on recent BLM land reports. The first parcel, identified as # 1, is located less than ½ mile from our existing tribal trust lands. That parcel contains a historic Tuolumne Me-Wuk cemetery. Because of the site's cultural and religious significance, the BLM has, for all intended purposes, simply allowed the Tribe's use and maintenance of the parcel for many years. This cemetery is still in use today. In fact, one of our Tribal Members was buried there less than 3 years ago. We have always sought to acquire this parcel in trust because of its deep cultural significance to our people, but our efforts have become even more desperate since the BLM has listed it as "potentially available for disposal." Simply put, we cannot lose control of the graves of our people and of our ancestors.

The BLM parcel identified as # 2 is a small site of around 15-16 acres. As you can see on that map, this site is contiguous to lands already held in trust and in fee simple by the Band. This is a vacant parcel which was originally set aside by BLM, in accordance with the Federal Recreation and Public Purpose Act, for the establishment of an inter-tribal health facility and a tribal cultural center. Due to unforeseen circumstances, the intertribal health facility was never developed and the Tribe is no longer apart of the intertribal health consortium. We have located our health facility on other tribal fee land; however, we have notified BLM that we are still pursuing the use of this land for our cultural facility. Our goal is to use this parcel for the tribal fire station discussed above, a tribal cultural center and perhaps some additional tribal government buildings, none of which are related to gaming in any way.

The third BLM parcel, identified as # 3, is a slightly larger site of around 50 acres. Like parcel #2, it is vacant and it is also contiguous to our existing tribal lands holdings. This parcel has been totally unused by the BLM for many years and our goal is to put it to use for tribal housing and tribal infrastructure buildings. Like I noted above, we cannot bring our people home to their own tribal lands unless we can provide them with a place to live.

The parcels identified in green are lands which the Tribe owns in fee simple. All of these parcels are currently awaiting a final transfer into trust. The Tribe submitted a standard 151 fee-to-trust application for these parcels and received the Secretary's approval of that application on January 12, 2007. Unfortunately, that transfer of title has been held up by a frivolous appeal filed by a contiguous landowner who is seeking leverage to force the Tribe to buy their property at an inflated price. The BIA and the Tribe are both fighting that appeal vigorously and we have every reason to believe that the Interior Board of Indian Appeals will simply dismiss the case and order the land taken into trust as soon as it gets the time to read the case files. Anything that you can do to help speed that process along would be greatly appreciated.

With the exception of a small home-site of around 3 acres, which is surrounded by BLM Parcel #2, and which we are in friendly negotiations to acquire from its current non-Indian owner, every parcel of land encompassed within the new reservation boundaries drawn by H.R. 3290 is owned by the Tuolumne Band, either in trust or in fee.

We are located in a Public Law 83-280 state, so the re-designation of our reservation boundaries will not alter the criminal jurisdiction over these parcels. Additionally, the fee properties at issue were already zoned residential when we acquired the title, and we have maintained that zoning under our tribal laws and started to prepare our housing development plans. All of those fee parcels have already undergone full NEPA review for housing and tribal infrastructure development.

Finally, the Tribe and Tuolumne County have developed and executed a Memorandum of Understanding (MOU) which sets forth protocols for all interaction between the County and the Tribe. That Agreement, which was executed on January 16, 2001, has allowed us to maintain a good faith working relationship with our local governments. The MOU sets forth a binding payment in lieu of taxes agreement with the County, which provides the County with tribal payments to offset the tax losses they will incur when the fee parcels I have been describing are taken into trust. Thus, our future trust acquisition will have nothing but a positive impact on

the County's tax base. We therefore believe that all of our local jurisdictional issues have already been resolved. In fact, Tuolumne County has signed written statements of support for the transfer of the BLM lands to the Tribe and for the Tribe's fee to trust application of the parcels codes in green. Those letters are attached to this testimony as Exhibits C. Finally, we have been working with our local Tuolumne Fire Protection District and they have also supported our fee to trust application by the letter found at Exhibit D.

In closing, I would like to make it very clear that this bill has nothing to do with gaming. Under Section 3 (a) the bill makes it clear that the BLM lands we are seeking to transfer shall be "held in trust by the United States for the benefit of the Tribe for nongaming purposes". Additionally, as I just noted, the fee parcels being added to the reservation are already zoned residential and our housing and infrastructure development plans are already underway.

Mr. Chairman, I hope that I have provided you with all of the information that you require to report this bill to the House floor in the immediate future. I will be happy to answer any questions that you may have or provide you with any additional information that you need. Again, thank you for taking the time to entertain this very important bill for the Tuolumne Band of Me-Wuk Indians.

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