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Before the Committee on Appropriations

Department of the Interior, Environment, and Related Agencies Appropriations

Fiscal Year 2010

111*th* CONGRESS, FIRST SESSION

H.R. 2996

DEPARTMENT OF AGRICULTURE: FOREST SERVICE
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF THE INTERIOR
NONDEPARTMENTAL WITNESSES

Department of the Interior, Environment, and Related Agencies Appropriations, 2010
(H.R. 2996)

S. HRG. 111–849

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2010

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

ON

H.R. 2996

AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2010, AND FOR OTHER PURPOSES

Department of Agriculture: Forest Service
Environmental Protection Agency
Department of the Interior
Nondepartmental Witnesses

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DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2010

WEDNESDAY, MAY 13, 2009

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:14 a.m., in room SD–124, Dirksen Senate Office Building, Hon. Dianne Feinstein (chairman) presiding.

Present: Senators Feinstein, Nelson, Tester, and Alexander.

ENVIRONMENTAL PROTECTION AGENCY

STATEMENT OF LISA P. JACKSON, ADMINISTRATOR

OPENING STATEMENT OF SENATOR DIANNE FEINSTEIN

Senator FEINSTEIN. Let me begin the hearing. But let me begin it with a great apology to my colleagues, to our new ranking member, Senator Alexander, to Senator Tester. I sort of pride myself on being on time, and the situation just descended into chaos. I had to be at a Judiciary Committee, I had to do other things, and I really am sorry.

Madam Administrator, I want to apologize to you, as well. I do not like to keep people waiting, and I am very, very sorry.

So, I hope you will accept my apology, I'll find my glasses and we'll proceed.

Good morning. On behalf of the Interior Appropriations Subcommittee, I welcome you to our hearing for the fiscal year 2010 for the United States Environmental Protection Agency (EPA), and I'm very pleased to welcome Lisa Jackson, the new Administrator of the EPA, before this subcommittee.

I also want to welcome Senator Alexander, our new ranking member. We've had an opportunity to discuss issues, I find myself in align with his thinking, so I really think that we're going to work very well together, and that's important. So, it's a good thing. So, thank you.

This is the first hearing we're conducting together. I've also had occasion to talk to Senator Tester about his concerns and I understand his concerns, in many respects, our two States have similar concerns, and so I believe we will work together well, as well.

The administration's fiscal year 2010 request for the EPA is $10.486 billion. Now, that's a remarkable 37 percent increase more than the 2009 enacted level. And it translates into nearly $2.9 bil-

lion in new funds for environmental protection. That truly is a very welcome addition.

And I'm particularly pleased that the President made a $3.9 billion commitment to fund water and sewer infrastructure. Most people don't know this, but as the most powerful Nation on Earth, we have antiquated and deteriorating water and sewer infrastructure. I mean, I remember when there was no such thing as bottled water. You didn't drink bottled water. There were seltzer bottles, that you spritzed, but the water coming out of the tap, virtually everywhere in America, was pristine, and pure, and as a child, we always drank it everywhere. That's not necessarily the case today.

So, these things are, in fact, very important. And there's $2.4 billion for the Clean Water Revolving Fund—that's a $1.7 billion enacted—over the enacted level. That's a big change, because all of our jurisdictions stand in line for these revolving loan funds. So that, indeed, is good news.

And together these funds will build more than 1,700 water and sewer projects across the country, and that's an increase of 857 projects compared to last year. And that's in addition to the 2,000 that will be funded by the $6 billion Congress provided through the stimulus bill.

Now, I have many other things to say about this budget, all of them good, all of them positive. I will put the remainder of my remarks in the record, and in the interest of time, welcome the distinguished Senator from Nebraska, Senator Nelson, and turn this over to the ranking member—the new ranking member—Senator Alexander, for his remarks.

STATEMENT OF SENATOR LAMAR ALEXANDER

Senator ALEXANDER. Thank you, Madam Chairman.

Ms. Jackson, thank you for being here. I can't think of any position I'd rather have in this Senate than the one I've got, unless it was yours, Madam Chairman.

But if I had to work with anyone else as chairman, I'm glad it's you, because I admire your decisiveness. As a former executive, I admire and appreciate that. And we do share views about the environment and our feeling that the great American outdoors and the natural landscape is an important part of the environment that we want to protect.

I'm excited about this opportunity, as I grew up and lived 2 miles from the boundaries of our most visited national park, the Great Smoky Mountains, which is 75 years old, this year.

I'll save my remarks for the time that I have to ask questions, but here are the subjects that I'll be interested in. I hope there's one area, Administrator Jackson, that you do act on promptly, and that's the clean air interstate rule for the Eastern United States, so we can get certainty about sulfur nitrogen and mercury and finish cleaning our air up.

There's one area I hope you don't act on, and that's on carbon, I think that's more appropriately left to the Congress, and we can talk about that.

I'd like to talk to you about clean air hot spots. We had a great briefing the other day, Madam Chairman, from Brian McLean, when Senator Carper and I were working on dealing with legisla-

tion that involves sulfur, nitrogen, and mercury—we've really made great progress since 1992 on the first two. We have the technology now to deal with mercury, but there are a few hot spots left in the country where we still have a sulfur nitrogen problem, and strategies for dealing with that, and protecting our national parks, especially, from the consequences of dirty air is something I'd like to talk about.

And then finally, Madam Administrator, I'd like to talk with you a little bit about the coal-ash spill at the Tennessee Valley Authority (TVA) site in Tennessee, and your intention—which I don't disagree with—for the EPA to move into the regulation of coal ash from coal plants, and your decision these last few days to become involved with the clean up now, and to do it under the Superfund Act, I want to be sure I understand just what that means, what the consequences are, and what the costs will be.

So I look forward, not just to this hearing, but to working with the Chairman and working with Administrator Jackson.

Thank you, Madam Chairman.

Senator FEINSTEIN. Thank you very much, Senator Alexander.

Senator Nelson, do you have a comment? And then Senator Tester.

Senator NELSON. No, Madam Chairman, I really don't except to say that I am anxious to know more about the Department's move toward carbon regulation, and I'll bring that up during the questions.

Senator FEINSTEIN. Yes, we all will.

Senator NELSON. Thank you.

Senator FEINSTEIN. Right.

Senator Tester.

STATEMENT OF SENATOR JON TESTER

Senator TESTER. Thank you, Madam Chair, and I also want to thank you for your apology. I really appreciate the fact that you want to be on time, and sometimes we get pulled away, but I thank you very much for that, I appreciate that in this body.

And Administrator Jackson, thank you for being here. I do have a very quick statement I'd like to put forth.

As the Chairwoman said, I also want to thank you for the money that was put in for community water systems. I think clean water is a fundamental right, but a lot of small communities in States like Montana, really can't afford modern systems, so the State revolving funds are critically important, and a great source of funding to help local match meet the increased need for our antiquated water systems throughout the United States, especially in Montana.

The EPA is doing a lot of work in Montana, and we've got some big problems to clean up. The EPA is in the process of restoring the Clark Fork River by removing Milltown Dam. I want to commend you on that. This Superfund site is to be turned into a beautiful park. It will restore two rivers and improve fish habitat in those rivers. There will be a kayaking park right outside a town called Missoula, Montana. The clean-up is creating a lot of jobs in construction, and afterwards will create even more jobs by revitalizing that area, and offering some recreational opportunities. In

Montana, we call this the restoration economy, and I hope we see a lot more of it in the future.

I want to discuss Libby very quickly, and my questions are going to revolve around Libby for the most part.

The community of Libby was poisoned, and people are dying. Nearly 200 people—and this is not a big community—nearly 200 people have lost their lives to asbestos-related diseases, many more are sick. The town is struggling to meet its healthcare needs and has an unclear picture of what the eventual and complete cleanup, really means. Homes are being devalued because of contamination, and businesses are concerned about the liability on sites that they would like to locate in.

I have been to Libby, I have talked to the residents, things are difficult there. I have visited with folks who can barely breathe because of asbestos problems, who are denied oxygen from a WR Grace healthcare plan. These folks have asbestosis, they're denied oxygen from a WR Grace healthcare plan.

Parents don't know if it's safe to let their kids play in the yard because of the potential contamination, and several community groups that were set up to communicate with the EPA have been disbanded because the EPA staff quit showing up at those meetings.

Last week, the Justice Department failed in their criminal case against WR Grace, and the people in Libby and Montana are extremely frustrated.

I'm glad that you're in this position, because I know you want to take the Agency in the right direction. But the situation in Libby is serious enough that it demands your personal and immediate attention.

Your commitment to my colleague, Senator Baucus was that you would visit Libby and report on the reasoning behind the EPA's failure to declare Libby a public health emergency, and we look forward to both of those things happening, as soon as possible.

And with that, I will save the rest of it for the questions.

Thank you, Madam Chair.

Senator FEINSTEIN. Thank you very much, Senator Tester.

Madam Administrator, we will turn this over to you. We have your written statement in front of us, I'd like to ask, if you can, deal with some of these issues in your opening statement.

If you want cuts in your budget anywhere, let us know where, and then we will go to the questions, and that's generally the most informative part of these hearings. And we will have rounds of 5 minutes from each member.

So, welcome, and please proceed.

SUMMARY STATEMENT OF LISA P. JACKSON

Mrs. JACKSON. Well, thank you, Madam Chair, and let me simply start by saying that you and the members of this subcommittee are worth waiting for. So, I'm glad you did make it, and I'm glad we waited for you.

Good morning to you, to Ranking Member Alexander, to the members of the subcommittee, thank you for your kind opening words, thank you for inviting me here today, and I will keep my

remarks very brief so that we can get to the questions and answers.

I do want to introduce Maryann Froehlich. Maryann is our acting Chief Financial Officer at the EPA and has been ably assisting me in preparing for this hearing, just in case we have any questions, or you want to address any questions to her.

As you stated, Madam Chair, the President requests $10.5 billion, roughly, for fiscal year 2010. It reflects the challenges and promises that we face in an era of high energy costs, climate change and economic crisis, and it reflects the President's commitment to environmental protection as a piece of the solution for our economic challenges. We know we can do better. We agree that all Americans deserve clean air, water, and a healthy environment. We also know that the clean energy economy deserves vigilance on the environmental front, as well.

The President's budget starts the work that's needed to transform our economy. It includes investment in cutting-edge green technologies, but also it repairs our crumbling infrastructure, stronger regulatory and scientific capabilities to make the Nation's water, air, and land cleaner for our communities families and children.

It provides a substantial increase in support to address the public health and environmental challenges that can not be postponed. In short, the budget reflects the President's commitment to a new era of environmental stewardship and puts us on a path to a cleaner, safer planet.

You've already mentioned, Madam Chair, the $3.9 billion for clean water and drinking water State revolving funds, that's certainly a highlight of this budget. It's important to note that almost all of that money passes back into communities through the States, so that money is very much on the ground money for environmental restoration—for environmental investment, if you will I like your restoration economy remarks, Senator Tester.

We estimate that this 157 percent funding increase in the State revolving funds will finance, as you suggest, about 1,700 clean water and drinking water projects. I remind everyone that those areAmerican, well-paying jobs, here in this country.

The fiscal year 2010 budget also supports efforts to develop a comprehensive energy and climate change policy with measures to increase energy independence and reduce greenhouse gases. This comes in the form of a $19 million increase to help the EPA, among other things, implement the greenhouse gas inventory, so we can take the very important step of measuring our progress in reducing emissions. That will also ensure that we are targeting major sources of emissions.

The budget requests $55 million, an increase of more than $8 million to fund an enhanced toxics program, to screen, assess, and reduce chemical risk. That's a 17 percent increase, and allows the EPA to help complete screening level characterizations on more than 6,750 organic chemicals in use in the United States. There's also an increase of $24 million in the President's budget for the Superfund Program, that investment enhances enforcement and removal work throughout the country. Beginning in 2011, the so-called "polluter pays" measure would be reinstated under this

budget, which would generate $1 billion a year, rising to $2 billion a year by the year 2019. These are extremely important resources needed to address cleanups of contaminated sites across America.

Along with increases in Superfund, the budget provides a total of $175 million for Brownfields, which is a $5 million increase. The Brownfields program helps States, tribes, local communities, and stakeholders in economic redevelopment to work together to assess and clean up brownfield sites, revitalizing these properties, and returning them to their best and highest uses.

These protection efforts focus on ensuring that the sites are ready to be returned, putting both people and property to work.

Madam Chair, members of the subcommittee, the budget sets the EPA on a clear path to addressing our Nation's environmental challenges, and helps us to accomplish important work. I look forward to discussing the Clean Air Interstate Rule, and our plans to accelerate the schedule for development of that rule.

I know we'll get into some discussion of greenhouse gases, carbon, and TVA. I'm happy to do that in the questions and answers. As you know, we have redoubled our commitment, Senator Alexander, to the TVA Clean-Up, and we've promised coal ash regulations by the end of this calendar year, a proposal.

I think the two go hand-in-hand. We applaud the work of the State of Tennessee. They were the first on the scene after the tragic spill in December, and have been leaders in assuring that the cleanup is done in a transparent and scientifically sound way.

We believe, because the TVA is a Federal facility that the EPA should be involved in a cleanup of this magnitude to bring Federal resources to bear on the cleanup side to work hand-in-hand with the State. I believe the State and the EPA will make a good team—a partnership that will ensure that that area is restored to its extraordinary natural beauty, and also its environmental health. The residents there deserve no less.

PREPARED STATEMENT

You're right, I know we will discuss Libby. We've been working with Senator Baucus actually before my confirmation. Senator Baucus made it clear that he wanted a visit to Libby and personal attention. I'm happy to discuss that in the questions and answers, as well, Senator.

Thank you very much.

[The statement follows:]

PREPARED STATEMENT OF LISA P. JACKSON

Madam Chairman and members of the subcommittee, I am delighted to appear before you today to discuss how the proposed fiscal year 2010 budget request for the Environmental Protection Agency (EPA) is designed to address our environmental challenges and contribute to the country's economic recovery.

The President requests $10.5 billion for fiscal year 2010 to carry out EPA's mission to protect human health and safeguard and improve the environment. This budget represents a 37 percent increase more than our fiscal year 2009 budget—the highest level ever for EPA. It reflects both the challenges and promise we face in an era of higher energy costs, global climate change, and economic crisis. We recognize that now is the time to make the environmental investments to support a cleaner energy economy and a more sustainable future.

This budget starts the work needed to transform our economy through investment in cutting-edge green technologies, repairing crumbling infrastructure and strengthening our core regulatory and scientific capabilities to make the Nation's water, air,

and land cleaner for our communities, families, and children. This budget keeps EPA on the job protecting the environment. It helps States, tribes, and local governments stay on the job by providing critical partnership assistance. And, it helps put Americans back on the job.

The fiscal year 2010 budget request provides a substantial increase for EPA programs, reflecting greater opportunity for EPA to address public health and environmental challenges that can no longer be postponed, in areas such as water infrastructure, protecting our freshwater resources, laying the foundation to address climate change, and addressing gaps in research as well as chemical management.

This fiscal year 2010 budget reflects President Obama's commitment to usher in a new era in environmental stewardship and puts us on a clear path to a cleaner and safer planet.

Mr. Chairman and members of the subcommittee, I now would like to provide a bit more detail about the major environmental protection priorities addressed in this budget.

INVESTS IN WATER INFRASTRUCTURE

The most significant investments in the fiscal year 2010 budget include $3.9 billion total for the Clean Water and Drinking Water State Revolving Funds to fund water infrastructure projects for States, tribes, and territories. This budget includes $2.4 billion for the Clean Water State Revolving Fund and $1.5 billion for the Drinking Water State Revolving Fund. These investments will help the Nation build, improve, and repair the infrastructure that provides us with reliable and safe sources of water.

We estimate that this 157 percent funding increase in the State Revolving Funds will finance 1,000 clean water and 700 drinking water projects across America—projects that will upgrade and update the Nation's aging water infrastructure, assure compliance with Safe Drinking Water Act requirements, make water delivery more efficient, and create American jobs that pay well. These investments channel critical funding for water system pipe replacements and help address an estimated 240,000 water pipe breaks that occur across America each year and waste millions of gallons of water.

The Clean Water and Drinking Water State Revolving Funds provide grants to States to capitalize their own revolving funds, providing infrastructure financing to communities, making water infrastructure more efficient, and supporting green jobs in the 21st century. Because repayments and interest are recycled back into the program, these State Revolving Funds generate funding for loans even without Federal capitalization. We estimate that for every Federal dollar invested, approximately $2 in financing are provided to municipalities.

The administration will make these water investments with an eye to the future. EPA will continue to work with State and local partners to develop sustainability policies, including management and pricing, conservation, planning adequate long-term funding for future capital needs, and providing equitable consideration of small system customers. As President Obama has said, now is the time to make long-overdue investments in clean energy and new infrastructure to create a platform for entrepreneurs and workers to build an economy that will lead us into a better future. This significant investment sends a clear message to American taxpayers that the water infrastructure, that all of us rely on every day, will be repaired, maintained, and modernized for the 21st century.

ACCELERATES GREAT LAKES RESTORATION

The Great Lakes Basin is a national resource treasure that is home to 34 million people in the United States and Canada. It holds 20 percent of the world's fresh surface water, has 10,000 miles of coastline, and contains a diverse array of biological communities. EPA's fiscal year 2010 budget requests $475 million for Great Lakes restoration programs and projects that strategically target the most significant problems in the region, such as aquatic invasive species, nonpoint source pollution, toxics in sediment, and habitat and species loss.

This restoration effort represents the Federal Government's commitment to significantly advance Great Lakes protection. The Great Lakes Initiative will use outcome-oriented performance goals and measures to target the most significant problems and track progress in addressing them. EPA and its Federal partners will coordinate State, local, tribal, and industry actions to protect, maintain, and restore the chemical, biological, and physical integrity of the Great Lakes.

In the fiscal year 2010 budget we include other geographic priorities, such as Puget Sound, San Francisco Bay, and the Chesapeake Bay. The Chesapeake Bay restoration effort is funded at $35 million, a $4 million increase more than fiscal

year 2009, and will support projects to further address nutrient and sediment pollution in the Bay.

INITIATES A COMPREHENSIVE APPROACH TO SLOW GLOBAL WARMING

EPA's fiscal year 2010 budget supports efforts to develop a comprehensive energy and climate change policy to increase energy independence, move toward a greener economy and to reduce greenhouse gas emissions. There is not a moment to lose in confronting the rapid advance of climate change.

GREENHOUSE GAS EMISSIONS (CAP AND TRADE PROGRAM)

The fiscal year 2010 budget includes a $19 million increase to support the President's effort to develop a comprehensive energy and climate change plan to transition America to a clean energy economy, reduce oil usage, and slow global warming. It will allow us to work on a greenhouse gas emissions inventory and work with industry sectors to report high-quality greenhouse gas emission data that is the foundation of an effective climate policy. This funding supports design, development, and testing the data management system, developing guidance and training materials to assist the regulated community, conducting industry-specific workshops, and developing source measurement technologies for greenhouse gases.

This budget provides funding to develop environmentally sound methodological approaches needed to implement a possible cap and trade program, including offsets, and to strengthen climate partnership programs. EPA will develop protocols to measure the effectiveness of offset projects, and provide advice on effective, environmentally sound approaches to offsets.

CHEMICAL RISKS

Just as we need to address climate change, we also need to manage chemical risks. The fiscal year 2010 budget requests $55 million, an increase of $8 million more than fiscal year 2009 levels, to fund an enhanced toxics program to screen, assess, and reduce chemical risks. This 17 percent increase will fulfill United States commitments under the Security and Prosperity Partnership of North America to complete screening-level hazard and risk characterization and initiate action as needed on more than 6,750 organic U.S. chemicals.

RESEARCH AND DEVELOPMENT

The Research and Development programs are funded at $842 million for the Science and Technology appropriation, and increase of $52 million from fiscal year 2009. This funding will support the rigorous, peer-reviewed scientific analyses that we must use as a basis for our environmental decisions. It will allow us to assess, develop and compile scientifically rigorous tools to inform decision-making and assist in incorporating green infrastructure into existing practices.

COMPUTATIONAL TOXICOLOGY

The fiscal year 2010 budget includes a $4.5 million increase more than the fiscal year 2009 enacted level for Computational Toxicology Research. This increase will enhance EPA efforts to provide regulatory offices with detailed hazard assessment profiles on thousands of chemicals of concern, as well as information on human exposure potential, including chemical screening and prioritization, and toxicity pathway-based risk assessment. This funding will also provide for the high-throughput screening of up to 200 additional chemicals and the deployment of this information in EPA databases with supporting analysis tools, via computer programs and EPA websites.

INTEGRATED RISK INFORMATION SYSTEMS (IRIS)

The fiscal year 2010 budget includes $14.5 million, a $5 million increase more than 2009, to enable the IRIS to increase assessment production and reduce our backlog of assessments for chemicals previously identified as priority needs.

BIOFUELS

The fiscal year 2010 budget includes $5.6 million, an increase of $5 million more than fiscal year 2009, for biofuels research and sustainability analysis mandated by the Energy Independence and Security Act of 2007. Biofuels lifecycle and sustainability research will provide better information to decision makers on the trade offs and opportunities associated with increased biofuels production.

GREEN INFRASTRUCTURE RESEARCH

The fiscal year 2010 budget provides $3.6 million to expand green infrastructure research to assess, develop, and compile scientifically rigorous tools and models that will be used by the Agency's water and other programs, States, tribes, and municipalities to help advance the deployment of green infrastructure. This research will help EPA and its non-Federal partners further their understanding of the benefits it provides, and aid in integrating green infrastructure into water pollution control programs at the Federal, State, and local level.

AIR TOXICS

I believe EPA has a particular duty to inform America's most vulnerable populations about the environmental risks we face. I recognize that for the Nation's vulnerable populations—the disadvantaged, the elderly, children, and historically disadvantaged communities—are least able to bear additional increments of environmental risk.

Therefore, the budget also includes $3.3 million for air toxics research to protect and improve the quality of the air that each of us breathes. Air toxics research studies the effects to human health of toxic air pollutants and includes evaluating risk assessment methodologies to support the development and implementation of regulatory programs that assist State and local governments and tribes develop clean air plans. The fiscal year 2010 budget also supports improvement of risk assessment tools, including National-Scale Air Toxics Assessment; analytical support to States as they enhance air toxics monitoring near selected schools, and five FTE in EPA's regional offices to provide technical assistance and coordination.

These combined scientific efforts do more than build our understanding of environmental programs; they remind us all of the need for transparent, clear communication of the facts and risks of the environmental challenges we face together.

STRENGTHENS ENVIRONMENTAL ENFORCEMENT

EPA's fiscal year 2010 budget proposes the largest enforcement and compliance budget in history—$600 million, an increase of $32 million from last year. The $600 million enforcement budget reflects the President's strong commitment to enforcing of our Nation's environmental laws and ensures that EPA has the resources necessary to maintain a robust and effective criminal and civil enforcement program. Specifically, the request includes an increase of nearly 30 additional positions primarily for civil and criminal enforcement. In addition, we will enhance efforts to integrate environmental justice considerations in EPA's programs and policies as well as fulfill environmental requirements with respect to other Federal agencies' projects funded by the American Recovery and Reinvestment Act. Experience has shown that investing in our enforcement program yields tangible pollution reductions and fundamental behavioral change in the regulated community. The fiscal year 2010 budget will advance EPA's mission, and do so with unparalleled transparency. The success of our efforts depends on earning and maintaining the trust of the public we serve by upholding values of transparency and openness in conducting EPA operations.

SUPERFUND

The $1.3 billion Superfund budget contains an increase of $24 million more than fiscal year 2009. Funding in the budget will enhance enforcement and removal work as well as support the Superfund program. The budget also includes a proposal to reinstate the Superfund tax that expired in 1995. Beginning in fiscal year 2011, the taxes should generate $1 billion a year, rising to $2 billion a year by 2019—all to fund needed cleanups across America. These efforts focus on ensuring that contaminated sites are ready to be returned to beneficial use by our communities.

BROWNFIELDS

The 2010 budget provides a total of $175 million for the Brownfields program, a $5 million increase from 2009. This includes $149.5 million for Brownfields State and Tribal Assistance Grants to continue to provide Brownfields assessment, revolving loan fund, clean-up, and job-training grants. The Brownfields program is designed to help States, tribes, local communities and other stakeholders work together to assess, safely cleanup, and reuse Brownfields. Revitalizing these once productive properties helps communities by removing blight, satisfying the growing demand for land, helping limit urban sprawl, enabling economic development, and improving quality of life.

LEAKING UNDERGROUND STORAGE TANKS (LUST)

The fiscal year 2010 budget requests $128 million for the Leaking Underground Storage Tanks program, including $113 million for the LUST trust fund. The LUST program promotes rapid and effective responses to releases from Underground Storage Tanks containing petroleum and hazardous substances by enhancing State, local, and tribal enforcement and response capability. EPA supports State and tribal underground storage tank programs to clean up contaminated sites, promote innovative and environmentally friendly approaches in corrective action to enhance and streamline the remediation process, and measure and evaluate national program progress and performance. Almost 80 percent (or 377,019) of all reported leaks have been addressed to date, leaving a backlog of almost 103,000 cleanups that have not yet been addressed. In fiscal year 2010, EPA will continue to work with the States and tribes to complete LUST cleanups in an effort to reduce the remaining backlog.

All three of these programs—Superfund, Brownfields, and Leaking Underground Storage Tanks—focus on cleaning up contaminated sites to ensure these sites are ready to be returned to beneficial use by our communities, putting both people and property to work.

PARTNERSHIPS

Next, I want to discuss how this budget will help our partners stay on the job. States, localities, and tribes are the front line in many environmental programs—they implement major portions of many EPA programs. As the recession drastically lowers tax revenues, States and localities are looking at deep cuts in all their programs—cuts that could hinder environmental progress on a wide range of issues.

CATEGORICAL GRANTS

In fiscal year 2010, EPA requests a total of $1.1 billion for "categorical" program grants for State, interstate organizations, nonprofit organizations, and tribal governments. EPA will continue to pursue its strategy of building and supporting State, local and tribal capacity to implement, operate, and enforce the Nation's environmental laws. In this way, environmental goals will ultimately be achieved through the actions, programs, and commitments of State, tribal and local governments, organizations, and citizens. Highlights of EPA's fiscal year 2010 categorical grants include:

AIR QUALITY AND RADON GRANTS

The fiscal year 2010 request includes $248 million for grants to support State, local, and tribal air management and radon programs. These funds provide resources to multi-State, State, local, and tribal air pollution control agencies for development and implementation of programs for the prevention and control of air pollution and implementation of National Ambient Air Quality Standards. EPA will continue an initiative to measure levels of toxic air pollution near selected schools across the country and ensure that deployed monitors collect high-quality data. This partnership will help EPA maximize its monitoring and analytical capabilities. This budget also includes $8.1 million for radon grants that focus on reducing radon levels in existing homes and promoting the construction of new homes with radon reducing features.

WATER POLLUTION CONTROL GRANTS

The fiscal year 2010 budget request includes $229 million for Water Pollution Control grants. These grants assist State and tribal efforts to restore and maintain the Nation's water quality. EPA will also work with States to implement the new rules governing discharges from Concentrated Animal Feeding Operations. EPA encourages States to continually review and update the water quality criteria in their standards to reflect the latest scientific information from EPA and other sources.

NONPOINT SOURCE PROGRAM GRANTS

In fiscal year 2010, EPA requests $200.9 million for Nonpoint Source Program grants to States, territories, and tribes. EPA's goal is to reduce annually the amount of runoff of phosphorus, nitrogen, and sediment through our Clean Water Act section 319-funded projects by 4.5 million pounds, 8.5 million pounds, and 700,000 tons, respectively. These grants enable States to use a range of tools to implement their programs including: both nonregulatory and regulatory programs, technical assistance, financial assistance, education, training, technology transfer, and demonstration projects.

HAZARDOUS WASTE FINANCIAL ASSISTANCE GRANTS

In fiscal year 2010, EPA requests $106.3 million for Hazardous Waste Financial Assistance grants. These grants are used for implementation of the Resource Conservation and Recovery Act hazardous waste program, which includes permitting, authorization, waste minimization, enforcement, and corrective action activities. In fiscal year 2010, EPA expects that 100 hazardous waste facilities will put in place new or updated controls to prevent releases.

PUBLIC WATER SYSTEM SUPERVISION GRANTS

In fiscal year 2010, EPA requests $105.7 million for Public Water System Supervision (PWSS) grants. These grants provide assistance to implement and enforce National Primary Drinking Water Regulations to ensure the safety of the Nation's drinking water resources and to protect public health. In fiscal year 2010, EPA will emphasize that States use their PWSS funds to ensure that drinking water systems of all sizes meet new and existing regulatory requirements.

TRIBAL GENERAL ASSISTANCE PROGRAM GRANTS

EPA's budget request includes $62.9 million for the Tribal General Assistance Program to help federally recognized tribes and intertribal consortia develop, implement, and assess environmental programs. In fiscal year 2010, 100 percent of federally recognized tribes and intertribal consortia will have access to environmental assistance.

PESTICIDES, TOXICS SUBSTANCE, AND SECTOR PROGRAM GRANTS

The fiscal year 2010 request includes $25.6 million to build environmental enforcement partnerships with States and tribes and to strengthen their ability to address environmental and public health threats and assist them in the implementation of compliance and enforcement provisions of the Toxic Substances Control Act and the Federal Insecticide, Fungicide, and Rodenticide Act. Under our Toxic Substances Compliance Grant program, States receive funding for compliance inspections focused on asbestos, polychlorinated biphenyls, and lead-based paint. States also receive funding for implementation of the State lead-based paint certification and training, and abatement notification compliance and enforcement program. Under the Sector program grants, EPA builds environmental partnerships with States and tribes to strengthen their ability to address environmental and public health threats, including contaminated drinking water, pesticides in food, hazardous waste, toxic substances, and air pollution.

LEAD GRANTS

The fiscal year 2010 request includes $14.6 million for lead grants. This funding will support the development of authorized programs, including work under the new lead renovation, repair, and painting rule, in both States and tribes to prevent lead poisoning through the training of workers who remove lead-based paint, the accreditation of training programs, the certification of contractors, and renovation education programs. In fiscal year 2010, EPA will continue to award targeted grants to reduce childhood lead poisoning and keep EPA on target to eliminate childhood lead poisoning as a public health concern.

In addition to these grants, the fiscal year 2010 budget continues EPA's funding and Beaches Environmental Assessment and Coastal Health Act and Wetlands grants to protect our coastal shorelines and improve water quality in watersheds throughout the country.

HOMELAND SECURITY

EPA has a vital role in homeland security. The Agency has been called upon to respond to five major disasters and nationally significant incidents in the past 7 years. In the coming years, EPA's homeland security roles and responsibilities will continue to be of the utmost importance as the Agency enhances its preparedness.

The fiscal year 2010 budget requests $160 million to support the Agency's homeland security efforts. The emphasis for fiscal year 2010 is on several areas: applied research for decontamination methods and agents; ensuring trained personnel and key lab capacities are in place to be drawn upon in the event of multiple large-scale catastrophic incidents; and enhancing critical water infrastructure security efforts.

EPA's fiscal year 2010 budget provides an increase of $9 million to fully fund five Water Security Initiative pilot cooperative agreements. The Water Alliance for Threat Reduction Activities. The Water Security Initiative will include continued de-

sign and demonstration, of a system to test, and evaluate the appropriate response to drinking water contamination threats. Adoption of effective water security guidance on contamination systems will be issued upon completion of these projects.

INSPECTOR GENERAL

This budget also reflects another key concern of Congress and mine—making sure we manage our resources responsibly. This budget includes increases to the Inspector General to help ensure that we protect public dollars from fraud, waste, and abuse.

CONCLUSION

Madam Chairman and members of the subcommittee, the fiscal year 2010 budget request sets EPA on a clear path to accomplishing the important work Americans support to address the pressing environmental challenges facing our Nation. We are honored to have the job of protecting human health and the environment. And, we are proud that this $10.5 billion funds investments in both our environmental and economic future.

GREENHOUSE GASES

Senator FEINSTEIN. Thank you very much, Madam Administrator.

Senator Alexander mentioned the greenhouse gas area, and I want to plunge right into that, if I might. You made that—your proposed endangerment finding on April 17. As I understand the Clean Air Act, section 202(a), the decision—your proposed decision that's coming, includes essentially two separate decisions—a finding that six greenhouse gases, including carbon and methane, do endanger both public health and welfare, and a finding that emissions from new motor vehicles cause or contribute to the greenhouse concentrations that endanger public health.

So, once the endangerment decision is finalized, which is expected by legislation by June 30 of this year. The groundwork is laid for the EPA to begin regulation of vehicle emission standards for greenhouse gases, as well as for possible stationary source regulations. This is very powerful, and potent.

As Senator Alexander stated—and I happen to agree with him—it is definitely preferable to have the Congress act in this area, and the House looks like it may be.

I think the jury is still out in the Senate, and we hope—and everything is being done and there is a very active effort by Senator Boxer and Senator Kerry on the EPW Committee to come up with a bill. As we know, here we've got 60-vote cloture for virtually anything that is controversial, and we have Copenhagen coming at the end of the year where American leadership is necessarily expected.

My question to you is this, what is the EPA prepared to do if action is not taken in a prompt and timely way by the Congress?

Mrs. JACKSON. Well, thank you, Madam Chairman.

EPA is prepared to follow-up on its statutory duties under the Clean Air Act. As you rightfully noted, the proposed endangerment finding is the first step to potential regulation of greenhouse gases.

The President and I have said repeatedly that we agree with you and Senator Alexander, that we would prefer to see Congress act. We would prefer to see a law that is specifically dedicated to addressing the issue of greenhouse gas emissions in this country, along with comprehensive energy legislation. That is being considered in the House of Representatives.

We have a duty at the EPA. Two years ago, the Supreme Court ordered the EPA to make a finding one way or the other, and the proposed finding answers the call from the Supreme Court, so we are following the law.

If that finding is finalized, then the EPA would be authorized to regulate greenhouse gas emissions from motor vehicles and trucks, and the EPA will proceed, judiciously, to assess the need for, and to coordinate that regulation.

Senator FEINSTEIN. Before the end of the year?

Mrs. JACKSON. I would say that it is quite likely that we will make a decision on endangerment well before the end of the year. The EPA has been working as I'm sure you know already, very closely, and under orders from the President with the Department of Transportation, with your home State of California, which has been a leader on this issue, to make sure that as we consider next steps on emissions for automobiles, that those steps are coordinated, and that they will comply with the Clean Air Act and its mandates.

Senator FEINSTEIN. Can you discuss with us some of the issues that you might have to address in the next 1 to 2 years, to move toward regulation of greenhouse gases?

Mrs. JACKSON. I'm happy to. Well, we just talked about the first issue.

ENDANGERMENT FINDING

Senator FEINSTEIN. Right.

Mrs. JACKSON. The first regulatory issue we would turn is to motor vehicles. The endangerment finding actually pertains to motor vehicles, as you know, and that is not a new issue, it's one that has been brewing for quite some time. It was actually brought to a head, not only by the *Massachusetts* v. *EPA* decision, but also by the State of California. California developed automobile emissions standards that were designed to specifically address carbon. The so-called "waiver decision" which President Obama ordered the EPA to re-look at on my first day as Administrator, says that we are now in the process of looking at whether or not the California standards should be applied in those States that have chosen—on a Statewide level—to adopt them.

Senator FEINSTEIN. Is it 12 States?

Mrs. JACKSON. I believe it's 12, yes.

Senator FEINSTEIN. So, what you're saying is 12 States are ready, and now under the law can affect——

Mrs. JACKSON. The EPA has not made a determination on the waiver, the public comment period closed in early April, and as you noted, by law, by June 30 Congress has asked us to make a determination one way or another with respect to the waiver.

Once the decision is made with respect to California, the other States would so be empowered.

Senator FEINSTEIN. Yes.

The reason Senator Alexander asked this, you see, I think this is a very powerful mobilize for the Senate to come to grips with the need to pass a bill. Because at least as I look at it, they are going to be under a mandate where there is little choice, once they make

the waiver decision, to move, to regulate if we do not have something.

So, in—at least in my view—it's a very powerful compelling argument as to way we must take some action, and not be dilatory.

I'm going to turn it over to you for your questions with that.

CLEAN AIR

Senator ALEXANDER. Thank you, Madam Chairman.

In my second round I'd like to get back to the discussion we were just having, but in this first round, let me ask you about the other three pollutants, and about the TVA situation.

The other three pollutants that come from coal plants are, of course, sulfur, nitrogen, and mercury. And Senator Carper and I had an excellent briefing the other day about the success of those programs since the early 1990s. Even though there's some work still to be done, great progress has been made.

And it's worth knowing that it differs from carbon in a couple of important ways. One is, there was the technology to deal with sulfur at the time the cap-and-trade was imposed on sulfur, called "scrubbers," and two, we were dealing with a lot less money, and only a part of the economy.

But a court has knocked down the so-called "CAIR rule," which provided certainty about—and high standards—about sulfur and nitrogen. That's a real problem for those of us who care about clean air in the Eastern United States. Because in Tennessee, for example, in the Great Smoky Mountain area, as well as in the New Jersey area in the Northeast that you're very familiar with—we're affected by dirty air that blows in from other places, as well as some we commit ourselves. And the only way we can deal with that is to have a strong national standard, or at least one that applies to the Eastern United States.

Senator Carper and I are prepared to go forward with legislation that would reinstate strong, clean air pollution rules on sulfur, nitrogen, and mercury, on which we don't want a cap-and-trade because it just goes up in the air and comes down.

My question for you is, wouldn't it be easier and quicker for the country if we simply gave the EPA the authority that the court said that you don't have in order to write a CAIR rule, or would it be easier and quicker, and better for the country if we authored a comprehensive bill and tried to pass that.

Or, should we do it in two steps? Go ahead and give you the authority, let you do the rule, which I would assume would come quicker, and then try to persuade our colleagues to do a comprehensive piece of legislation?

Mrs. JACKSON. Thank you, Senator. And thank you for your leadership on the issues of clean air.

I would offer you the following pieces of information, and then maybe we could come to a decision, offline, together on what's the best way to go.

The EPA will take the rest of the calendar year to work on the replacement for the CAIR rule that was knocked down by the court. As you know, we're operating under the old rules while we develop a new rule.

We're working to propose that new rule in early 2010, the calendar year 2010.

In the meantime, the NO_X trading program began on schedule, in January of this year. The ozone season NO_X trading program began on May 1, and the SO_2 trading program is expected to commence January 1, 2010, as intended.

My concern is that without potential additional authority there are some specific issues that we're concerned we could be sued on and lose again if we don't have a legislative fix.

So, I think there may be a need for a small, but mighty legislative fix to enable those rules to go forward without additional challenge.

The other commitment I'd like to make to you, sir, is that this gives us an opportunity to once again look at the science, and make sure that in the CAIR rulemaking, we are judicious and smart, but that we squeeze every drop of cost-effective protection we can, and every control we can get out of the CAIR rule. I think that there are opportunities still to be had in that arena, as well.

TENNESSEE VALLEY AUTHORITY (TVA)

Senator ALEXANDER. Well, I will look forward to working with you on that as I know Senator Carper will.

And I think it's important and relevant, Madam Chairman, to the global warming concern. I think we have to use coal plants for the foreseeable future, and so we need to clean them up. And a big part of cleaning them up is sulfur, nitrogen and mercury. We can plug our electric cars in at night and never have to build another power plant for the next 20 years. And then we can figure out what to do about carbon.

Now, I asked you about TVA. TVA estimates it'll cost $1 billion to clean up that coal ash spill—that's a huge amount of money for the ratepayers of our region. We understand the EPA will now be a partner in that cleanup. Please explain to me what that means to us, to be as part of the Superfund. Will that add to the bill that the TVA ratepayers will have to pay? Will that mean that Federal dollars will be available to help with the cleanup? Will that mean that the EPA will use TVA's experience as a model for other coal plants in the country in terms of how they deal with coal—might deal with coal ash in an effective way?

Mrs. JACKSON. Certainly, I believe that the EPA's getting more directly involved in the face of an enforceable order with TVA, which we issued recently, on May 11, means that the EPA will be there in the unlikely—but possible—event that things don't go well TVA has been stepping up to the plate, to date. Most of the work, to date, has been paid for by TVA. TVA has also stepped up to pay the State's oversight costs, and has agreed to pay the EPA's oversight costs. So, to the extent that the polluter pays, TVA—although they are a Federal entity—has agreed, as part of this order, to pay those costs.

Now, I'm well aware of the fact that the costs keep escalating, because the more we learn, the more we realize that the old adage, that an ounce of prevention here would have been worth many pounds of cure, because this will be an expensive cleanup. First, because of what it did to the land, but also because of the eco-

system—the water and the fact that small amounts of chemicals there can have a profound impact on the ecosystem.

There's no new money now, Senator, I do believe that the EPA's involvement ensures that the cleanup will be done. I commit to you that it means we will be vigilant and that we will continue discussions if we find that funding is an issue. I would not hesitate to bring those issues to the attention of the White House. I believe that this is the right model.

You asked if this is a model—to me, it very much is. This is a Federal facility. The message for the American people, and for the people in your State is that the Federal Government takes responsibility for what happens here. TVA has done that, and to make sure that the cleanup is done right.

Senator ALEXANDER. Thank you, Madam Chairman.

Senator FEINSTEIN. Thank you very much, Senator.

Senator Tester.

LIBBY, MONTANA

Senator TESTER. Thank you, Madam Chair.

EPA has 16 Superfund sites in Montana, including Anaconda, Butte, East Town, Mill Town, and Libby. As I said in my opening statement, I really want to focus on Libby for now.

The EPA Emergency Response Team first came to Libby in 1999, cleanup began shortly thereafter. In 2006, the EPA Office of Inspector General investigated cleanup in Libby on allegations that the Agency failed to address scientific standards during cleanup. That report was just released.

While that report found no criminal activity, it questioned the science of the cleanup and apparent rush to complete record of decision. It highlighted problems with communication in the community and it pointed out a disconnect between the scientists and the Agency.

It has been 3 years, but it appears that the questions raised in the Rumper Report are still valid. My questions are—will you commit the EPA to making sure that any record of decision is done with a complete scientific background to ensure that Libby has been cleaned to safe levels?

Mrs. JACKSON. Senator, absolutely. I commit that science is first at the EPA.

Senator TESTER. And, in your mind, can you say what would constitute a safe level?

Mrs. JACKSON. I can not, sitting here, give you a numeric level. What I will say is that the science of assessing risk with respect to asbestos contamination has not necessarily progressed as quickly as I believe it should for the people of Libby. I know they are frustrated, and they are worried, as they rightfully should be. I believe that if there are actions that we can take in the interim, to make sure that the cleanup doesn't stall, there are things we know we must do. We've been working with the community and with your colleague, Senator Baucus.

LIBBY, MONTANA—COMMUNICATIONS

Senator TESTER. Okay, how can communication be improved with the community? In both directions?

Mrs. JACKSON. Well, I was troubled to hear earlier, Senator, your concern about the EPA pulling out of meetings. I will go back and speak with my staff. We will redouble efforts to make sure that out of our Denver field office, as well as out of headquarters, all lines of communications are open. I have been personally involved in trying to jump start our efforts in Libby, Montana.

Senator TESTER. I appreciate that.

Needless to say, Libby is a complex cleanup site, but there's not been a risk assessment, working with the EPA and the community. Do you feel that placing a risk assessor on the ground in Libby might help with the Agency's communication with the residents?

Mrs. JACKSON. I certainly will commit to making sure that risk assessors are as available to the community as they need to be. I know that the risk assessors from our Denver office have been up there—we can send them back. Having them on the ground every day may be more than we need—risk assessment is a fairly rigorous science. Whatever we need to do to make sure that the people of Libby believe they have access to our experts, we will do.

LIBBY, MONTANA—HEALTHCARE

Senator TESTER. Okay.

The folks in Libby who have been exposed to—continue to be diagnosed with asbestosis and mesothelioma—Lincoln County, which is where Libby is located—has the highest age adjustment rate of asbestosis mortality in the United States, among counties. How can we help these folks with their healthcare after the EPA leaves?

Mrs. JACKSON. Thank you, Senator.

I certainly wouldn't want to step into the territory of the Department of Health and Human Services (HHS), we certainly have started to have discussions with them. Senator Baucus asked me to look into that issue as part of my confirmation, and those discussions are continuing. So, I have nothing——

Senator TESTER. One of the things that I see on another set of committees, with Veterans Affairs and the Department of Defense is making sure that information gets passed along in an appropriate manner, things can fall through the cracks. And what the VA did is they made a commitment to work with the Department of Defense to make sure that there weren't things falling through the cracks.

I think that that is an equal parallel here between the EPA and HHS. And it's not going to happen—we will have people fall through the cracks, we'll have healthcare needs—and I know you're not a healthcare agency, but HHS is, and I think that if you dovetail your efforts together with Secretary Sebelius from HHS, I think that we can make a giant step forward in meeting some of the challenges that occur in Libby.

So that, I guess the question I have with you is, are you having conversations right now, with Secretary Sebelius, or whoever in HHS, and do you anticipate that being an ongoing situation, as far as your working with them to best meet the needs of the citizens?

Mrs. JACKSON. The answer is yes. I have not personally had a discussion with the new Secretary on this, but our staff—long before Secretary Sebelius was confirmed—has been working together. We will continue that work, and we will make sure that in doing

so, we address your concern about people falling through the cracks of either the cleanup site, or the healthcare side.

Senator TESTER. Okay.

Thank you very much, Madam Chair.

Senator FEINSTEIN. Thank you very much, Senator Tester.

And, you know, since you've raised the situation at Libby—I also serve on the Justice Department and was very active in the asbestos legislation, which went on and on and on and on.

And in the course of it, the real—I mean, the incredible damage that was done to people by asbestos became extraordinarily clear. I just want to help you any way I can because it is such a big problem with asbestosis, with mesothelioma. I mean, mesothelioma is, I guess, 100 percent fatal, and quickly, and it affects young people. You can pick it up off of somebody's uniform, pick up the little shards. So, I would like to just offer my help wherever I can.

Senator TESTER. Madam Chair, I very much appreciate that. I feel somewhat hesitant to talk about specific instances like Libby, I mean, we should be talking about global things, like things in the air, and clean water which impacts all of our communities across the United States.

But this situation in Libby is so grotesque that I really think—and we spent a ton of money, and I'm not sure that, personally—and I'm not a scientist, I'm a farmer—but I'm not sure that we've got the bang out of the buck that we've spent.

I think that with some attention by people like you, Administrator Jackson, I think we can get a big bang for the buck, we can help make this community whole again, and we can solve a huge problem that we have, in one of the most beautiful places in the world.

Senator FEINSTEIN. Well, Senator Tester, Senator Alexander, why don't we work together on some report language for the bill, which essentially would mandate the EPA to really do what Senator Tester has just suggested—take a new look at it and give us some findings.

Madam Administrator, would you be responding to report language? We could also put in bill language, I suppose, but——

Mrs. JACKSON. We're already responding, and I'm happy to double efforts. We've agreed to do all we can working with Senator Baucus, and having Senator Tester's voice join in that, I think, can only result in more action for his constituents.

Senator FEINSTEIN. Right. Well, you were new, I think very high of you, you come so well recommended to the Federal Government and the problem has been that this has gone on year after year after year after year for a long time and I really think it needs to be addressed. I really think we need to have prohibitions extended even more. There's always an excuse as to why you have to use asbestos in certain things—brake linings or various things—and I just think we need to do more to cope with the threat.

So, if you have some thoughts, please give them to us. In the meantime, we'll work together, and see if we can devise some report language which holds the EPA's feet to the fire.

CLEAN AIR ACT

Senator TESTER. Thank you, Madam Chair.

Senator FEINSTEIN. Thank you, Senator.

Madam Administrator, if you regulate greenhouse gases, does the Clean Air Act give you discretion to decide which type of pollution sources should be prioritized for regulation? And if so, do you agree that the EPA should focus its resources on setting regulations for very large sources, instead of small ones?

And if you do, what would you consider the large sources to be? The most priority sources?

Mrs. JACKSON. Yes, I believe there is flexibility in the Clean Air Act that allows for sensible regulatory approaches, as opposed to these maximalist approaches that we hear people talking about.

Obviously, before the agency would finalize any regulations, it would propose those regulations, along with its legal thinking on the issue. I know a lot of legal minds have been brought to bear on how much flexibility is in the Clean Air Act. We currently believe that there's flexibility that allows us to approach the worst and biggest sources first.

So, the answer to your second question is yes, we would use common sense. As we do in other regulatory programs, we would start with the big sources, before we would look to solve——

Senator FEINSTEIN. Well, what would those big sources be?

Mrs. JACKSON. Primarily sources more than 25,000 tons per year, and the reason I say that is because that's what we're going to measure under our greenhouse gas emissions rule. Those are utilities, those are refineries, those are the big chemical plants and processes that are already regulated under the Clean Air Act.

Senator FEINSTEIN. We'd also include the utilities?

Mrs. JACKSON. Utilities, and we've already talked about mobile sources, cars, et cetera.

Senator FEINSTEIN. Right.

Mrs. JACKSON. Those are the two big sectors. Transportation, cars, and utilities account for well more than half of the greenhouse gas emissions in our country.

Senator FEINSTEIN. Right.

Okay, I understand that the California waiver is being considered by the EPA in the context of a broader effort to coordinate the setting of Federal Corporate Average Fuel Economy standards, known as CAFE, with Clean Air Act greenhouse gas emissions standards.

I was the author of this latest CAFE bill, the 10 over 10—10 mileage—10 gallons per mile improvement over 10 years, which actually became the law, which was—we all felt—a very substantial achievement. But this process should be coordinated, it seems to me, with that area. How do you plan to do this?

Mrs. JACKSON. I agree. Thank you for your work on this issue so far, Madam Chair. The National Highway Traffic Safety Administration (NHTSA) statute and the Clean Air Act are not identical statutes. They get at different issues. One of the challenges has been to coordinate two statutes that weren't necessarily made to work together, but in some ways overlap, in terms of the fact that they have profound impact on the domestic and international auto manufacturing industry.

My staff has been working awfully hard with NHTSA staff understanding where we have identical or overlapping mandates,

where we might have different ones, and coming up with a coordinated approach.

The President has said that he wants one road map, if you will for the auto industry, so that they don't feel as though they have to please NHTSA and then try to figure out what that means, in terms of meeting the requirements of the Clean Air Act.

Senator FEINSTEIN. Do you believe you have the authority that you need to affect this coordination?

Mrs. JACKSON. Yes, so far——

Senator FEINSTEIN. NHTSA is NHTSA, you know, they can be——

Mrs. JACKSON. Well, in President Obama's administration, NHTSA might be NHTSA, but we all work together. We have been doing that.

We feel as though right now we're having very productive conversations—not only with NHTSA, but with auto manufacturers. Obviously, we are one piece of the White House/auto task force set of issues, and right now we do feel as though our Clean Air Act authorities—while they require us to be proactive, and require us to look at carbon, we can work in coordination with NHTSA.

Senator FEINSTEIN. And you think you can maintain high standards by working in coordination? That they won't, kind of, dumb these standards down?

Mrs. JACKSON. You know, I believe that I don't really have that choice. I've taken an oath to uphold the Clean Air Act. I have to look at standards which, at the end of the day, would meet the requirements of the Clean Air Act, if we were indeed regulating under the Clean Air Act.

So, I don't see that working with NHTSA in any way dilutes that responsibility. I don't see it resulting in unduly lenient standards. It means that we have to do the really hard work of working together, and that's what's been going on.

Senator FEINSTEIN. I'm very pleased to hear you say that, because I agree with you. And I think you truly do have a Federal mandate. And unless we're willing to open the Clean Air Act and diminish that responsibility, you clearly have that responsibility, at least in my view.

Mrs. JACKSON. Okay, thank you.

Senator.

CLEAN AIR INTERSTATE RULE (CAIR)

Senator ALEXANDER. Thank you, Madam Chair.

Continuing the line of thinking that—as I heard you and the Administrator talking, if the EPA were to proceed on carbon—well, first, is there any reason you need to wait until we figure carbon out, in order to move on sulfur, nitrogen, and mercury. Can you move ahead on a CAIR fix is my question?

Mrs. JACKSON. Yes, I believe we can, and the only thing I would say is that it is reasonable. One of the reasons regulations are important is that they give certainty to business, they give certainty to investment, and so I'm sure many investors in utilities would like to see the whole answer, not just piecemeal, but you can move on the CAIR piece, and it's very important.

Senator ALEXANDER. And then if I heard you right, the two of you, there was some talk about common sense, and picking large segments of carbon to approach first.

So, I've thought of looking at this, and I'm one who believes global warming is an issue and that man is making a big contribution, and that it's one problem to solve, but we shouldn't jump off the cliff.

It seemed to me that a logical way to approach it would be smokestacks, tailpipes. Smokestacks are 40 percent of it—coal plants—we already regulate them, we know what we're doing there.

Tailpipes are vehicles—that's 70 percent of carbon. The so-called economy-wide proposals that we were considering in the Congress only get to 80 or 85 percent, and they introduce an enormous amount of complexity and surprises—particularly for a regulatory agency, which would have a hard time evaluating the complexity of this economy.

If you were to proceed, wouldn't it be wise to start with coal plants, and with a low-carbon fuel standard, perhaps for tailpipes?

Mrs. JACKSON. Well, we're giving lots of thought to the issue of regulation when and if we proceed with regulation. We are standing on the side, though, and also watching with great optimism and hope, the actions of Congress right now.

There are things that a market-based solution does offer you. They harness, in a different way the power of the marketplace to place a price on carbon, that can unleash a variety of investments. Everything from renewable energy to energy efficiency, to low carbon fuel standards, to controls on carbon, to investments in ways to offset carbon.

There is a broadness to it, and I don't know that we need to decide one or the other. It is a fact that transportation and the utility sector—I think my number is somewhere closer to 60 percent, you said 70 percent—are the majority of domestic greenhouse gas emissions.

Senator ALEXANDER. Yeah, but of carbon, it's 70—40 and 30, I believe, if I'm right.

The big difference, though, between cap-and-trade on sulfur and cap-and-trade on the whole economy today—there are two big differences. One is, we had a technology, we knew what to do with sulfur in 1991, and we don't know what to do with carbon.

And second, then we were talking about a market of a few billion dollars, and now we're talking $100 billion a year. So, we could make a big mistake, here, and run jobs overseas, overnight, if we're not careful, it seems to me.

So, how could you impose a mandate to get rid of—that would put a moratorium, basically, on coal plants, when we're not building nuclear plants, and renewable energy, if we tripled it, will only amount to 7 or 8 percent? Those are the consequences of administrative decisions, and how do we deal with not having a technology to deal with carbon?

Mrs. JACKSON. The technology conundrum is an interesting one. I would say the following: we had a technology to deal with sulfur. What we learned is that once there was a market-based program,

that technology proved to be much cheaper, and much easier to deploy, commercially, than we previously thought.

The estimates for the SO_2 trading program and the impact on the economy were much higher than they proved to be.

I'm persuaded by having spoken to Secretary Chu over at Energy. I remember the work I did on carbon capture as part of gas plant when I was a summer employee. We can capture carbon from streams. It's the sequestration part, it's where to put it that we need to do a bit of work on.

Secretary Chu believes that with the right amount of investment, and the market push to make that a technology that people will spend time and money on perfecting and commercializing, it will happen.

I just wanted to address one other thing you said, Senator, because I think it's so important—there cannot be a global warming program that is predicated on the assumption that coal is gone. In fact, this whole exercise is about putting in place a regulatory feature so that coal can be part of the mix. It is a domestic energy source that the President has said is crucial for us, it breaks our dependence on foreign sources of fossil fuel and energy, in part, and it is part and parcel of the question, if you will, that does indeed require very careful consideration.

Senator FEINSTEIN. I think one thing, if I may, it's very interesting is whether you're going to be able to develop products from carbon. There is an experiment now doing on in California at Moss Landing, I think the company is Scolera, something like that, where they are effectively using carbon to build building blocks, and having some degree of success. It's an experimental program, but I think things like that are very interesting to watch.

And, you know, human ingenuity can came up with a lot of options, so that should be interesting.

Do you have any further questions?

Senator ALEXANDER. I have a couple, I don't want to keep you, though.

Senator FEINSTEIN. Well, perhaps I'll excuse myself, and hand you this.

Senator ALEXANDER. You going to trust me?

Senator FEINSTEIN. I trust you implicitly.

Senator ALEXANDER. For 5 minutes? Do you mind staying 5 more minutes so I can ask——

Senator FEINSTEIN. Let me just say thank you very much.

Mrs. JACKSON. Thank you so much.

Senator FEINSTEIN. Thank you.

Senator ALEXANDER. Thank you, Dianne.

Senator FEINSTEIN. Thank you.

COAL ASH SPILL

Senator ALEXANDER [presiding]. Madam Administrator, I thank the chairman for her courtesy that's very, very, very nice of her. I have two questions. One is—involves the coal ash spill.

There is a contamination in the Tennessee River, downriver from where this spill was, of a radioactive element called cesium. This is an element that was left over from the bomb work during World War II at Oak Ridge. And it came down through the Clinch River,

into the Tennessee River, and it's down in the sediment. It's not harmful, as long as it's in the sediment. It could be harmful to fish and swimmers if it's disturbed. The spill is up river—up another river, the Emery River.

So, my concern is, that the EPA and TVA make certain that in any work done in the Emery River and the Tennessee River, that we take great care not to disturb the sediment where the cesium is, because that could be dangerous to people in the area, and very unhealthy. Are you aware of the cesium issue and will you take steps to make certain that EPA and TVA don't disturb the cesium in the sediment during the TVA coal ash cleanup?

Mrs. JACKSON. I was aware that there was some concern about historic radiological contamination. That is a very valid concern, having worked on several dredging projects. That is always the issue, whether you mobilize contamination that had best been left immobile. The remedy selection process at that site, associated with the TVA's spill, will be very important in making sure we consider that issue. You have my commitment that the EPA will consider that as we move forward.

ACID RAIN PROGRAM

Senator ALEXANDER. Thank you, Madam Administrator.

My other question is this, I mentioned earlier, the success of the acid rain program and how that's helped the Eastern United States and it's helped the Great Smoky Mountains in our Eastern Tennessee area, which has a special problem with air quality. Currently there are 12 streams in the Great Smoky Mountain National Park, which is the most polluted National Park in terms of air quality. These 12 streams violate the Clean Water Act because of low pH levels. In other words, they're too acidic. And, these come from the acid deposits from the air, of course, from coal plants and industrial emissions. Is there any way to relate the Clean Water Act and the Clean Air Act in some way, so that we create goals for States or areas or regions, to try to make sure that as we clean up the air, we clean up the water as a result—as we work on acid rain?

It may be that simply a strong set of CAIR rules on sulfur and nitrogen and mercury is sufficient. But we have seen, over the last 15 years, that even though that cleaned up a lot of the Eastern United States, there are some spots left. This is one of the hot spots.

So my question is, could we take a look at a program that relates clean air and clean water, such modeled after the regional haze rule, that might help us set objectives for cleaning up the streams in the Great Smoky Mountain National Park or in other areas where there's a similar problem?

Mrs. JACKSON. I think that is, Senator, a fascinating idea and suggestion. I think that, clearly air deposition is causing exceedances for water, so those two programs have to be assessed together. There's probably a need for additional monitoring. There's probably a need for those assessments to be done in a coordinated fashion. I'm persuaded by an announcement even yesterday for the Chesapeake, where we talked about the fact that the Chesapeake Bay, waters have exceedingly high levels of nitrogen.

One of the things we're going to do, on a Federal level, is put in place a CAIR rule to reduce the airborne component of that deposition. I think you're talking about a similar strategy for the Great Smoky National Park, and I think that that makes perfect sense. I'd love to work with you on that.

Senator ALEXANDER. Good, I look forward to working on that. There's always the difficulty of imposing new standards on regions that can't meet those standards——

Mrs. JACKSON. Absolutely.

Senator ALEXANDER. Because it may not be their fault that they have a particular concentration of acid rain. So that would have to be balanced. I'm not interested in imposing on the State of Tennessee a standard it by itself can't meet, but some sort of cooperative arrangement or relationship between clean air and clean water might at least put a spotlight on the problem and make sure that when we take another look back at the clean air rules 10 years from now, that we look back and see that we've made progress on those 12 streams in the Great Smokies and other areas which are hot spots for acid rain deposition.

BIOFUELS

Mrs. JACKSON. Thank you.

Senator ALEXANDER. Now I have one little question. I know you have an increase of $5 million in the budget for research for advanced biofuels. What's that about? Is that its relationship to clean air or are you trying to figure out a way to make better advanced biofuels?

Mrs. JACKSON. I believe that is the money that is going to EPA's Ann Arbor lab, does that sound right? We have additional money, but I have $13 million there to assess the impact of higher percentage biofuel blends. You might know that right now we have public comment open, for example, on whether you can have more than 10 percent ethanol in gasoline.

Senator ALEXANDER. Yeah.

Mrs. JACKSON. There's been a request for higher blend levels. We have——

Senator ALEXANDER. So it's probably not so much to invent a better biofuel, but to see what the impact of the biofuel might be.

Mrs. JACKSON. Yes, exactly, Senator. Life-cycle analysis, the impact on production, is to make sure that in our Ann Arbor lab, that those fuels can be accepted without voiding warranties or causing impacts to performance of engines, and the risks and tradeoffs of biofuels use in production.

Senator ALEXANDER. Thank you.

I appreciated, too, your comments on coal. Tennessee doesn't produce much coal, but the more I've studied these issues—and you and I have talked about this—we have our Energy Committee and we have our Environment Committee, you know, and really all the issues are at the intersection of the two. And we don't really have many good ways of looking at them, so the more I've studied it—almost the Holy Grail of our ability to have low-cost energy, so we don't hurt people and run jobs away, is having a way to deal with coal, which I'm so anxious to get those first three pollutants dealt with.

And as far as the carbon, my hunch is—I just think it ought to be a priority. I told Dr. Chu that I thought the next Nobel Prize in science ought to be reserved for whoever figured out what to do with carbon from existing coal plants. I doubt it will be sticking it in the ground. I think there's too much of it. I think there's going to be some biological or chemical reaction, but I have no way of knowing. But I hope that stays a real priority for you, because we have very practical decisions to make over the next 10 years. I mean, do we build more coal plants? I mean, we're basically encouraging, by our rules, the utilities to keep open old dirty coal plants. And by the prospect of more rules, we're discouraging new, more efficient, cleaner coal plants.

We're not building nuclear very much yet, renewable doesn't amount to much yet, and so we may find ourselves in a real dilemma, in terms of jobs and the economy. So keeping a focus on coal, I think, is very important.

ADDITIONAL COMMITTEE QUESTIONS

I thank you for staying and I thank the chairman for trusting me with the gavel. I look forward to working with you.

Mrs. JACKSON. Thank you so much.

[The following questions were not asked at the hearing, but were submitted to the Agency for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR DIANNE FEINSTEIN

CAP AND TRADE

Question. Your budget includes a new $5 million initiative to prepare for a possible cap-and-trade program. How does the Environmental Protection Agency (EPA) plan to use those funds?

Answer. This funding will support EPA in providing technical assistance and expertise to advise the administration and Congress on effective, environmentally sound approaches for a Greenhouse Gas (GHG) cap and trade program. One major area of effort will be offsets, which are a key component of reducing cap and trade costs while leveraging reduction opportunities in uncovered sectors. With these resources, EPA will develop protocols and methodologies that can accurately account for emission reductions from major offset categories, assess and develop options for monitoring and verifying the effectiveness of offset projects, and analyze and develop options to encourage early reductions prior to the start of a Federal regulatory program such as cap and trade. EPA also will assess the potential for existing and proposed mechanisms under the United Nations Framework Convention on Climate Change, such as Reduced Deforestation and Degradation (REDD), to provide cost reductions while guaranteeing environmental credibility.

Question. Are these efforts needed if Congress enacts another type of regulatory framework other than a cap-and-trade program?

Answer. The efforts the Agency proposes to undertake in fiscal year 2010 are critical even if an approach other than cap and trade is ultimately pursued. Specifically, monitoring and verification, establishment of baselines and performance standards, and assessment of State, Federal, and international programs are directly relevant to policies such as taxes, incentives, and technology-based policies. Work on the international offsets and REDD issues will be needed given the importance of finding effective ways to support developing country action to reduce GHG emissions.

GREENHOUSE GAS

Question. The fiscal year 2009 Interior bill included a mandate for EPA to publish a final mandatory reporting rule for greenhouse gases no later than June 26. Time is of the essence—we need this rule to be in place so that we are able to gather 2010 data. Is EPA on track to promulgate the final rule by the June 26 deadline?

Answer. The proposal, signed on March 10, 2009, indicates that the data collection would start on January 1, 2010, with the first reports to EPA coming in on March 31, 2011. Given the schedule and the fact that the comment period ends on June

9, 2009, the Agency will not have the final rule in the Federal Register on June 26, 2009.

Question. If not, will you commit to finalizing the rule so that data collection can start by January 1?

Answer. The Agency is working towards the implementation dates in the proposal and recognizes the importance of collecting 2010 data.

Question. Your fiscal year 2010 budget request includes $17 million to implement the greenhouse gas reporting rule, which is an $11 million increase over the funds I added to the fiscal year 2009 budget. I'm very pleased to see EPA acknowledge the importance of this rule and make it a funding priority. How will your budget request be used?

Answer. EPA will devote the fiscal year 2010 President's budget resources to: (1) the data management system, (2) implementation, and (3) verification activities for the Mandatory Reporting Rule. The work on the data systems will include: determining requirements; designing the database, software, and user interface, with stakeholder input; and developing training tools for stakeholders. The implementation activities will include: developing guidance and training materials to assist the regulated community; responding to inquires from affected facilities on monitoring and applicability requirements; and developing tools on applicability. The verification work will include: developing and finalizing verification approaches and working with regional staff on verification, compliance assistance, and training. Also, a portion of the budget request will be dedicated to intramural costs to manage the program (e.g., salaries and travel).

Question. Will this increase ensure that the agency has all the funds it needs for 2010 to implement this rule?

Answer. Fiscal year 2010 will be a critical year for preparing for the implementation of the GHG Reporting Rule, and the $17 million in our budget request will provide us with the resources to complete the intensive preparation process associated with an economy-wide program.

STATE REVOLVING FUNDS

Question. Your budget requests a $1.7 billion increase to the Clean Water State Revolving Fund (CWSRF), for a total of $2.4 billion, and a $671 million increase to the Drinking Water State Revolving Fund (DWSRF), for a total of $1.5 billion.

Given the current fiscal climate, does EPA believe that States will have any difficulty meeting the required 20 percent match for these additional funds?

Answer. The $1.7 billion increase to the CWSRF and the $671 million increase to the DWSRF reflect the urgent need for investment in America's aging infrastructure. If appropriated, such an increase will result in a nearly $475 million increase in match required, spread across all States and Puerto Rico, for an average of $9.3 million per State. EPA has not received any indication that States will have difficulty providing this match. States have indicated to EPA that the level of State Revolving Fund (SRF) increases in the fiscal year 2010 request will help them in addressing their infrastructure needs. As a note, States have several options for obtaining their SRF program match. In addition to appropriating funds for the programs, States have the ability to sell bonds in order to obtain the match.

GREAT LAKES RESTORATION INITIATIVE

Question. Your budget request contains $475 million for the Great Lakes Restoration Initiative—that's a 692 percent increase compared to the funding that Congress enacted for Great Lakes cleanup in fiscal year 2009. Given that there are other important water bodies across the country, why did EPA choose to focus so much of your budget increase on the Great Lakes clean-up rather than spreading the funds to multiple areas?

Answer. The Great Lakes hold 20 percent of the world's fresh surface water, have more than 10,000 miles of coastline, and drain about 200,000 square miles of land. They are a source of drinking water for more than 30 million people in the United States and Canada. Roughly 10 percent of the United States population and more than 30 percent of the Canadian population live in the Great Lakes basin, and its fishery is valued at more than $5 billion, providing jobs and recreation opportunities to millions of people annually.

However, there are significant environmental stressors to the Great Lakes: invasive species are multiplying causing food web disruptions, birds are dying from avian botulism, algal mats are fouling beaches, and nutrient loadings have re-emerged as an environmental issue. The Great Lakes Restoration Initiative focuses on a set of intensifying stresses, which the Great Lakes scientific community has concluded are placing the Great Lakes at or beyond a tipping point, causing wide-

spread ecosystem breakdowns. Actions taken now could prevent irreversible damage and will save money over the long term.

Funding for the Great Lakes now can also be seen as an investment in a part of the country in great need of such investment, particularly in light of the problems facing the automotive industry. This additional funding will create green collar jobs and help protect human health and the environment in a region facing economic difficulties.

Finally, Great Lakes restoration is required under a binational agreement (the Great Lakes Water Quality Agreement with Canada), section 118 of the CWA, and an Executive Order. In recent years, the Federal Government and stakeholders have developed a program that is ready to move forward in a coordinated way to protect and restore the Great Lakes. The Initiative builds upon 5 years of work of the Great Lakes Interagency Task Force and stakeholders, guided by a Great Lakes Regional Collaboration Strategy. The Initiative provides needed Federal funding to move this program forward in a well-orchestrated, well-coordinated effort among multiple Cabinet-level departments to implement critical protection and restoration actions.

Question. How can EPA be sure that such a large increase in funds for the Great Lakes will be spent in a timely fashion? Do you have specific projects that have already been prioritized for funding?

Answer. The 2005 Great Lakes Regional Collaboration Strategy identifies a need of $20 billion over 5 years to address Great Lake environmental problems. For the most part, the environmental problems facing the Great Lakes, as well as their solutions, are well known and have been identified in existing documentation, such as the Great Lakes Regional Collaboration Strategy, Remedial Action Plans, and Lakewide Management Plans.

In developing the Great Lakes Restoration Initiative Proposed 2010 Funding Plan, Federal agencies drew from this existing work with stakeholders to identify ready-to-go programs and projects to jump start restoration in 2010. Where possible, the Initiative will use existing programs of the Federal agencies. To be ready to go, EPA is considering the feasibility of a request for proposals this summer in advance of the appropriation. Federal agencies have begun work on Interagency Agreements for the transfer of funding. The proposed administrative language accompanying the President's request will simplify transfers and receipt of funding by other Federal agencies and will provide EPA with new grant implementation authority.

Programs prioritized for funding are identified in the "Agency Actions" document, which is available from: http://www.epa.gov/grtlakes/glri/index.html.

SAN FRANCISCO BAY—DELTA WATER QUALITY

Question. I am very pleased that EPA included $5 million in your budget to continue competitive grants to improve water quality in the San Francisco Bay. EPA's recognition that the Bay needs to be a priority is a big step forward toward the health of the Bay. However, I believe that the Federal Government also needs to do more to help the Sacramento and San Joaquin River Delta. Specifically, can you tell me how EPA is currently involved in the Bay-Delta to restore habitat and improve water quality? What more could EPA be doing?

Answer. EPA has a long history of efforts to protect and restore the Sacramento and San Joaquin River Delta water quality. We will continue to work cooperatively with our agency partners and stakeholders to restore the critical Bay-Delta ecosystem while recognizing the competing needs of all stakeholders. In the next year, our activities will focus on supporting the efforts of the State and Regional Boards. We will also be a participant and a reviewer on several major National Environmental Policy Act documents. In all forums, we will continue to work with the fishery agencies to ensure an integrated approach (the CWA and Endangered Species Act) to water quality restoration. Following is a summary of EPA activities taking place in the Sacramento and San Joaquin River Delta. Additional priorities include support for coordinated monitoring and assessment; enhanced support of core programs such as standards, Total Maximum Daily Loads (TMDLs), and permitting to drive water quality restoration; improved science, including assessments of nutrients and climate change impacts; and agricultural initiatives including pesticide impact models and environmental stewardship assistance to growers.

CalFed and Delta Vision.—One of the more ambitious efforts to protect and restore San Francisco Bay-Delta water quality was the CALFED Bay Delta Program, a State-Federal partnership initiated in 1995 (following the Bay Delta Accord and EPA's promulgation of Delta water quality standards) to address water management and ecosystem protection in the entire watershed. The first phase (2000–2007) of a 30-year program ended in 2007. In response, in 2006, the Governor commissioned a blue-ribbon panel which recently delivered a "Delta Vision Strategic Plan."

Bay Delta Conservation Plan.—As the Delta Vision process was underway, major water districts dependent on the Delta began a Habitat Conservation Planning effort (the Bay Delta Conservation Plan, or BDCP) with the California Department of Fish and Game, United States Department of the Interior (DOI) (Fish and Wildlife Service and Bureau of Reclamation) and National Oceanic and Atmospheric Administration Fisheries to address endangered species concerns. The BDCP aims to make sufficiently large changes in the Delta to reverse the decades of decline of several beneficial uses and add stability to water operations in the Delta. The State and Federal agencies are preparing a Draft Environmental Impact Report/Statement on the BDCP; EPA has agreed to be a cooperating agency. Our involvement to date has been largely to promote and support scientific review of the various actions proposed. We will become more involved as the Environmental Impact Statement is drafted and projects (which will need CWA 404 permits) are designed.

Pelagic Organism Decline (POD).—Long-term sampling identified a dramatic decline of a number of fish populations beginning in 2001, including both endangered species and sport fisheries. EPA played a key role, working with the Interagency Ecological Program, in a new and broad scientific effort to identify causes of the crash. The POD investigation is in its fourth year and has been supported by more than $20 million in State and Federal monies. A number of water quality and habitat degradation concerns that have been identified are now being addressed by the State and regional boards. Ammonia discharges from wastewater treatment plants combined with low and constant flow regimes appear to have favored the spread of toxic blue-green alga, invasive clams and jellyfish over the former highly valued fish community.

Water Quality Standards and TMDLs.—We are supporting the State and Regional Board on a number of activities to review and/or develop new water quality standards and to develop and implement TMDLs. In 2008, the State Water Resources Control Board and the Central Valley and Bay Regional Water Quality Control Boards developed a Bay Delta Strategic Workplan, which encompasses their ongoing efforts, as well as new work deemed necessary to address the Delta ecosystem decline. Some of the more significant efforts include: (1) review of the 2006 Water Quality Control Plan; (2) development of a Central Valley Drinking Water Policy; (3) TMDLs to address impairments in the Delta from mercury, in the Central Valley from pesticides, in the San Joaquin River from dissolved oxygen and salinity; and (4) implementation of TMDLs throughout the watershed.

Monitoring.—There currently is no coordinated system for collecting and managing water quality data for the Delta and the Central Valley. EPA has been an advocate for a system similar to those in the Bay and on the South Coast in order to improve the quality, efficiency, access and use of information for planning and management. There are three monitoring initiatives that together cover the full Bay-Delta watershed: the Delta Regional Monitoring Program (RMP) directed by the Central Valley Regional Board; the Sacramento River Watershed RMP, initiated a decade ago through EPA earmarks; and the San Joaquin Basin Monitoring Strategy (underway through an EPA grant, in conjunction with the Regional Board). Technical coordination comes through shared support of the State's Surface Water Ambient Monitoring Program. All three efforts have inventoried existing monitoring and are aligning monitoring and assessment within the Delta watershed to address key issues.

San Joaquin River Restoration.—Congress recently enacted significant legislation that directs restoration of the San Joaquin River from Friant Dam to the confluence of the Merced River, to implement the historic agreement reached by water users and environmental groups in 2006. Restoration of such magnitude will have ramifications for Delta water management. The Bureau of Reclamation is preparing a Draft Environmental Impact Statement for this program and we are participating as a cooperating agency, working to both leverage the effort for improved water quality monitoring and ensure the downstream water quality regulatory regime supports the planned reintroduction of fisheries.

RIALTO-COLTON BASIN—NATIONAL PRIORTIES LIST/WATER REPLACMENT ORDERS

Question. The fiscal year 2009 Interior appropriations bill was accompanied by report language supporting the listing of Rialto-Colton Basin in San Bernardino County, California to the National Priorities List (NPL) to remediate groundwater contamination, and encouraging EPA to issue water replacement orders against the parties responsible for trichloroethylene and perchlorate contamination of the groundwater basin to remain in effect until clean drinking water supplies are fully restored to the City of Rialto, City of Colton, West Valley Water District, and the Fontana Water Company.

What progress has been made toward listing the Rialto-Colton Basin in San Bernardino, California, on the National Priorities List?

Answer. EPA proposed listing the "B.F. Goodrich" site on the NPL in September 2008, which includes the "160-acre area", part of the Rialto-Colton Basin, and groundwater contamination originating on the 160-acre area. EPA generally publishes proposed and final NPL listings in the Federal Register in the fall and spring and anticipates completing our review of the comments received before the fall listing update.

Question. What progress has been made by EPA to issue water replacement orders?

Answer. Based on current information, EPA has determined that water replacement orders are not warranted at this time as the impacted communities have a clean supply of drinking water. As we proceed with our work on the B.F. Goodrich Site, we will continue to evaluate all of our options and will provide for meaningful public involvement in our proposed remedy.

Question. How does the EPA intend to address the Rialto-Colson Basin, including concrete steps that can be taken this year toward clean-up or water replacement?

Answer. EPA is developing a proposal for an interim groundwater cleanup project in the Rialto-Colton basin, a groundwater extraction system within known contaminant source areas, which will go out for public comment later this year. We anticipate that the treated groundwater from this project will be provided to the local water purveyors for use in the regional, potable water supply system. In addition, we expect to spend $3 million this year to carry out and/or oversee four field investigations needed to develop a comprehensive remedy for the site. These investigations, which are currently underway, include the installation of up to six new groundwater monitoring wells to help define the extent of groundwater contamination, soil testing at a disposal pit used by the Goodrich Corporation in the 1950s and 1960s, and soil testing at locations where West Coast Loading Corporation operated at the site in the 1950s. Data from some of these investigations will be used to help develop a final groundwater remedy. If this final remedy includes additional groundwater extraction and treatment systems down gradient from the interim groundwater cleanup project described above, it is anticipated that treated water from such a remedy would also be made available to local water purveyors.

QUESTIONS SUBMITTED BY SENATOR ROBERT C. BYRD

MOUNTAINTOP MINING

Question. There is tremendous concern in West Virginia about the future of coal.

I agree that we should find better ways to mine coal and reduce its environmental impact. However, I do not accept that job losses in the coal industry are an inevitable consequence of cleaner air and water. We must forge a consensus and strike a balance between increasing environmental controls, and preserving the livelihoods of West Virginians.

I believe clean coal can be a "green" energy.

The Environmental Protection Agency (EPA) is reviewing section 404 permits for certain mining operations, and has invoked its authority under section 404(c) of the Clean Water Act (CWA) to prohibit permits related to surface mining operations for the filling of waters in the United States.

Question. What is your long-term plan for regulating mountaintop mining?

Answer. On February 13, the U.S. Court of Appeals for the Fourth Circuit issued an opinion upholding four permits issued by the U.S. Army Corps of Engineers (the Corps) under section 404 of the CWA for coal mine operations in the Appalachian region. Because of active litigation in the 4th Circuit challenging the issuance of these Corps permits for coal mining, the Corps has been issuing far fewer permits in West Virginia and elsewhere in the Appalachian coal fields since the litigation began in 2007. As a result, there is a significant backlog of permits under review by the Corps.

EPA identified only a small subset, 6 of some 50 actions that were pending near-term authorization, with which the Agency had serious environmental concerns. EPA is not raising concern with the majority of pending permits which represents mines with significantly fewer environmental impacts. The Corps is expected to continue to issue permits for these surface coal mining operations that do not raise significant environmental concerns.

EPA and the Corps are developing coordination procedures to help to ensure that permit decisions will be made consistent with the law, sound science and in a timely

manner that avoids further delay. We agree with you that the permit process can protect jobs and the environment.

Question. How long do you think mountaintop mining will be sustainable under the CWA?

Answer. We recognize that mountaintop removal coal mining can be a highly destructive form of surface coal mining that buries streams and impacts downstream water quality. We also understand that much of the most accessible coal reserves have already been mined leaving surface coal mining methods such as mountaintop removal often the only mining practice that is economically practical to mine remaining reserves. As you have very thoughtfully recognized, there are opportunities to improve coal mining practices such as mountaintop removal to significantly reduce adverse environmental impacts, We look forward to working with the coal industry to implement these improvements to make surface coal mining practices cleaner and more environmentally responsible and, as a result, sustainable for years to come.

Question. What criteria has the EPA established for section 404 permits? Is the EPA providing specific guidance to the mining industry to ensure the permitting process does not stall?

Answer. EPA has identified a set of environmental factors which we are using to help guide the review and evaluation of pending permit actions for surface coal mine operations. Our goal is to ensure a transparent, understandable, and predictable permit process. Based on these criteria, EPA is focusing its comments on mine proposals with the most significant environmental impacts. The key factors which we are considering include:

—Length of stream impacts, in particular impacts to perennial streams and critical headwater streams;

—Number of valley fills;

—Geographic location of the proposed action, and assessment of impacts based on watershed level information, considering factors such as percentage of area mined, percentage of forested area, interior forest, percentage of urban area, and stream density/quality, index of biotic integrity, threatened and endangered (T&E) species;

—Cumulative effects, particularly in consideration of the number of proposed new mines proposed for given watershed;

—Existing water quality and potential for water quality impacts downstream of fill, in particular selenium and conductivity as specific constituents of concern; and the potential impacts to biotic integrity and T&E species in high-quality and State outstanding resources waters;

—Adequacy of alternative analysis; and

—Adequacy of mitigation.

Question. In reviewing section 404 permits, what consideration is given to postmining economic development?

Answer. Postmining land use considerations were included by Congress in the Surface Mining Control and Reclamation Act of 1977 to encourage the effective use of lands for economic development after mining is complete. These considerations have been particularly important in southern West Virginia counties in desperate need of jobs and economic development opportunities. EPA will continue to work with States like West Virginia to encourage environmentally responsible mining that protects both jobs and the environment.

Question. Your agency has been talking with the Army Corps of Engineers and Council on Environmental Quality at the White House about coal matters. During those meetings, what consideration is being given to the well-being of places like rural communities of West Virginia, where job retraining is not a realistic option because coal jobs, if lost, are unlikely to ever be replaced by other jobs?

Answer. Interagency discussions regarding coal mining have very much considered the well-being of rural communities throughout Appalachia, including West Virginia. EPA has been impressed by the efforts of folks in Mingo County, West Virginia, for example, who have worked with us to reduce the adverse environmental impacts of coal mining while showing great leadership in identifying postmining land uses that create jobs, stimulate the local economy, and create opportunities for the young people of the area to remain in Mingo County. We believe that the Mingo County Redevelopment Commission is a model of how Federal, State, and local governments can work together to ensure environmentally responsible mining moves forward and creates sustainable, long-term opportunities for communities and their young people.

QUESTIONS SUBMITTED BY SENATOR BEN NELSON

INDIRECT LAND USE CHANGES

Question. I was encouraged that the proposed Renewable Fuel Standard (RFS) rule you signed on May 5, 2009, takes aggressive action in increasing the supply of renewable fuels to 36 billion gallons per year (GPY) by 2022, as required by the Energy Independence and Security Act of 2007 (EISA).

The revised statutory requirements of EISA also included new definitions and criteria for both renewable fuels and the feedstocks used to produce them, including new greenhouse gas emissions (GHG) threshold. I am concerned that the Environmental Protection Agency (EPA) is taking into account indirect land use changes (ILUC) when determining GHG emissions associated with renewable fuels production. Given the complexity and uncertainty of ILUC, along with its analytical limitations in determining lifecycle GHG for biofuels, how is the EPA working to ensure this requirement be fair, consistent, objective, and scientifically defensible as it moves forward with the rulemaking process?

Answer. EPA recognizes that it is important to address questions regarding the science of measuring indirect impacts, particularly on the topic of uncertainty. For this reason, EPA has developed a methodology that uses the very best tools and science available, utilizes input from experts and stakeholders from a multitude of disciplines, and maximizes the transparency of our approach and our assumptions in the proposed rule.

Our analysis relies on peer-reviewed models, including comprehensive agricultural sector models, such as the Food and Agricultural Policy Research Institute model that have been used widely to analyze the impacts of numerous agricultural sector policies including recent farm bills. The Agency also has used the most current estimates of key trends in agricultural practices and fuel production technologies and has reviewed the growing body of literature on lifecycle analysis and indirect land use change.

EPA has ensured that there will be multiple opportunities to solicit public and expert feedback on the proposed approach. In addition to the formal comment period on the proposed rule, on June 10 and June 11, EPA held a 2-day workshop focused specifically on lifecycle analysis during the comment period to assure full understanding of the analyses conducted, the issues addressed, and the options that are discussed. EPA provided a thorough description of its methodology and sources of information used in conducting the lifecycle assessment as included in the proposal. More than 200 persons representing industry, academia, and other stakeholders and experts participated. During this workshop, EPA responded to questions from participants, and importantly, also heard presentations from stakeholders and experts including several which specifically addressed indirect land use assessment. The information received during the workshop will be part of the official record for the rule and will be useful as EPA works to develop its final rule analysis. The Agency expects that the information provided during this workshop, from EPA and others, will help ensure that it receives submission of the most thoughtful and useful comments to this proposal and that the best methodology and assumptions are used for calculating GHG emissions impacts of fuels for the final rule.

Additionally, although our lifecycle analysis relies almost entirely on peer-reviewed models and data, between this proposal and the final rule, the Agency will conduct additional peer-reviews of key components of our analysis, including the use of satellite data to project the type of future land use changes, methods to account for the variable timing of GHG emissions, and how the several models the Agency has relied upon are used together to provide overall lifecycle GHG estimates.

Question. Furthermore, if it could be demonstrated that the U.S. corn ethanol industry was capable of hitting its EISA target (actually a "cap") of 15 billion GPY by 2015 without the need for breaking up or deforesting any "virgin" soil, would it not be true that the ILUC "penalty" would by definition have to be zero?

Answer. No, this is not the case. Even if there was no new land converted between now and when the 15 billion gallons volume requirement was met, there could still be an indirect impact on agricultural production and the economy from the production of 15 billion gallons. The indirect impacts of renewable fuel production are the result of interactions throughout the global agricultural commodity markets. Measuring these indirect impacts requires the use of economic models. These models capture the impacts of increased biofuel feedstock production on all crop production, not just biofuel feedstock. This allows EPA to determine secondary agricultural sector impacts, such as crop shifting and changes in demand due to commodity price changes. To estimate the impacts of biofuels feedstock production on international agricultural and livestock production, the Agency used the same

methodology to assess both direct and indirect impacts including those due to land use change. For example, even if there was no measured land use change in the United States, there could be land use change internationally due to the impact increased ethanol production has on crop prices and exports.

However, regardless of the outcome of the lifecycle analysis, there is not expected to be any impact on the ability for corn ethanol to comply with the RFS2 requirements. When Congress set aside 15 billion gallons for conventional biofuels that need to meet the 20 percent GHG threshold, they also included "grandfathering" provisions that would exempt certain renewable fuel facilities from the threshold requirements. There is expected to be more than 15 billion gallons of corn ethanol alone that will be produced by these grandfathered facilities, more than satisfying the mandated volume.

E15 CLEAN AIR ACT WAIVER

Question. Following up on the EPA's new proposed RFS rule to increase the supply of renewable fuels to 36 billion gallons by 2022. There is concern the Clean Air Act's limitation on gasoline-ethanol blends has created a "blend wall," the point where the RFS requirement exceeds the ability to blend gasoline with an ethanol content in excess of 10 percent (known as "E10"), which currently accounts for 98 percent of ethanol usage.

Estimates indicate the market will hit the blend wall by 2012—and some industry experts warn that it could come into play as early as next year—when the E10 market reaches saturation at approximately 12.5 to 14 billion gallons of ethanol, causing substantial harm to our biofuels industry while also putting the RFS at risk.

As you know, section 251 of the 2007 Energy bill permits the Administrator of the EPA to waive the Clean Air Act limitation on ethanol content in gasoline provided such a waiver does not affect the emission control systems in vehicles. It is my understanding multiple studies have demonstrated that E15 will not cause or contribute to the failure of any emission control devices or systems in vehicles; this includes legacy vehicles and small nonroad engines. What information and studies are you looking at in evaluating whether or not to grant the waiver and permit ethanol-gasoline blends of up to 15 percent?

Answer. The EPA is taking an active role in implementing the new renewable fuel mandates set out by Congress. The ethanol waiver request we received from Growth Energy on March 6, 2009, is part of this effort. A notice of its receipt was published in the Federal Register on April 21, 2009. Comments are due by July 20, 2009. We recognize the urgency of the "blend wall" and the impact the waiver would have in delaying its arrival.

The issues raised by the waiver request are very important and complex. We anticipate a significant number of comments from a wide range of stakeholders in response to our request for public comment. In addition, we continue to work closely with the Department of Energy and the Department of Agriculture on this issue. We have gathered data on testing done by others and us, but those data are limited. This includes the studies that Growth Energy included in their waiver request. We expect additional data to be submitted as part of the comment period as well, and that all available data will be available to interested stakeholders. The Department of Energy is conducting comprehensive testing that is estimated to be completed in about a year. We will take these comments and any other relevant information into consideration, and, using the best available technical data, make a determination on the waiver request.

Question. Have you given consideration to an interim step of permitting gasoline blends of up to 12 or 13 percent in order to ensure that the biofuels industry is not harmed by the fast-approaching blend wall?

Answer. With respect to allowing a 12 or 13 percent ethanol blend in the interim, we have assessed our authority under the act to take such an action outside of the waiver process. This would require a revision of the "substantially similar" interpretive rule, which defines the limits for the use of oxygenates in gasoline, such as ethanol, without the need for a waiver. The current "substantially similar" rule limits ethanol to about 7 percent by volume. Ethanol received a waiver in 1978 to allow 10 percent by volume. We have concluded that in order to have a reasonable basis to revise the "substantially similar" rule to 12 or 13 percent, we would need similar data to that for a waiver. We are not aware of any significant data at 12 or 13 percent to review. Thus, absent additional data, the most expedient means of assessing the impacts of greater percent ethanol in gasoline is to consider the waiver request we received from Growth Energy.

ENDANGERMENT FINDING

Question. Last month you signed a proposal finding that the current and projected concentrations of six key GHG in the atmosphere threaten the public health and welfare of current and future generations.

Do you see the proposed rule granting the EPA the authority to regulate (GHG) under the Clean Air Act absent congressional action? Also, what is the EPA's understanding of the Supreme Court's finding in *Massachusetts* v. *Environmental Protection Agency*?

Is it the position of EPA that the finding directed the agency to regulate CO_2, or just that the EPA has the authority to regulate CO_2?

Answer. The Supreme Court in *Massachusetts* vs. *EPA* ruled that Carbon Dioxide (CO_2) and other Greenhouse Gases (GHGs) fall within the Clean Air Act's definition of "air pollutant," and that EPA must determine whether such emissions meet the endangerment test of section 202(a) or explain why available science is not sufficient to make a determination. The Supreme Court also concluded that if the Agency determines that emissions of those GHGs from new motor vehicles and new motor vehicle engines cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare, then EPA is required to regulate CO_2 and several other GHGs under Clean Air Act section 202(a) (the provision at issue in the case).

In response to the Supreme Court's decision, EPA has issued proposed endangerment findings under section 202(a) of the Clean Air Act for CO_2 and several other GHGs, and proposed cause or contribute findings for the emissions of those GHGs from new motor vehicles. As proposed findings, they do not provide EPA with the authority to regulate. Only if EPA decides, after considering public comment, to issue final findings that new motor vehicle GHG emissions meet the endangerment and cause or contribute tests of section 202(a), will EPA have authority to issue GHG emission standards under that section for motor vehicles. For EPA to issue GHG emission standards for other types of mobile or stationary sources, the Agency would have to conduct rulemakings under the specific Clean Air Act provisions that authorize regulation of those sources. Clean Air Act provisions vary in the determinations EPA must make in order to regulate.

Question. What measures is EPA taking to account for the economic consequences?

Answer. If EPA decides, after considering public comment, to issue final findings that GHG emissions meet the endangerment and cause or contribute tests of Clean Air Act section 202(a), Administrator Jackson will make decisions about using the Clean Air Act. In particular, section 202(a) provides the Administrator with the discretion to determine the content and timing of motor vehicle emission regulations. That section also directs the Administrator to make regulatory decisions based on cost, technological feasibility, and other relevant factors. Many provisions of the Clean Air Act provide similar discretion and direction to consider costs and other factors in deciding how (and in some cases, whether) to regulate under those provisions.

As noted above, EPA would assess the costs of any proposed GHG controls as part of the rulemaking process required to issue such regulations under section 202(a), and the public would have an opportunity to comment on EPA's proposal, including its cost estimates.

Administrator Jackson has stated that if EPA embarked on Clean Air Act regulation of GHGs, it would focus on the largest emission categories, such as motor vehicles and power plants. In an advance notice published in the Federal Register last year, the Agency examined many issues concerning the potential use of the Clean Air Act to regulate GHGs, including the potential for such regulation to result in the application of the act's permitting programs to GHGs. EPA is currently considering the public comments received in response to the notice on how the permitting programs might be tailored for GHGs to avoid or minimize economic consequences for smaller sources. Addressing small business concerns with potential GHG regulation under new legislation or the Clean Air Act is a priority for the Agency.

QUESTION SUBMITTED BY SENATOR THAD COCHRAN

GULF OF MEXICO FUNDING

Question. When I look at the funding provided by the U.S. Environmental Protection Agency (EPA) to its Gulf of Mexico Program (the EPA Program Office charged with facilitating collaborative actions to protect, maintain, and restore the health and productivity of the Gulf of Mexico in ways consistent with the economic well-

being of the region), I see huge disparities in funding levels provided to the Gulf relative to other great water bodies like the Great Lakes, Chesapeake Bay, and Puget Sound. In fiscal year 2009, for example, the Great Lakes Program Office received $57 million in support, and the Gulf of Mexico Program Office received only $4.6 million. Such disproportionate funding has been the case since the Gulf Program's inception in 1988. It seems particularly unfair and counterproductive to the mission of EPA to consistently underfund such a critical and productive region.

Can you please help me to better understand the reasoning behind this practice, particularly with the advancement of the President's initiative to spend $475 million on the Great Lakes?

Answer. EPA has undertaken a number of strategic geographic initiatives throughout the country. The Agency has traditionally exercised the Administrator's limited authority under CWA 104(b)(3) to establish and maintain cooperative issue assessment and coordination of response planning support to these multi-state ecosystem initiatives. As the assessments evolve and the critical issues and tactical response plans are developed, Congress has, in many cases, enacted specific legislation through the CWA to help underwrite the execution of these recovery and/or conservation Action Plans (i.e., the CWA Amendment forming the Great Lakes Program; the Great Lakes Legacy Act; the CWA Amendment forming the Chesapeake Bay Program).

The Gulf is confronted by a number of environmental issues that threaten both the ecology and economic sustainability of the surrounding coastal communities and, the Nation. The initiation and support over the last few years of the Gulf States Governors Alliance has been instrumental in rapidly advancing the action plan framework for this region. We understand that the Governors Alliance is preparing to release the next 5-year action plan on June 10, 2009.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

COMBINED SEWER OVERFLOWS

Question. Combined Sewer Overflows (CSOs) are an enormous problem in communities with older water infrastructure. In the late 19th to early 20th century, many communities built single sewer systems for both sewage from homes and storm water runoff from streets and roofs. During large storms these systems are overwhelmed. The excess storm water mixes with the raw sewage and flows into nearby bodies of water. Each year nearly 1 billion gallons of raw sewage from CSOs puts the public at risk for disease and compromises the integrity of water bodies throughout the Nation. How will EPA use the proposed increases in water and wastewater infrastructure revolving loan funds to eliminate this serious threat to our Nation? Since this is such a big problem, do you believe a dedicated fund just for CSOs is warranted?

Answer. The Environmental Protection Agency (EPA) agrees that CSOs cause environmental and public health problems. Since the CSO Policy was finalized in 1994, EPA and the States have made substantial progress working with municipalities to develop long-term control plans to eliminate or reduce the overflows and the environmental and public health threat. The Clean Water State Revolving Fund (CWSRF) is designed to allow State programs the flexibility to direct funds to those projects that will have the greatest impact, considering factors including public health and environmental protection. EPA believes that funding CSO controls through the existing CWSRF would be more efficient than establishing a separate CSO grants program, and that the significant increase proposed in the CWSRF by the President will help address high-priority CSO problems.

NATIONAL MERCURY MONITORING NETWORK

Question. I have long believed that we, as a Nation, are not paying sufficient attention to the dangers posed by mercury to our children and, in general, to all of our citizens. When I have spoken to experts in Maine about this problem, I have learned that each new scientific study finds more mercury in the environment and more affected species than the previous study. In 2006, when EPA released a major new mercury regulatory rule, its Inspector General found that data for mercury pollution models was severely lacking and recommended EPA implement a national mercury monitoring network. In 2007, to address this need for better data, I introduced the Comprehensive National Mercury Monitoring Act to ensure that we have the information we need to make decisions necessary to protect our people and environment. I intend to pursue this bill again this year.

Do you support implementing a National Mercury Monitoring Network?

Answer. Addressing mercury emissions is a complex and multi-faceted issue that necessitates evaluation of all media, including air, water, sediments, fish, and wildlife. EPA recognizes the pressing need for comprehensive, long-term mercury monitoring and has made significant and tangible progress toward establishing a national mercury monitoring network. EPA is collaborating with Federal, State, tribal agencies, and academic partners to provide a comprehensive understanding of mercury in the environment using limited existing data and monitoring capabilities.

In 2003, EPA co-sponsored a workshop with the Society for Environmental Toxicology and Chemistry to develop a national program to track the changes resulting from reductions in mercury emissions in the U.S. Detailed recommendations for a comprehensive national mercury monitoring program emerged from this workshop and were published in a peer reviewed journal article (2005) and a subsequent book (2007).

In response to the workshop recommendations, EPA collaborated with the National Atmospheric Deposition Program (NADP) membership of Federal agencies, States, tribes, academic institutions, industry, and other organizations to launch a new, coordinated network for monitoring mercury in the atmosphere. At present, 20 atmospheric mercury monitoring stations are participating in NADP to provide high-resolution, high-quality atmospheric data. NADP plans to offer a publicly accessible database of long-term atmospheric mercury measurements.

In 2008, EPA co-convened a workshop to design a comprehensive and integrated national mercury monitoring network—MercNet. The workshop included approximately 50 experts from Federal agencies (U.S. Environmental Protection Agency, U.S. Geological Survey, National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, National Park Service, etc.), State and tribal agencies, Biodiversity Research Institute, NADP, industry, and other institutions. Workshop scientists agreed on a goal and major design elements for a national mercury monitoring program, including a national distribution of approximately 20 intensive sites, to understand the sources, consequences, and trends in U.S. mercury pollution.

EPA is committed to working with its partners, as resources permit, to develop a comprehensive, long-term mercury monitoring program which would contribute much needed information on how the environment is responding to changing uses and emissions of mercury.

Question. What specific steps will the EPA take in the coming year to protect us against this persistent and dangerous neurotoxin?

Answer. The Administrator has announced that EPA will be developing a Clean Air Act section 112(d) standard for electric utility steam generating units addressing all hazardous air pollutants emitted from these units including mercury. The Agency is currently in settlement negotiations with the plaintiffs in a mandatory duty lawsuit concerning the timing for completing this rule and does not have a schedule for developing the regulation at this time.

Mercury is also among the pollutants that the Agency is, or will be, regulating under section 112(d) through rules for other industries and sectors (e.g., for the Portland cement, industrial boilers, and medical waste incinerators).

MID-LEVEL ETHANOL FUEL BLENDS

Question. Ms. Jackson, on March 6, you were presented with a request for a waiver from the Clean Air Act for mid-level ethanol fuel blends. Subsequent to that request, a large group of interested organizations, including the Sierra Club, Public Citizen, and the American Lung Association, wrote a letter asking you to deny that request. They argued that these fuels have not yet received sufficient study to ensure that they will not pose hazards to the environment, health, and safety. In fact, I continue to receive complaints from my constituents about the performance of the current ethanol fuel blend in snowmobiles, boat engines, and chainsaws. These constituents have no fuel choices since, in Maine, only a 10 percent ethanol gasoline fuel blend is available at our gasoline pumps and I am very concerned about any potential increases in the amount of ethanol allowed in gasoline. Given the administration's support for policy based on good science, will you make certain that all of the data needed to answer questions about the merit of these new fuels are analyzed before permitting them into commerce?

Answer. EPA is carefully considering the waiver request it received from Growth Energy on March 6, 2009. A notice of its receipt was published in the Federal Register on April 21, 2009. Comments were requested on a number of issues. The comment period closes on July 20, 2009.

The issues raised by the waiver request are very important and complex. The Agency is aware of the concerns raised by the organizations that you noted. These

include the impact of E15 on nonroad engines such as those in snowmobiles, boats, and chain saws. As anticipated, the Agency is receiving a significant number of comments from a wide range of stakeholders in response to our request for public comment. In addition, the Agency continues to work closely with the Department of Energy (DOE) and the Department of Agriculture on this issue. DOE is conducting a significant amount of testing. EPA will take the public comments, test data, and any other relevant information into consideration. The Agency will use the best available technical data and make a determination on the waiver request based on good science.

SUBCOMMITTEE RECESS

Senator ALEXANDER. The meeting is recessed.

[Whereupon, at 11:39 a.m., Wednesday, May 20, the hearing was recessed, to reconvene subject to the call of the Chair.]

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2010

WEDNESDAY, MAY 20, 2009

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:01 a.m., in room SD–124, Dirksen Senate Office Building, Hon. Dianne Feinstein (chairman) presiding.

Present: Senators Feinstein, Tester, and Alexander.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATEMENT OF ABIGAIL KIMBELL, CHIEF

OPENING STATEMENT OF SENATOR DIANNE FEINSTEIN

Senator FEINSTEIN. Good morning.

On behalf of the Interior Appropriations Subcommittee, I would like to welcome you to the hearing on the fiscal year 2010 budget.

Unfortunately, both Senator Alexander and I have to leave a little before 11 a.m. So, Ms. Kimbell, this will be necessarily a short hearing. I don't think you would object to that, and we will do what we have to do and do it efficiently, I hope.

I am very pleased to welcome you, as Chief of the Forest Service, before this subcommittee.

I would like to start by saying that I think this is a very good budget. It may need some changes around the edges to meet certain priorities, but we can talk about that.

I would like to express my appreciation that the President has requested $200 million in supplemental firefighting funds for the Forest Service before the fire season begins in earnest. That is a welcome change.

The recent fires in Santa Barbara showed it is likely that we are in for another brutal, expensive fire season. And so, it is my hope that these funds will help prevent the service from borrowing from other programs to pay for firefighting needs this year.

The President has requested $5.226 billion for the Forest Service for 2010. That is a 10 percent increase, or $480 million more than the 2009 enacted level.

The new administration recognizes that firefighting costs are likely to exceed the 10-year fire suppression average and has sub-

mitted a budget that reflects that reality. It requests full funding in the 10-year average for a total of $1.128 billion and includes a new $280 million reserve fund that is available for the Forest Service if its regular appropriations run out before the end of the fiscal year.

It also invests in the Service's aging network of facilities, roads, and trails. Overall, the Service's capital improvement and maintenance program is funded up 10 percent, at $557 million more than the enacted level. And this includes $50 million to help address the Service's $5 billion backlog of deferred maintenance and also to create jobs.

In particular, this budget proposes to reduce hazardous fuels reduction programs by $13 million, and that is a 4 percent cut. And I must tell you, I have a problem with that. In my view, this cut doesn't make sense. Particularly when we are pouring money into firefighting programs, we have to begin to manage our forests and remove hazardous fuels and be prepared for fire, prevent fire.

I am also concerned that the request funds fire preparedness programs at $675 million, equal to the enacted level. This means that the Service will be forced to shift more costs for firefighter salaries and equipment to the fire suppression program, further driving up the 10-year average.

But in summary, a 10 percent increase in this time of debt and deficit, is, indeed, a very good budget.

PREPARED STATEMENT

So that completes my remarks, and Mr. Ranking Member, I would be happy to recognize you at this time.

[The statement follows:]

PREPARED STATEMENT OF SENATOR DIANNE FEINSTEIN

Good morning, ladies and gentlemen. On behalf of the Interior Appropriations Subcommittee, I welcome you to our hearing on the fiscal year 2010 budget request for the U.S. Forest Service.

I'm pleased to welcome Gail Kimbell, Chief of the Forest Service, before the subcommittee.

I'd like to start this morning by saying that I think this budget is a good first step toward meeting the needs of our national forests.

Now, that doesn't mean that there isn't room for improvement, because there certainly is. We'll talk about some of the priorities that are left out of this budget. But the request lays a foundation that this subcommittee can build on.

I'd also like to express my appreciation that the President has requested $200 million in supplemental firefighting funds for the Forest Service before fire season begins in earnest this year. That's a welcome change from the position of the previous administration.

As the recent fires in Santa Barbara showed, it is likely that we are in for another brutal, expensive fire season. It is my hope that these funds will help prevent the Forest Service from borrowing from other programs to pay for firefighting needs this year.

Turning to the particulars, the President has requested $5.226 billion for the Forest Service for fiscal year 2010, an increase of $480 million more than the fiscal year 2009 enacted level. That's a welcome 10 percent increase.

Most importantly, I am pleased that the new Administration recognizes that firefighting costs are likely to exceed the 10-year fire suppression average—and has submitted a budget that reflects that reality.

The budget request fully funds the increase in the 10-year average for a total of $1.128 billion. It also includes a new $282 million reserve fund that's available to the Forest Service if its regular appropriations run out before the end of the fiscal year.

The budget also invests in the Forest Service's aging network of facilities, roads, and trails. Overall, the Forest Service's capital improvement and maintenance program is funded at $557 million, an increase of 15 percent more than the enacted level. That includes a $50 million initiative to help address the agency's $5 billion backlog of deferred maintenance and create jobs.

Finally, the budget request includes a $42 million boost to State and private forestry programs, targeted specifically to protecting open spaces through conservation easements.

These are all important priorities, and I am pleased to see them funded. However, at the same time, I am also concerned that the budget request shortchanges other priority needs to pay for these initiatives.

In particular, this budget proposes to reduce hazardous fuels reduction programs by $13 million. That's a 4 percent cut to fire prevention—at a time when we're pouring money into firefighting. This cut just doesn't make any sense, and I won't support it. In fact, I plan to increase funds for fuels reduction in the fiscal year 2010 Interior bill.

I am also concerned that the request funds fire preparedness programs at $675 million, equal to the enacted level. That means that the Forest Service will be forced to shift more costs for firefighter salaries and equipment to the fire suppression program—further driving up the 10-year average.

The request funds operating programs for national forests at $1.5 billion, also equal to last year. That means important programs like forest products and law enforcement are being cut back. And other cooperative programs face the chopping block, including a 6 percent cut to State and local fire assistance and a 4 percent cut to programs that fight insects and disease.

In short, I think these programs deserve more support—and I plan to ensure that the rising tide of this budget lifts all of the agency's programs, not just a select few.

Now I'd like to turn to my Ranking Member, Senator Alexander, for any comments that he wishes to make.

STATEMENT OF SENATOR LAMAR ALEXANDER

Senator ALEXANDER. Thanks, Madam Chairman.

Chief, it is nice to see you and to discuss the Forest Service.

I completely agree with the chairman about fire. It is an essential part of the Forest Service program, but we don't want to see the U.S. Forest Service become the U.S. fire department. And I am also glad to see that because of the chairman's hard work especially, there is more money to deal with fires this year.

In the East, we don't have as many public lands and Forest Service lands as we do in the West. And most of the Forest Service lands I notice, looking at the map, run up the Appalachian Ridge. They start down in Georgia and run up through in and around the Smokies, where I live, where you have the Cherokee National Forest. But then there is the Blue Ridge Parkway and on up through Pennsylvania and into the area where you come from, with the White Mountains and the Green Mountains.

So I have a couple of questions about renewable energy that I would like to ask you, and then I would like to follow up, ask you if you don't have the answers today to perhaps provide me with the answers later.

And let me start with an opportunity I think I see, and that is the use of biomass—wood products, wood chips—from Forest Service areas to create electricity by burning them. What are the opportunities that you see for biomass on Forest Service lands that might—and what might that have to do with reducing the danger of fire?

SUMMARY STATEMENT OF ABIGAIL KIMBALL

Ms. KIMBELL. Thank you, Senator.

The Forest Service worked with a number of different partners to produce what we call the "million ton report," and that has been updated. And from forested lands in the United States—Ron is going to produce here in a minute that sheet that has the numbers, the millions of tons that are available from sustainably managed forests across the United States.

Senator ALEXANDER. Oh, pardon me, Chief. I got carried away. I had about finished my opening statement, and the questions will come next. I was so enthusiastic.

Ms. KIMBELL. Okay.

Senator ALEXANDER. So I thank you for being here. Those will be the two areas that I would like to explore. And why don't we go now to the chairman, and then I will take questions next.

Senator FEINSTEIN. I am fine with you doing that, and I will go after you. Go right ahead, please.

Senator ALEXANDER. Are you? Well——

Senator FEINSTEIN. I am. I wouldn't say it if I wasn't.

Senator ALEXANDER. I think you would.

In fact, I know you would. That is a great courtesy. Excuse me for doing that.

But go ahead with your comment on biomass.

BIOMASS

Ms. KIMBELL. There is a biomass study that has just recently been updated and will be published shortly. And where it talks about forests in the United States being able to provide about 40 million tons of oven-dried biomass per year from sustainably managed forests.

So that assumes things like nutrient cycling, maintenance of biodiversity, water quality, wildlife habitat. It assumes sustainable management. So 40 million tons, and this could produce the equivalent of about 4 billion gallons of biofuel.

And for Tennessee alone, Tennessee could produce 2.5 million tons, or 5 percent of the Nation's total of oven-dried biomass from sustainably managed forests.

Senator ALEXANDER. You would think of it as used for fuel rather than electricity?

Ms. KIMBELL. It could be—this report will actually lay it out in a lot of different possibilities, but either for fuel or for the generation of electricity.

RENEWABLE ENERGY

Senator ALEXANDER. Well, that is very helpful. I would like to try to get that into some perspective, and that puts it there. I mean, that sounds like a lot.

On the other hand, I believe I remember—I will have to check my figures—that the new Southern Company's 100-megawatt electric plant would take 1 million tons a year just to keep it going of biomass. And that 100 megawatts isn't much. I mean, that is about 1/12 of 1 unit of a nuclear plant. But that would be very helpful.

Now let me move to another part of the renewable, and then that will be my other part of the question. I noticed on the sheet that I got, and the chairman and I have talked about this in general.

This is the cover, Madam Chairman, of the Forest Service summary of all of its activities. You selected a beautiful view. And——

Senator FEINSTEIN. It might be California.

Senator ALEXANDER. Might be. It might be.

Or it could be the Appalachian Range, but let us say it is California. And so, my concern is, and I will just speak for myself, is that I would like very much for us to have in this country as much renewable energy as we reasonably and appropriately can. I think, for example, biomass may be especially appropriate for Forest Service lands.

But on the other hand, when I think of wind turbines, for example, they are three times as tall as the football stadium the University of Tennessee has in Knoxville, and the blades are as long as the football field, and you can see them for 20 miles. And in our part of the world, they don't produce much electricity because the wind doesn't blow very much.

But my concern more is with the landscape. I mean, here is a picture of Mars Hill, a big wind turbine right up on the Appalachian Trail. And I think about the time when I was on the Energy Committee, Madam Chairman, and someone pointed out that the Yellowstone Park director put a big cell tower right in front of Old Faithful.

And so, my question is what does viewscape have to do with decisions, as you are making them, about the siting of renewable energy facilities like wind facilities or along the Appalachian Trail or solar facilities perhaps in the West, where it might make a difference there?

Ms. KIMBELL. The siting of any facility or any project on national forest goes through the environmental analysis process and can be documented in a number of different ways. But certainly, visual quality is something that is assessed for every project that is implemented on national forest.

So for the siting of a cell tower, the siting of a windmill, the siting of a vegetation management project, the visual characteristics and the visual impacts of that project are taken into consideration in the environmental analysis and certainly is discussed in the public involvement and public input.

And as you point out, there are some things that stand out more than others, and those things attract a lot of discussion and attention through the public involvement process and are considered very much in the decision to be made by the line officer.

Currently, we have two proposals being considered on National Forest System lands—one in Vermont on the Green Mountain National Forest, one in Michigan on the Huron-Manistee National Forest. There are other locations across the National Forest System where there are considerations. There are permit applications being considered to set up the towers that would actually monitor wind energy and climatic conditions over a period of 3 to 5 years before anybody would even submit a permit to develop.

But the permits to develop are in—the permit applications are in Vermont and Michigan, and there is public involvement, public comment being taken on the project in Vermont right now. And the forest supervisor will be considering all of that public comment, along with the rest of the environmental analysis in making a de-

termination about whether or not there will be turbines sited on the Green Mountain National Forest.

Senator ALEXANDER. Thank you. I will come back with other questions later.

Thank you, Madam Chairman.

FIREFIGHTER RETENTION

Senator FEINSTEIN. Thank you very much, Senator.

Chief, I wanted to ask you a couple of things. Let me do the California material first, and that begins with the firefighter retention challenge.

As I understand it, as of April 1, a CAL FIRE rank-and-file firefighter earned $64,760, nearly 15 percent more than a comparable Forest Service firefighter, which averages $56,096. And disparities at the captain level were even greater and reached $18,000 last year.

In the continuing resolution, you provided—or we provided $25 million to address the problem. We then provided an additional $3 million in the fiscal year 2009 omnibus and required the agency to provide a spending plan for these funds.

Now since then, my understanding is that you have implemented two main strategies—a 10 percent bonus for the GS–5 to –8, the rank-and-file firefighters, and a conversion of part-time firefighters to full-time status. As of January, you had 4,205 firefighters onboard out of a total of 4,432.

Now I am concerned because I think this is going to be a big fire year again in my State, and we need to have the Federal service up to par. Can you tell us that it will be?

Ms. KIMBELL. Absolutely. The firefighting effectiveness of the Forest Service will be up to par, is up to par for this oncoming season. We have been fighting fire all year across the South into the Southwest. And with the fire just recently in Santa Barbara, it was very early season but tested the responsiveness of the State of California, the local fire departments and the U.S. Forest Service.

With the retention bonus that was provided to those grades 5 through 8, where we saw perhaps the greatest difference in recruitment and retention between the Forest Service and the State of California, that is where we focused that retention bonus. And with extending tours of duty to be yearlong, it allowed employees then to participate in things like health benefits and retirement benefits yearlong rather than the 9-month season or 6-month season that they might have been employed.

It does add duties. They will be working on nonfire-related activities when it is no longer fire season.

In looking at the number of firefighters in California, I still have to consider the number of firefighters across the border in Arizona, firefighters in Oregon, Nevada. When we do have a fire event, we bring in trained, experienced firefighters from all over the country. And certainly, we have hosted folks from all over in California over the last couple of years.

I would like to—I want to believe that we won't have that kind of season this year, but the numbers certainly indicate that it will be a long season.

NATIONAL FORESTS BORDERING LAKE TAHOE

Senator FEINSTEIN. Both the Governor of Nevada and the Governor of California have declared the Tahoe forests, the three national forests around Tahoe, in a state of emergency. I am very concerned. When I have been to the lake—which is rare, I must say—but when I can go, I notice very little burning activity.

I am told that this is done by contractors, and that contracting, seems to me, is really not what it should be. Can you respond to that? I mean, these forests have to get cleaned out of dead, dying, and down. And they aren't being, and that is just a fact.

Ms. KIMBELL. I just recently had the opportunity to visit with Terri Marceron, who is our forest supervisor in South Lake Tahoe. She was in here in Washington, DC, and I believe she met with staff from your office and with a number of other folks here in Washington, DC.

And Terri shared a pretty unique program that she has implemented there on the Lake Tahoe basin unit, where she is working with two counties in California and with the prison in Nevada to actually have woody biomass removed. So rather than burning piles, we actually have crews that are packing those piles out of the forest and hauling them to cogeneration facilities.

Senator FEINSTEIN. Okay. I am going back to the same trail that I broke my ankle on last year——

Ms. KIMBELL. I think I have a briefing paper on that.

Senator FEINSTEIN [continuing]. Again this year. And when I last went, there had been some burning of piles. But there were 10,000 piles. And they have been there for 3 years now, and they themselves are a fire hazard. And this is the Meeks Bay Trail.

Ms. KIMBELL. Yes.

Senator FEINSTEIN. So I am going to be watching. I am terribly worried about these forests because we have got a lot of bark beetle. We have got a lot of dead trees. We have had one fire. And the winds are westerly. They come over the Sierra Nevadas, and they blow right down into the homes and into the lake. And so, I hope you will give this your attention.

I would like to talk to you for a moment about the MAFFS units.

Ms. KIMBELL. Yes.

MODULAR AIRBORNE FIREFIGHTING SYSTEM (MAFFS)

Senator FEINSTEIN. Particularly the new MAFFS units. You are way down in planes. I don't have it right now, but I did have it. You have gone from something like 44 to 19 planes. And these MAFFS units are vital. Where are they in the United States, and are they available now, the big ones, the new ones?

Ms. KIMBELL. The new ones, I think they are called the MAFFS II units——

Senator FEINSTEIN. Right.

Ms. KIMBELL [continuing]. There are a number of them available. Aero Union is doing the work on that. We expect to have eight, a combination of the old MAFFS and new MAFFS units in service for this fire season, but not all of the new units that Aero Union has been developing, not all those units are going to be online.

But we do expect to have eight MAFFS units online for firefighting this season.

Senator FEINSTEIN. And where will they be located?

Ms. KIMBELL. They are based in California, Nevada, and Wyoming and North Carolina are training on the original MAFFS systems with the Air Force Reserve and Air National Guard. And Colorado Springs is training on the MAFFS II systems.

Senator FEINSTEIN. So there are two for each of these bases, each where they are based?

Ms. KIMBELL. Yes.

Senator FEINSTEIN. Is that right?

Ms. KIMBELL. Yes. So I misspoke. Nevada is not in there.

Senator FEINSTEIN. Okay. How many are operational now?

Ms. KIMBELL. Eight.

Senator FEINSTEIN. Are operational now. The training is done, and they can fly?

Ms. KIMBELL. Yes, the training is ongoing because some of these fire seasons aren't—even though southern California started very early, we still have a lot of snow in the Rockies and across different places in the country. So I am not sure of the exact status of the training, but we could certainly get that for you.

[The information follows:]

MAFFS training for 2009 is complete. We have eight MAFFS available for 2009. Two MAFFS are stationed at each of the following locations: California (Port Hueneme), Wyoming (Cheyenne), Colorado (Colorado Springs), and North Carolina (Charlotte).

Senator FEINSTEIN. I would appreciate that. California is now in a perpetual drought, and things are very dry. And many of us are very worried about what this year will bring, and I just want to say that to the head person.

Ms. KIMBELL. Thank you.

Senator FEINSTEIN. That I believe it does need some special attention. We have lost 3 million acres in the last 2 years from wildfire, and what we find is the Santa Anas are blowing hotter. And as you know, in 2008, we had 8,000 lightning strikes on a given day, which started some 2,000 fires.

I flew out with the President, flew over Shasta, and it was like a moonscape. Everything was burned, all around the reservoir. It was just—it was a horror to behold. And I think we are on an increasing crescendo with respect to fire in this State.

So I would very much appreciate and welcome your attention to it.

Ms. KIMBELL. Absolutely. And Senator, if there is an opportunity to visit the Meeks Trail together, I would love to do that, and I hope that we do get the opportunity——

Senator FEINSTEIN. This weekend?

Ms. KIMBELL. Oh.

I guess it would be free of snow, wouldn't it?

Thank you so much. Thank you, Chairman.

Senator FEINSTEIN. Senator Alexander, you had additional questions?

BIOMASS

Senator ALEXANDER. Thank you, Madam Chairman.

If I could go back to the discussion we were having before, I want to make sure I understood what you said. I believe you said your report showed that there would be 40 million tons of biomass a year, is that right, in the entire Forest Service lands?

Ms. KIMBELL. That is all forest lands. Forty million tons of oven-dried woody biomass would be available across the country from sustainably managed forests.

Senator ALEXANDER. Oven-dried woody what?

Ms. KIMBELL. Woody biomass.

Senator ALEXANDER. And that is all forests?

Ms. KIMBELL. That is all forests.

Senator ALEXANDER. Not just the national——

Ms. KIMBELL. Not just national forests.

Senator ALEXANDER. Forty million tons. And you said in Tennessee, it was 2.5 million tons?

Ms. KIMBELL. Two and one-half million tons.

Senator ALEXANDER. A year?

Ms. KIMBELL. A year.

Senator ALEXANDER. All right. Now the questions—well, would it help with fire prevention if this biomass were removed from the forests?

Ms. KIMBELL. Absolutely. And this has been a major focus of our hazardous fuel reduction over the last 10 years, and there are many more acres that need treatment. The estimates have run from 40 to 60 million acres. There are some estimates that are much higher.

But there is definitely a need for treatment of acres across national forests, BLM, private lands. Certainly, we are doing a much better job today of working across landscapes than we were 10 years ago, just given this issue with fire and fire potential and the woody biomass that is on the ground. But having a market for this woody biomass is really critical to make this cost effective for the American taxpayer.

Senator ALEXANDER. Now the 40 million tons is on the ground. You are not talking about dead or dying trees?

Ms. KIMBELL. Oh, no. That does include dead and dying.

Senator ALEXANDER. It does include dead and dying trees. So you would like to see some biomass plants that would take large amounts of this oven-dried woody biomass and turn it into either fuel or electricity? That would be a help to the fire prevention and other aspects of your operation?

Ms. KIMBELL. Absolutely. Having a market for this woody biomass is really critical to make it cost effective.

Senator ALEXANDER. Can you tell me what size powerplant, in your estimation—and maybe this is a question for the Department of Energy—what size powerplant for electricity that 40 million tons of oven-dried woody biomass would operate every year? You don't need to tell me now.

Give me some idea of the kind of roads and trucks that would be involved in the hauling of all this stuff to plants. And any sort of judgment about whether, in the end, that whole process is carbon neutral?

Ms. KIMBELL. And actually, we have a couple of research projects that are going on, one in California, where we are trying to assess

just exactly that. And hopefully, we will have results from that study. But, yes, we can provide you with that information.

Senator ALEXANDER. That would be very helpful to me because I think it would give all of us a lot of good information. It may be well worth doing even if it isn't carbon neutral, but if it also is carbon neutral, that would fit into the national debate.

[The information follows:]

The generating capacity depends on the facility design and conversion technologies used and their associated efficiencies. Some technologies have been proven for woody biomass through commercial deployment and use, while others are in the research, development, or testing stages. Based on conversion and efficiency factors for the proven technology of stand-alone wood biomass fired steam turbine system, and the Energy Information Administration, 40 million oven dry tons available annually would support an estimate of approximately 4,550 MW generating capacity. Depending on facility design and operating hours, the amount could be less.

The existing transportation infrastructure including roads and highways, rail, and barge, would be expected to be involved in delivering material to conversion facilities. It is important to consider that the logging operations infrastructure must be healthy and in place to enable sustainable harvest of the material. Life-cycle analysis of the biomass energy supply chain is an active area of research for the Forest Service and our partners. Results of forest management and harvest lifecycle analysis in the Pacific Northwest and Southeastern United States obtained to date indicate that greenhouse gas emissions vary between 2.5 and 12.5 percent of carbon in the wood, depending on management regime and transportation.

SITING WIND ENERGY TURBINES

Senator ALEXANDER. And then my last questions have to do with the mountaintops. And different regions of the country have more appropriate renewable energy. Biomass may very well be an appropriate one for the Southeastern United States, which is why the southern plant south of TVA is building its 100-megawatt plant.

In the West, it may be that large wind turbines are fine. I know at Rocky Flats, they are down on the ground. But my impression is that all of the class I wind areas in the Eastern United States are on ridge tops. Is that your impression as well?

Ms. KIMBELL. And I have not studied that issue carefully. No, I don't know.

Senator ALEXANDER. Well, that is my impression. And so, we would end up putting these massive machines on ridge tops in many parts of the area where the wind doesn't blow very well. So the questions I would like for you to try to answer for me, which you did to some direction, is how will your directives take into account the importance of protecting viewsheds?

I mean, in our part of the world, we buy houses and live on roads that are named Scenic Drive and Lookout Mountain and Blue Ridge Parkway, and not 500-foot, 50-story tower, "wind tower parkway" with the flashing lights. How closely are you working with the Department of the Interior on drafting your policy?

Should these decisions along the ridge tops of Appalachia from Georgia to Maine all be made by individual park supervisors, or should there be some review at the national level? Would it make more sense to first study and review all these lands and then come to some conclusion about what we do?

I think you can see my own personal view is I think it is a preposterous idea to take land we have set aside for recreation and scenic and other uses and clutter it with eyesores that don't

produce much electricity. Even if they did produce electricity, I think the people of our region would not want to see that.

I mean, we are spending up to $40 million, for example, to acquire Rocky Fork in the Cherokee National Forest, and then the very idea of coming and putting in 50-story towers with long transmission lines seems to me to be a preposterous notion. So I would like to find some way to get an intelligent set of—a framework within which we can consider the appropriate siting of renewable energy, such as wind, on the Appalachian chain running from Georgia up through Maine.

What are those considerations, and how do we make choices between biomass, which, in our region, seems to be a very appropriate form of renewable energy, and wind turbines on ridge tops, which seems to me not to be?

Ms. KIMBELL. Well, I believe there are two things. I think this whole address to energy and alternative energy is far more complex than maybe we have all acknowledged yet. But just all the different complexities with—that come with some of these different alternative energy sources is something that we do need a larger discussion about, more discussion as we talk about energy independence in the country.

And yet there are still questions about where is it appropriate to drill for oil? Where is it appropriate to put out solar panel arrays? Where is it appropriate for wind turbines? And when are public lands appropriate for any of those? I think that is part of a much larger discussion that we are going to need to have.

We have had some public discussion about transmission lines, and yet still there needs to be discussion about all these different energy independence opportunities.

For wind energy, the Forest Service in 2007 posted in the Federal Register a proposed directive. It was to help our field organization have some consistency for how they evaluated wind energy proposals on National Forest System lands.

We received more than 5,000 comments. We have been reviewing those comments. We are discussing those with the Department of Agriculture. We have worked closely with the BLM through this whole process of preparing this consistent direction to provide to our field for evaluating wind proposals.

But always those—any of those proposals would have to be considered in the context of the forest plans, and those forest plans lay out how sustainability will be addressed on that particular national forest and always visual characteristics are something that are considered with each proposal that comes in as when it is evaluated for how well it meets the forest plan.

So there needs to be this much larger discussion, and at the same time, this directive for how to analyze wind proposals on National Forest System land is something that we hope to have clarified and to the field here very soon.

Senator ALEXANDER. Thank you, Madam Chairman.

Senator FEINSTEIN. Thank you very much, Senator.

Before turning to Senator Tester, Chief, would you please submit your statement for the record?

Ms. KIMBELL. Okay.

Senator FEINSTEIN. And it will be included in the record.

Ms. KIMBELL. And I do have a written statement and——

Senator FEINSTEIN. That is what I am referring to, right.

PREPARED STATEMENT

Ms. KIMBELL. Thank you. And I would like to submit it for the record. Thank you.

Senator FEINSTEIN. Yes, right. Thank you.

[The statement follows:]

PREPARED STATEMENT OF ABIGAIL KIMBELL

Madam Chairwoman and members of the subcommittee, it is a privilege to be here today to discuss the President's budget request for the Forest Service in fiscal year 2010. I appreciate the significant support this subcommittee has repeatedly demonstrated for the Forest Service. Working together, this subcommittee and the Forest Service have served the public good by addressing issues from loss of open space to wildfire, from crime on national forestland to improving fish and other aquatic organism passage. With your continued support we will keep providing more of the things the American public expects and wants.

With the new administration, the Forest Service advances its mission to sustain the Nation's forests and grasslands through direct stewardship of the 193 million acres of the National Forest System, technical assistance to State and private partners, and science. The Forest Service continues to manage the National Forest System to provide diverse benefits to the public such as clean water, fish and wildlife habitat, recreation, and forest products. The Forest Service will make progress in its partnerships with other Federal agencies, States, local governments, tribes, and private landowners to sustain forests and address climate change and other issues across the landscape. The Forest Service will continue to develop innovative tools and provide understanding of complex forest ecosystems through its unique research program. And the Forest Service will continue to advance forest management across the globe in our International Programs.

The fiscal year 2010 President's budget request for the Forest Service totals $5.2 billion in discretionary appropriations, a 9 percent increase more than the fiscal year 2009 enacted level. As part of the budget, the President is proposing three major initiatives for the Forest Service in addition to maintaining essential funding levels for critical program areas.

Before discussing the fiscal year 2010 budget further, I would like to thank this committee for your support of our mission by providing $1.15 billion to the Forest Service through the American Recovery and Reinvestment Act of 2009 (ARRA). The Forest Service is using these funds to create more than 20,000 new private sector jobs and promote economic recovery, especially in those areas which the recession has impacted most. In addition to restoring jobs and revitalizing economies, the Forest Service ARRA projects will restore the land and improve facilities and infrastructure, augmenting critical mission objectives for the agency.

PRESIDENTIAL INITIATIVES

The fiscal year 2010 budget for the Forest Service includes three Presidential initiatives: responsibly budget for wildfire suppression; conserve new lands; and Protect the national forests. This suite of initiatives addresses the challenges we face, including the three themes I identified before last year's budget hearings: climate change, water supply and quality, and loss of connection to nature, especially for youth.

Responsibly Budget for Wildfire

Fires in recent years have become larger and more difficult to control due to a variety of factors, including climate change; persistent drought and hazardous fuels conditions; and the increased magnitude and complexity of the wildland urban interface. As these factors extend fire seasons and escalate cost, annual fire suppression expenditures have routinely exceeded the amount budgeted for suppression. Since 2002, the Forest Service has used the authority provided by Congress to transfer more than $2 billion from other programs to fire suppression to cover these costs. Even when the transferred funds are repaid through supplemental appropriations, these transfers result in significant disruptions in the agency's ability to deliver its program of work.

Our fiscal year 2010 budget proposes a strategy to responsibly budget for wildfire that centers on three main tactics: fully fund the 10-year average suppression costs,

establish a discretionary contingency reserve account, and ensure fire management resources are used in a cost-effective manner in high-priority areas. The budget provides additional fire management resources for fire suppression that reduce the likelihood or magnitude of transferring funds from other critical Forest Service activities should fire costs exceed the 10-year average for suppression costs.

The request to increase the fire suppression budget by $135 million more than fiscal year 2009, to fully fund the 10-year average for suppression costs of $1.1 billion, represents a significant shift in budgeting policy. In recent years, the Forest Service budget request reduced funding for nonfire programs to maintain funding for the 10-year average for suppression costs, to meet an overall budget cap. This approach was in place even as the 10-year average cost for suppression rose by nearly $600 million between fiscal year 2001 and fiscal year 2008. The approach proposed in the 2010 budget preserves funding for the Forest Service's nonsuppression programs despite rising fire costs.

In addition, the fiscal year 2010 President's budget proposes a discretionary wildland fire contingency reserve of $282 million. The fund would be available to the Secretary, subject to a Presidential finding of need, once the suppression appropriation is exhausted and as long as suppression is fully funded at the 10-year average. The fund would enable the agency to respond to wildfires which threaten lives, property, and resources on more than 210 million acres of agency-protected lands, while minimizing the potential for the transfer of funds from other Forest Service programs to suppression, ensuring that resources for other critical Forest Service activities are available. The request for the Department of the Interior includes a similar $75 million proposal.

Along with fully funding the 10-year average and the wildland fire contingent reserve fund, the Forest Service will continue to deploy analytic support tools to improve fire incident and program decisionmaking, cost containment, and agency accountability. A number of wildland fire decision support systems, such as FSPro, which models fire behavior, and RAVAR, which models values at risk from fire, provide real-time support to fire managers implementing risk-informed management.

The projects accomplished through ARRA will augment these budgetary efforts by restoring forests to a State in which they are less prone to catastrophic fire. The bill provides $500 million for hazardous fuels reduction, forest health protection, rehabilitation, and ecosystem improvement. These funds will be evenly divided between Federal and non-Federal lands. Up to $50 million of the $500 million are available for wood-to-energy grants. These grants are being coordinated with hazardous fuels treatments to maximize biomass available for energy creation. We anticipate using these funds for hundreds of hazardous fuels reduction, forest health, and ecosystem restoration projects while creating jobs in economically distressed areas.

Conserve New Lands

While Americans can take great pride in our existing National Forest System and other public lands, there are many landscapes and ecosystems at risk. Fifty-seven percent, or 430 million acres, of our Nation's forests are privately owned. Family forest owners and other landowners are facing increasing pressure to develop their land, which fragments ownership and converts environmentally important forests to nonforest use. Conservation across a landscape is essential to address large-scale conservation issues such as adaptation to climate change, conservation of water resources, reduction of wildfire risk, and protection of at-risk species.

The budget includes a $34 million Presidential initiative to conserve new lands through the forest legacy program funded from the Land and Water Conservation Fund (LWCF). Funded at $91 million for fiscal year 2010, the forest legacy program protects forested lands under significant development pressures through acquisition of conservation easements and fee-simple purchases. The easements acquired protect air and water quality, provide access to national forests, and provide habitat for threatened or endangered wildlife and fish. This budget proposes spending $119 million of the LWCF through the Forest Service as part of broader effort to conserve land by increasing LWCF appropriations for the Departments of Agriculture and the Interior to $420 million.

Protect the National Forests

The national forests face significant challenges to both protect new investments and sustain older infrastructure. Ecologically sustainable investments in roads, trails, and facilities made through ARRA require resources to protect those new assets through maintenance. The National Forest System has a transportation system that is not suited to its modern needs and requires realignment to "right-size" the system for the future. A number of Forest Service facilities have urgent health and

safety maintenance needs that, if not addressed, could result in those facilities' closure.

The fiscal year 2010 President's budget augments the work to be accomplished via the ARRA by including a $50 million Presidential initiative to protect the national forests by extending and enhancing those investments. This initiative demonstrates the Forest Service's commitment to maintaining a healthy environment by addressing critical maintenance and operational components of the Forest Service. These funds will be a cornerstone for sustaining a healthy environment, and will be focused on three priorities which will: protect the investments made through the ARRA; implement travel management plans with an emphasis on decommissioning unnecessary roads; and address urgent health and safety needs at facilities. These strategic investments will reduce the agency's overall maintenance and operational costs in future years, result in infrastructure that is more energy efficient, and reduce potential harm to the environment.

FOCAL POINTS FOR THE FOREST SERVICE

Climate Change

Forests and grasslands produce many ecosystem services on which our Nation relies: clean water, clean air, wildlife habitats, biological diversity, recreation, and forest products. However, research shows that climate change is currently stressing the Nation's ecosystems and their ability to provide those services. These effects are very likely to accelerate in the future, in some cases destabilizing these forests. Disrupted ecosystems could have a decreased ability to provide the services upon which Americans rely. Many of the most urgent forest and grassland management problems of the past 20 years, such as wildfires, changes in water quality and quantity, and expanding forest insect infestations, have been driven, in part, by changing climate. The effects and magnitude of climate change vary across the country, but we must act now to be able to address these issues as they arise.

The Forest Service will use the best available science to assess the influence of climate change on the Nations forests and grasslands. We will focus on how climate change affects the forests and grasslands as well as how land management can influence the reduction in global greenhouse gases. Climate change will be integrated into land management plans by describing desired conditions, objectives and standards. The Forest Service will also continue research and monitoring efforts to improve our understanding of climate change.

The budget continues support for key programs that enable the agency to achieve these goals. The forest and rangeland research request includes $27 million for research programs on climate change. The fiscal year 2010 budget includes $25 million for revising land management plans and $26 million for conducting land management plan assessments, which enable national forests to address climate change in forest planning. The fiscal year 2010 budget maintains a steady $653 million for wildlife and fisheries management; vegetation and watershed management; and forest products. These programs endow the agency with the ability to adapt to climate change's effects on National Forest System lands, ensuring resilient ecosystems. In fiscal year 2010, the Forest Service will build on a fiscal year 2009 investment of $825,000 to promote sustainable operations in order to reduce the agency's own environmental footprint.

Water

Our society requires adequate supplies of clean freshwater as a source of drinking water and as an engine for both agriculture and industry. While freshwater is a renewable resource, it is also a limited resource that requires careful stewardship to ensure it will meet the needs of present and future generations. In the last few years, we have seen the threats of drought to drinking water, forests, and agriculture throughout the country, from California to Wisconsin to Georgia. With the importance of this vital resource, we must act to ensure we are prepared to address the increasing scarcity of clean water.

The Forest Service plays a significant role in management of our Nation's water, given that 58 percent of our water supply originates as precipitation on forest lands, both on State and private lands and on National Forest System lands. Our agency maintains partnerships that address nearly 560 million acres of forested watersheds on non-Federal lands that provide drinking water to more than 138 million people. Another 70 million people get their drinking water from national forests and grasslands.

To ensure that National Forest System lands can continue to be a source for clean water, the Forest Service will conserve, maintain, and restore watersheds to sustain the ecosystems they support and the services they provide; secure water of sufficient

quantity and quality to sustain aquatic and terrestrial life; develop and advance knowledge and shared learning central to managing forest and grassland water resources and watershed conditions expected in the future; and facilitate watershed-based partnerships to foster conservation and citizen stewardship.

Currently, we are finalizing an inventory of the issues affecting National Forest System water resources, identifying actions that we can take to meet this crisis head-on, and developing materials to share with the public and our partners.

The Forest Service supports key programs that position the agency to address water-related challenges. The fiscal year 2010 budget includes $57 million for managing aquatic habitat and $60 million for maintaining and improving watershed conditions. These programs provide the base for efforts integrated across many other programs that secure ample supplies of clean water.

Kids in the Woods

As our Nation and especially our Nation's children develop more sedentary or more urban habits, we risk being disconnected from our environment. Being active in nature establishes healthy habitats and creates personal connections to nature, fostering a conservation ethic. Our Nation's urban and rural forests offer the setting for those active outdoor experiences, elucidating the contribution that the Forest Service can make to the national movement to bring children to nature and nature to children.

The Forest Service budget maintains funding to engage children in outdoor activities that will establish a meaningful and lasting connection to nature. The Forest Service has been active in youth contact programs for decades and is active in communities throughout the United States. The fiscal year 2010 budget continues a $500,000 investment for the More Kids in the Woods cost-share award program. In fiscal year 2008, the program, in its second year, leveraged a 3:1 ratio of funds on 16 projects that engaged 20,000 youth with nature. Beyond the work done through the More Kids in the Woods cost-share program, the budget provides $29 million for urban and community forestry and $5 million for recreation research, programs that support this effort. The budget continues steady funding levels for recreation of $280 million and wildlife interpretation and education of $9 million, forming a base of work for this effort on national forests. In fiscal year 2010, the Forest Service will emphasize delivery of conservation education programs to underserved communities in urban and rural settings.

CONCLUSION

The Forest Service presents its fiscal year 2010 budget positioned to fulfill its mission of sustaining the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. The budget supports the priorities of responsible budgeting for wildfires; of proactively addressing infrastructure needs to protect Forest Service facilities, roads, and trails; of conserving new lands; and of responding to climate change. This suite of monetary and management emphases enable the Forest Service to adapt to future challenges while continuing to conduct ground-breaking research, provide vital assistance to landowners and resource managers, and sustainably steward national forests and grasslands. Thank you and I look forward to our dialogue today.

Senator FEINSTEIN. Senator Tester.

STATEMENT OF SENATOR JON TESTER

Senator TESTER. Well, thank you, Madam Chair.

And it is good to have you here, Gail. I appreciate the opportunity to visit with you a little bit about what is going on.

HAZARDOUS FUELS TREATMENT

And I know that Senator Feinstein talked a little bit about fire, and I am going to probably spend a little more time on that. Real quickly, looking at the budget, there is a 14 percent increase in fire suppression. There is a $218 million suppression contingency amount. There is about $2.5 billion of the $5.2 billion budget that is going to go for wild land fire management.

In Montana, and I think fair to say in a lot of other areas in the United States, we are experiencing a lot of disease, a lot of beetle

kill. I flew up from Salt Lake to Great Falls here a month ago, looked down. That forest is dead. It is primarily a different color of green than what you see, and that is not a good thing.

Are those kind of dollars adequate, and I am not talking—I think a lightning strike and a good wind, and you are not going to have enough money to fight anything. It is going to burn.

But are those kind of dollars adequate not only to take care of regular fires, but also, more importantly, deal with the forest management that has to be done in our national forests?

Ms. KIMBELL. Well, I probably need to preface that with thanking the subcommittee for your support to the Forest Service for including us in the ARRA and the $250 million that is focused on hazardous fuel reduction work on National Forest System lands. That will be a tremendous help through 2009, 2010 in addressing some of those hazardous fuel loading on National Forest System lands.

This budget, the 2010 budget, though, is a far better starting point than I have been able to present to you in my whole tenure as chief. It does hold vegetation management flat. It does hold all of the National Forest System programs essentially flat.

So it doesn't increase the level of activity in forest management work, active management work on the ground, though the $250 million from ARRA will be a tremendous help.

Senator FEINSTEIN. We may just change that, Senator, and increase it.

COLLABORATIVE PARTNERSHIPS

Senator TESTER. Okay. And I would say this—and this is no reflection on you, Gail. The bar was pretty low on some of these previous budgets. I would just tell you that.

So I will shift gears a little bit because I know Senator Feinstein has the same issues with fire in the forests that we do in Montana, in California, and there are other areas, too.

I want to talk a little bit about collaborative partnerships and how the Forest Service views groups like Beaverhead-Deerlodge, Quincy Library Group (QLP), Yak, and Blackfoot. How do you deal with those? Do you have a set of operating procedures to deal with collaborative groups that want to help, but yet you have the job, they don't?

Ms. KIMBELL. Every one of them is different because of the local needs, the local interests, the local energy that people bring to it. We encourage all folks considering in pulling together a collaborative group to make it as diverse as possible to include the diversity of interests in those public lands. We really welcome the energy that comes with those.

One that happened in Montana was the group that has been meeting to develop restoration guidelines for Ponderosa Pine in western Montana, and it was a very difficult and yet fabulous exercise in bringing people together from all different interest areas to put together a common set of restoration guidelines. It has been fabulous work and very, very helpful.

Senator TESTER. Are you able to utilize—I mean, I think these folks are an asset, from my perspective, but I don't sit in the chair you are sitting in. Are you able to utilize when they do get collabo-

rative groups together and come up with an agreement? How do you utilize those recommendations?

Ms. KIMBELL. The greater the diversity in the group, the more useful the information. So that if a group has worked to include the breadth of interests that we need to include when we consider different activities on national forests, it makes it more readily transferable.

STIMULUS PROJECTS CONTRACTING

Senator TESTER. I wanted to ask just a little bit on the stimulus jobs recovery monies. Away from the fire management for a second, then we will get back to it. But if my time has run out, we can come back.

Senator FEINSTEIN. Please, go ahead.

Senator TESTER. Okay. We can come back to this. But those monies are there for two reasons. Number one, it is to get people employed in areas where there is high unemployment and depressed economic conditions. And the other thing, in your particular case, is to get the forests cleaned up.

Is there any assurance that, for instance, there is a fair amount of money that is going to be heading up to the area around the Yak and Libby. Can you give me any assurances that those jobs for cleanup, those chainsaws that are going to be in the forests that are going to be doing the hazardous fuel reduction will actually go to anybody from that area?

Ms. KIMBELL. All of these projects that are contracted will be contracted using the Federal acquisition regulations. And so, there aren't special regulations that apply to these ARRA projects. We expect that given places like Libby, Troy, and Yak, that there are a lot of people trained in those different kinds of activities who can compete for those jobs. But there is no guarantee, no, that they will go to local people.

Senator TESTER. How is the Forest Service—how are they letting local residents know? I mean, the people who typically contract, they know all the rules. They know all the hoops to jump through. The guy that is trying to feed his family with a chainsaw sitting in his hand doesn't have a whole bunch of the bureaucratic experience, number one, and, number two, maybe doesn't even have the time because he is probably working—or she is probably working—several other jobs.

So how is the Forest Service reaching out in these local communities to let people know how to be a part of the puzzle?

Ms. KIMBELL. And I can probably get for you something far more specific because what I could give you today would be anecdotal.

[The information follows:]

ARRA legislation requires that we, to the maximum extent possible, award contracts on a competitive basis. In doing so we cannot predict nor directly control who is the successful bidder. We do, however, award based on best value, and part of the best value evaluation is the economic impact on small local communities. This impact can be as a result of direct employment, subcontracts, and purchase of supplies from local sources.

On March 10, 2009, the Director of the Forest Service Acquisition Management Staff sent a letter to Forest Service leadership asking that they be innovative in preparing projects for contracts, grants, or agreements funded by the Recovery Act. The letter stated the following:

"The Forest Service is in a unique position to focus our spending in communities near public lands, which are unlikely to receive funding from other agencies. Many of these communities have high poverty rates and chronically high unemployment rates. The closure of just one or two businesses in these areas can spike local unemployment rates.

I encourage you to be innovative in your approach to project design and layout, project packaging, solicitation methods, and awarding of grants and agreements in order to maximize economic benefit for the hardest hit communities."

Senator TESTER. That would be fine.

Ms. KIMBELL. Okay.

Senator TESTER. That would be fine. I just want to make sure that they have a shot. Sometimes the best-laid plans end up going—and I agree you have to be competitive—but if you don't know how to get through the door, you can't be competitive. That is all.

And I am not saying that is the case here at all. I just want to make sure that they get a shot at it.

Ms. KIMBELL. Well, my focus with ARRA from the beginning has been jobs, jobs, jobs. And I know that at the local level, our rangers, our forest supervisors, our people in the local communities have been talking to people and even putting together their project submittals and all, looking at the capacity in the community and really working to play to that capacity.

Senator TESTER. I really appreciate that. I will tell you in the area I am talking about, you are talking unemployment up 16 percent and above.

Ms. KIMBELL. Yes.

Senator TESTER. And these folks are skilled, but the wood products industry has tanked. You know that.

Ms. KIMBELL. Yes.

Senator TESTER. And so that we could not only put people to work doing good work, but these folks are used to working hard and they are used to working with their hands.

So thank you.

Ms. KIMBELL. Thank you, Senator.

QUINCY LIBRARY GROUP

Senator FEINSTEIN. Thank you very much, Senator Tester.

I would like to ask one last question on a subject that I have had a good deal of conversation with of your forest supervisors, and that is the Quincy Library Group, which has been a very frustrating exercise.

You know, Quincy was supposed to be about collaboration. We had terrible fires up in the Lassen and the Plumas forests. And you had the environmentalists on one side, and you had people who own property, who were business people on the other. And so, they went to the only place where they couldn't yell at each other, and that was the Quincy Library. And for years, they worked to collaborate and work out an agreement.

And the agreement was based on putting in firebreaks in areas that were critical, where you could get some timbering from those firebreaks but, at the same time, prevent the kind of catastrophic hot fire, which was now built up by the nonnative growth down below and really taking out the canopies of old growth, as well as any endangered species that happened to reside in those canopies.

And they came up with a project, and now it has been lawsuit after lawsuit after lawsuit.

So I met with some of your supervisors—interestingly enough, all women—and it was very interesting for me and wonderful to see in San Francisco recently. And we went over how there was effective collaboration in at least two of the forests and, I think, some problems in the third.

But the bottom line was that the Forest Service has provided my staff yesterday acreage targets having to do with the Lassen, which runs around 22,000 acres; the Plumas, which is about 7,000 acres to be treated; and the Tahoe, which is about 3,900 or 4,700 acres. And yet there are a number that still need to be agreed upon.

And I would like to ask for your oversight in seeing that that gets done. Again, the worry is that we have another catastrophic fire, and this has been years and years of trying to work this out.

Ms. KIMBELL. And Senator, last year, I had the opportunity to be there on the Shasta-Trinity National Forest and then on the Plumas during that great big fire event following the June 21 lightning storm. And I got to be in one of those areas where the Quincy Library Group had struggled for so long to come to agreement as to how it might be managed, and it had finally made it through all the legal process and then got caught up in one of those fires and burned hard. Burned very, very hard.

I was there with the forest supervisor and the district ranger, and that was——

Senator FEINSTEIN. So if we had done it 10 years ago, when we tried to do it?

Ms. KIMBELL. The fire may not have been as big as it was or as hot as it was, and the damage that it did to the watershed. So this year, we are expecting to treat overall with Quincy Library Group 30 projects, 18,000 acres, and there is the potential for more if there are some things that can work through the collaboration. And we are very hopeful.

Senator FEINSTEIN. Let me ask you, is that enough to keep a mill alive and the jobs or not?

Ms. KIMBELL. It is 150,000 million board feet. That is a lot of wood, and yet given the market conditions across the country, it is still very difficult to keep a market alive when the Random Lengths Index is so very low. And with all the announcements that have been coming from California and from Montana about the competitiveness in the world, it really makes it hard to keep a mill open in the United States.

Senator FEINSTEIN. I just want to say I very much welcome your oversight and trying to push people. You know, there is an effort at collaboration. There is an effort at compromise.

Ms. KIMBELL. Yes.

Senator FEINSTEIN. And it seems to me that unless—if this fails, the only alternative is for us to go ahead with very stringent legislation like a categorical exemption, which nobody wants to do. But that is all we are left with if these fires keep happening, and you have got the collaboration between the environmentalists and others to try to solve the problem and they can't solve the problem.

Ms. KIMBELL. And we very much want QLG to be successful, as well as a number of other collaborative groups. These are people

giving their own time, coming together weekend after weekend or Tuesday night after Tuesday, drinking bad coffee to—well, I don't know. Maybe they drink good coffee?

Senator FEINSTEIN. I have spoken to Senator Tester about this, and he has the same issues in his State. There, he really believes that collaboration is going to work, and I hope that is true because there are so many problems in these forests.

Ms. KIMBELL. Yes, and having the social license to be able to do the work we need to do to be able to avoid this kind of catastrophic damage that we have been seeing over the last 10 years from wildfire is very, very important. We need to have a market that will be able to use these materials that we remove, and we need to have the social license to be able to remove those materials.

And these collaborative groups have been a tremendous help in moving some of that forward.

Senator FEINSTEIN. That is right. Thank you.

Senator, do you have additional questions?

If I may, I am going to turn this hearing over to you——

Senator ALEXANDER. And I will be right behind you.

Senator FEINSTEIN [continuing]. And then if you have to leave?

Senator ALEXANDER. Jon, do you have any other questions?

Senator TESTER. I don't. Thank you.

Senator FEINSTEIN. I have to go to the floor. So——

Senator ALEXANDER. Well, I don't really have another question. I think you have been very helpful.

Thank you, Madam Chair.

Senator FEINSTEIN. May I say thank you, Chief, very, very much. I have come to watch you and know you over the years and really believe you are doing a good job.

Ms. KIMBELL. Thank you, Madam Chairman.

ADDITIONAL COMMITTEE QUESTIONS

Senator FEINSTEIN. And I want to thank all of your staff and people for this. American forests are very important to us, and the work you do is very much appreciated.

So thank you, and thank you very much.

Ms. KIMBELL. Thanks so much, Madam Chairman.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR DIANNE FEINSTEIN

FUELS

Question. Since 2006, more than 3 million acres have burned in my home State of California alone. It's clear that more progress must be made to treat hazardous fuels in order to deal with the dead, dying, and downed trees on our national forests. How many high-priority acres does the Forest Service have nationwide that require treatment? How much progress has the agency made toward treating these priority acres?

Answer. The LANDFIRE project will provide a national appraisal of vegetative conditions and provide information which will allow the agency to make an informed assessment of the number of high-priority acres that need to be treated to mitigate the wildfire situation. Between fiscal years 2000 and 2008, the Forest Service treated more than 17.6 million acres of hazardous fuels nationwide across National Forest System lands. Treatments were conducted in high-priority areas to create or

maintain conditions that are at a reduced risk of catastrophic fire. Additional funding has been provided to the States to reduce fire hazard on State and private lands.

FIREFIGHTER RETENTION

Question. As you know, the subcommittee provided $28 million this fiscal year to fund recruitment and retention initiatives for areas like California that face staffing shortages. I have not yet received the final spending plan for these funds required by the 2009 Interior bill. What are the details of how the money will be used? How are you using these funds to ensure your firefighting corps is fully staffed, and why did you select the initiatives you chose? What evidence do you have that these initiatives are working?

Answer. The Forest Service appreciates the patience of the Appropriations Committee in allowing the agency to develop a comprehensive recruitment and retention plan. The regional forester implemented a process across the State with line officers and employees to identify integrated elements for retention within his authority in four areas: mission related to fire suppression, workplace improvement, fire facilities, and pay. The approaches taken are expected to improve firefighter retention within the region and will be monitored to ensure their effectiveness. The region's efforts include:

—*Fire Suppression Mission*.—The regional forester has reiterated the Agency's fire suppression focus for National Forest System lands and his commitment to agency policy, and the 2008 Wildland Urban Interface Operating Principles. Additionally, the Regional Forester has reiterated the Agency's role in "all risk" missions based on Homeland Security Presidential Directive 5, including the expectation that Agency participation in medical response should be by exception, and not the rule.

—*Workplace Improvement*.—The regional forester will implement a wide range of actions including increased opportunities for leadership training at all levels, authorizing additional administrative and technical support personnel at local units, authorizing the promotion of apprentice employees to GS–5 within the program, and authorizing permanent, seasonal tours for firefighters outside of the Apprentice program to be adjusted to permanent full-time tours (for those employees wishing to do so).

—*Fire Facilities*.—A list of projects that would have an impact toward improving health, safety, and mission capacity has been developed. Once funding is available, the regional forester will provide direction to implement these projects. In the long term, the regional forester will direct the region to complete the strategic facility master plan, which will allow fire facility needs to be analyzed on a regional scale instead of the forest-by-forest process currently in place.

—*Pay*.—The regional forester has taken actions within his authority:

—*Firefighter Seasonal to Permanent Full-time Tour Conversion*.—On March 4, 2009, the regional forester authorized forest supervisors to convert permanent seasonal firefighter positions to permanent full-time. Permanent seasonal firefighters are those employees who normally work 6–9 months per year and are in a nonpay status for the balance of the year. Approximately 1,555 positions are eligible for the conversion, but more than 700 of those positions are currently vacant and reserved for apprentice firefighters who are ineligible for conversion. Apprentices will be placed into those vacancies as permanent full-time firefighters upon completion of their training. In fiscal year 2010, the region estimates that approximately 780 formerly seasonal positions will have been converted to full time resulting in an increased cost to the region of about $9.5 million. In future years, as employee retention levels increase and apprentices graduate into current vacancies, the number of formerly seasonal positions that have been converted to full time will increase annual costs to the region. The potential increased costs to the region could rise as high as $21.5 million a year if all 1,555 positions are eventually converted. However, these employees will be available to perform project work in ecosystem restoration, hazardous fuels reduction, biomass-to-energy, and other important agency priorities.

—*Firefighter 10 Percent Retention Incentive*.—On March 1, 2009, a 10 percent retention incentive for GS–5 through GS–8 firefighters was authorized. Thirteen hundred (1,300) firefighters received the benefit, which will continue to be reflected in employees' paychecks. The current authorization is for 1 year (26 pay periods). The retention incentive will be reviewed prior to expiration in 2010 to determine if it is having an effect on attrition patterns. The additional cost for the 10 percent retention incentive for 1 year is approximately $7 million.

In addition, the agency is assessing the options of a new wildland firefighter series and a special salary rate for California. Both of these options will require Office of Personnel Management approval. The agency will evaluate the effectiveness of the recruitment and retention plan actions with two metrics. First, the region will assess vacancy rate trends in GS–6 through GS–8 positions. Second, agency will monitor the resignation trends of firefighters.

Question. Does the Forest Service plan to renew retention efforts in California for the coming fiscal year, fiscal year 2010? Your budget request didn't include funds to continue retention initiatives and, in fact, flat-lined the fire preparedness budget at $675 million. If the Forest Service plans to continue these efforts, how do you propose to pay for them?

Answer. The agency will assess the effectiveness of the regional recruitment and retention actions at the end of the fiscal year. The actions taken this year will increase annual baseline costs. We expect that any actions will be funded through regional program funding allocations along with carryover from the original earmark of $25 million to cover the costs of renewing the 10 percent retention incentive and the projected promotion of permanent seasonal employees to permanent full-time status.

Question. It is my understanding that the Forest Service is also continuing to look at other potential, long-term retention strategies, which include a special pay rate, a firefighter GS series, and a portal-to-portal pay system. Please provide me with specific updates on what steps you are taking to consider each of these strategies, including a timeline for review and decisionmaking for each. Please include any information that is available on current cost projections for implementing each of these strategies.

Answer. The agency is looking at several long-term strategies.

—*Firefighter Series*.—The agency is nearly finished assessing options and estimating the workload necessary to develop a proposal for a new wildland firefighter job series. The assessment requires an extensive job analysis to determine job requirements and is a Service-wide effort being coordinated with other wildland fire agencies in the Department of the Interior. Once the job analysis and proposal is completed, Office of Personnel Management (OPM) will make the final determination. Completing the analysis and gaining approval from the OPM will take time.

—*Special Salary Rate*.—The Forest Service currently has a special salary rate for wildland firefighters in certain southern California counties. For most GS grades (GS–3 through GS–9), the special salary rate is slightly above the locality pay for these areas. For GS grades starting at the GS–10, the locality pay is actually higher than the special rate in both the Los Angeles and San Diego area. The agency is currently analyzing the effect of the current special salary rate and whether a special salary rate for the rest of California would affect recruiting and retaining firefighters. The analysis will consider effects from the 10 percent retention incentive. Similar to requirements for a new firefighter series, the OPM requires a rigorous analysis and justification for any new special salary rate. The analysis will take time for the agency to prepare and work with the OPM.

—*Portal-to-Portal Pay*.—This option is not being considered by the agency at this time.

The cost for each of these is not known.

MARIJUANA ENFORCEMENT ON NATIONAL FOREST LANDS

Question. Over the past 3 years, I've worked to increase the Forest Service's law enforcement budget by $25 million to fight marijuana cultivation on national forests. I'm extremely concerned that cultivation sites continue to be a danger to public safety, as these gardens are often guarded by armed drug traffickers. What progress have you made in eradicating these marijuana gardens? Please provide relevant statistics, both nationally and for California only, to support your response (i.e., number of plants eradicated, number of arrests made, number of prosecutions, etc.).

Answer. The Forest Service has made the following progress in eradicating the marijuana gardens both nationally and for California as follows:

Nationally	Fiscal year 2006	Fiscal year 2007	Fiscal year 2008
Marijuana plants eradicated	1,221,989	2,050,368	3,295,870
Sites eradicated	497	462	714
Sites tended by foreign nationals	216	256	245
Felony drug arrests	327	319	424

Nationally	Fiscal year 2006	Fiscal year 2007	Fiscal year 2008
Firearms seized	249	274	330

Region 5 (California)	Fiscal year 2006	Fiscal year 2007	Fiscal year 2008
Marijuana plants eradicated	1,060,114	1,878,589	2,655,916
Sites eradicated	250	328	437
Sites tended by foreign nationals	197	241	208
Felony drug arrests	78	78	198
Firearms seized	37	71	154

Question. I am very concerned about natural resource damage caused by marijuana gardens. I believe that efforts to clean up these sites will require dedicated funding. In fiscal year 2009, I provided a $500,000 increase to your budget specifically to clean up national forest lands after drug eradication operations. How will the funds be used? Did you continue these funds in your budget request?

Answer. The fiscal year 2009 Omnibus Appropriation Act earmarked $500,000 for rehabilitation of drug cultivation sites. This earmark was distributed in the final allocation based on each region's percent of cultivation sites identified in the LEIMARS database. The following regions received additional funding for restoration of drug cultivation sites: region 3—$10,000; region 4—$15,000; region 5—$310,000; region 8—$140,000; and region 9—$25,000. Regions were also provided direction that additional vegetation and watershed management program funds may be utilized for rehabilitation of drug cultivation sites, based on regional watershed restoration objectives and priorities. In addition to these funds, regions should utilize minerals and geology management program funds for the clean-up of sites contaminated with hazardous materials.

The fiscal year 2010 President's budget request increased funding for watershed restoration activities from $57.1 million in fiscal year 2009 to $60.2 million in fiscal year 2010. Accomplishment of drug site restoration would be prioritized along with other watershed restoration needs, including those generated by wildfire and other natural events. Watershed restoration needs in high-priority watersheds, such as municipal watersheds will receive priority for available restoration dollars; and this will include treatment of drug cultivation sites with the potential to impact water quality in these watersheds.

Question. How much additional funding is needed to clean up remaining cultivation sites, both nationally and in California?

Answer. The agency will address reclamation and restoration with available funding on a priority basis. Cost for individual site reclamation will vary greatly, and a comprehensive assessment of these costs has not been completed. These sites create extensive resource damage, such as terraced soils, access trails; stream diversions; vegetation and timber removed, hazardous chemicals and buried irrigation systems.

FIREFIGHTING AVIATION NEEDS

Question. The Forest Service primarily depends on an aging fleet of old military P2–V and P–3 aircraft to serve as air tankers for initial attack on wildfires. The Forest Service is currently contracting 18 air tankers to fight fires—that's down from a peak of 44 aircraft in 2002—and I am very concerned that you continue to lose more aircraft each year to accidents and airworthiness concerns. How long will the rest of your air tanker fleet be able to fly safely? Please provide specific data for both types of aircraft.

Answer. The P–3 is currently supported by the manufacturer, Lockheed Martin, which provides service life extension programs for these aircraft as they approach retirement. The P2–V, however, is not supported by a manufacturer. We anticipate that P2–V fleet could be expended as early as 2022. Aircraft accidents continue to reduce airtanker numbers by approximately .5 aircraft per year.

Question. What role will the Modular Airborne FireFighting System (MAFFS) II units need to play as the Forest Service's air tanker fleet ages?

Answer. The MAFFS program has traditionally provided additional capacity for the Forest Service and our interagency partners. The MAFFS II is a significant improvement in design and operational effectiveness. We are looking forward to continued partnership with the military and the MAFFS II tanks. At this time we do not anticipate needing additional MAFFS units to support the wildland fire program.

Question. In 2005, the subcommittee directed the Forest Service to review its fleet and analyze future firefighting aviation needs. I understand that effort led to the

development of a new firefighting aviation strategy, including recommendations that pertain to the future of the Forest Service's air tanker fleet. You have not yet made this strategy public. What is the administration's timeline for the release of this strategy? When will you make a copy of this strategy available to the subcommittee and to the public?

Answer. The Forest Service, in cooperation with our interagency partners, has completed an extensive Interagency Aviation Strategy calling for replacement of critical firefighting assets. This document has been forwarded to the Acting Deputy Undersecretary for Natural Resources and Environment, USDA for discussion. Once discussion and review is complete we anticipate a decision.

CABIN USER FEES

Question. What is the total annual cost to the Forest Service for administering the recreation residence program for each of the past 5 fiscal years, including projected costs for fiscal year 2009? How many full-time employees (FTE) does the program require? Please provide the basis for how the costs were calculated, and separate out direct and indirect costs.

Answer. The Forest Service accounting system does not distinguish the cost of performing recreation residence permit administration from the cost of processing and administering recreational permits overall. In fiscal year 2009, the total for the administration of recreation special use authorizations is estimated at $43.1 million and 338 FTEs. Of that planned amount, approximately $6.7 million are indirect costs or about 15.5 percent. The fiscal year 2009 estimate for administering recreation special uses overall is based on regions' capability data. The indirect cost estimate is based on fiscal year 2008 actual expenditures and that same indirect cost percentage is applied to fiscal year 2009 planned levels.

Question. What are the real and projected costs to the Forest Service for implementing the Cabin User Fee Fairness Act of 2000 (CUFFA) for the past 5 fiscal years, including fiscal year 2009? How much is budgeted for fiscal year 2010? Please separate direct and indirect costs.

Answer. The cost of implementing the CUFFA is reflected in the direct appraisal costs estimated at $7 million from fiscal year 2007 through fiscal year 2012 and an additional $1.3 million in indirect costs. CUFFA did not result in a significant increase in direct appraisal costs per appraisal cycle, but by requiring appraisals every 10 years as opposed to the previous policy of every 20 years, CUFFA effectively doubled these costs. Indirectly, CUFFA resulted in a significant amount of time and money devoted to the writing of regulations, meeting with interested parties, and responding to the controversy generated by its implementation. The agency does not separately track these costs, as it is part of overall recreation permit program costs.

Question. Specifically, what are the costs of new appraisals to implement CUFFA in fiscal years 2007, 2008, and 2009? What appraisal costs are budgeted for fiscal year 2010? What is the expected total cost of an entire appraisal cycle for all forests? Please explain how the overall CUFFA implementation costs and the appraisal costs were determined.

Answer. Costs of new appraisal are spread out from fiscal year 2007 through fiscal year 2012. Our accounting system does not split out these specific costs, but the agency has developed the following estimates based on known direct contract costs and review appraiser costs, and then projecting forward. An estimated additional $1.3 million more than fiscal year 2007–fiscal year 2012 is estimated for indirect costs.

[In thousands of dollars]

Fiscal year	Direct estimate	Indirect estimate	Total estimate
2007	1,600	300	1,900
2008	1,800	300	2,100
2009	1,600	300	1,900
2010	1,000	200	1,200
2011	600	100	700
2012	400	100	500
Total	7,000	1,300	8,300

Question. How much revenue did the Federal Government receive from the fees paid for recreation residence permits in fiscal year 2008? Under current law and policies, how much revenue is the Federal Government projected to receive from fees

paid for recreation residence permits in each fiscal years from fiscal year 2009 to fiscal year 2014?

Answer. In fiscal year 2008, revenue received was $14.6 million. Assuming there is little change in fees from second appraisals and assuming the increase indicated from the completed appraisals is representative for the whole, the agency projects $40 million in annual fees upon full implementation. The last appraisals will be reviewed in fiscal year 2012 and will begin a 3-year phase-in in fiscal year 2014. Breaking out the increase over the intervening years would indicate the following estimates.

	Amount
Fiscal year 2009	20
Fiscal year 2010	22
Fiscal year 2011	24
Fiscal year 2012	26
Fiscal year 2013	32
Fiscal year 2014	35

QUESTION SUBMITTED BY SENATOR JUDD GREGG

FOREST LEGACY PROGRAM

Question. As you know, in the East, we feel very strongly about the need for funds to help us leverage purchases to protect land, and the Forest Legacy program is a vital part of that. The administration's fiscal year 2010 budget includes $1 million for a new, Community Forests Program within Forest Legacy. Is the Forest Service committed to ensuring robust funding for the Forest Legacy program and also ensuring that funding levels for successful existing programs, such as Forest Legacy, will not be adversely impacted as a result of funding for new programs?

Answer. Both the Forest Legacy and Community Forests programs are important conservation tools that the Forest Service uses to conserve important open space and forest resources. In addition to the $1 million for a new Community Forests program within the Forest Legacy program, the President's budget also included $34 million for the President's "Conserve New Lands" initiative. This new initiative reflects the administration's priorities in land conservation. The commitment to the program is also reinforced through the participation from States; in fiscal year 2010, 44 States submitted 87 projects with a value of $194 million. While the Forest Service is dedicated to all of its programs, it is explicitly committed to fulfilling the President's goals with respect to this new effort.

SUBCOMMITTE RECESS

Senator FEINSTEIN. The hearing is recessed.

Ms. KIMBELL. Thank you.

[Whereupon, at 10:48 a.m., Wednesday, May 20, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2010

WEDNESDAY, JUNE 3, 2009

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 9:49 a.m., in room SD–138, Dirksen Senate Office Building, Hon. Dianne Feinstein (chairman) presiding.

Present: Senators Feinstein, Dorgan, Reed, Tester, and Alexander.

DEPARTMENT OF THE INTERIOR

OFFICE OF THE SECRETARY

STATEMENT OF HON. KEN SALAZAR, SECRETARY

OPENING STATEMENT OF SENATOR DIANNE FEINSTEIN

Senator FEINSTEIN. The hearing will come to order, and I would like to say good morning to everyone. And I would particularly like to say this is our third and final budget hearing before the Interior subcommittee.

This morning, we are honored to have our distinguished former colleague and now Interior Department Secretary Ken Salazar. Mr. Salazar said when I met him in the hall, "Are you going to give me a bad time this morning?" And I said, "How can we give you a bad time?" Right?

I mean, I think most of us in the Senate that have worked with Senator Salazar believe he is really a wonderful person, and we are so delighted that he is Secretary of the Interior. So this hearing should be a piece of cake.

Joining the Secretary at the witness table this morning is Pam Haze, the Department's Budget Director. And so, I would like to say good morning to you, Ms. Haze. And it is a pleasure to see you again as well.

Mr. Secretary, the budget request you are presenting today totals $10.98 billion. That is an increase over last year's level of $904 million, or 9 percent. This is the largest budget increase in the past several years and represents a real push in the right direction in several important areas.

First, I would like to thank you very much for requesting full funding for the fire suppression account. Those of us in the West

truly know its value. The $445 million in the Interior budget, along with the $1.4 billion in the Forest Service budget, brings the administration's total fire suppression request to $1.8 billion. That is the same amount actually spent on average on each of the 3 prior fiscal years.

So this means that, if we are lucky, neither agency will have to borrow from its nonfire accounts, which happens every year, and then hope and pray that the Congress replenishes these funds. That is not a good way to do business, and I would like to applaud you for stepping up to the plate and acknowledging what fire suppression really costs.

I would also like to thank you for allocating for full fixed costs within your budget. As a former mayor, I know that setting aside funds to pay for such things as increased rent, utilities, and employee healthcare costs are not the fun things we like to put in our budgets.

But the fact is that over the past 8 years, the Department has absorbed more than $500 million in unfunded fixed costs, and that just can't keep going on and on.

That money came out of programs just the same as if the cuts had been proposed up front. So congratulations on reversing that trend.

There are also substantial increases in funding for the Land and Water Conservation Fund, for the National Park Service, for energy development, and for a climate change initiative. All in all, you have presented us with a robust budget, and I think in whole that this will be favorably received.

In the interest of time, Mr. Secretary, I am not going to go through every line in your budget, but I will say that I hope to engage you in questions on renewable energy development, abandoned mines, and drugs on public lands.

I would now like to recognize my very distinguished ranking member. I welcome him to this position and enjoy working with him, Senator Alexander.

STATEMENT OF SENATOR LAMAR ALEXANDER

Senator ALEXANDER. Thank you, Madam Chairman.

Secretary Salazar, welcome back. It is good to see you, as the chairman said. We miss you, but we are glad you are able to make the contribution that you are today.

I will reserve most of my comments until question time. But let me just mention the areas in which I am especially interested.

You and I worked together on the Land and Water Conservation Fund, had a little success on that across the aisle in finding a permanent source of funding for Land and Water Conservation Fund. I hope that is one of your legacies as Secretary of the Interior, and I would like to work with you on that.

I would like to talk with you a little bit about the funding for the Great Smoky Mountains National Park, which has two or three times the visitors of some of our other popular parks, but about half the funding just because of circumstances of history.

I would like to ask you a question about helicopter overflights in the parks. It seems like a small item, but there are supposed to be plans developed for dealing with those things. And since the law

was passed in 2000, no plans have been developed. I would like to find out what we can do to move that ahead.

And then picking up on what the chairman said, I have got some questions about what I would call the upcoming renewable energy sprawl. Those aren't my words. Those are the words of a conservation group.

We all want renewable energy, but the landscape is an important part of the environment as well. And you come from a beautiful State. I do, too. The chairman does, too. And we want to make sure that before we embark on these renewable energy projects, they are massive in size, and we know what we are doing and that we take time to make sure we don't destroy the environment in the name of saving the environment.

And I hope another of your legacies is to take the words that you used when you slowed down the Utah oil and gas lease sales. You talked about responsibly developing oil and gas supplies in a thoughtful and balanced way that allows us to protect our signature landscapes and cultural resources. That applies to oil and gas, but also applies to large solar plants, to wind turbines on ridge tops, to how close to the shore we would put wind turbines as you authorize them. And that will be another area of my questions.

But welcome. I look forward to working with you.

I thank the chairman.

Senator FEINSTEIN. Mr. Secretary, welcome. We very much would like to hear from you.

SUMMARY STATEMENT OF HON. KEN SALAZAR

Secretary SALAZAR. Thank you very, very much, Chairman Feinstein and Ranking Member Alexander. Both of you are great Senators and great former colleagues and present colleagues of mine because I view my role as Secretary of the Interior as being interwoven with the work of your subcommittee and your leadership and the work of your great staff.

We have many chapters to write together in the years ahead on issues that I know we share a common value. The issues that we are working on are not Democratic or Republican issues, they are issues for America and for all of our population.

I appreciate the opportunity to appear before you today, and I have a statement that I will submit for the record. And I would like, if it would be okay with the chairperson, to make a few comments about the budget overall and my priorities?

Senator FEINSTEIN. It would. Please proceed.

Secretary SALAZAR. When I came into the position of Secretary of the Interior, one of the things that I wanted to do was to make sure that the people of this country understood the responsibilities of this Department. It truly is the Department of the Americas. We have responsibilities for 20 percent of the landmass of the United States, and 1.75 billion acres of the Outer Continental Shelf (OSC), and we have responsibilities that go from pole-to-pole and include the territories of the United States.

Some, I think, in the past have felt the Department was only a department for the West. But as Senator Alexander knows, the Great Smokies are one of the icons of our National Park System. The wildlife refuges of Florida or the great parks and assets that

we have in California and the tribal issues that we have all over this country really mean that we are enmeshed in all of the great issues that cover our landscapes and the peoples of America.

One of the first things I did was I went to the Statue of Liberty because I wanted to make sure that people understood that this Department was a department of the United States of America.

Within the work that President Obama has asked me to do on behalf of this administration are the following five priorities, and I look forward to working very closely with all of you on these issues.

CREATING A NEW ENERGY FRONTIER AND TACKLING CLIMATE CHANGE

The first is creating a new energy frontier and tackling the challenges of climate change. This budget reflects our priorities with respect to renewable energy, how we move forward to harness the power of the sun, the power of geothermal, the power of the wind, but to do it in an environmentally conscious way.

We are, as Senator Alexander spoke about and with respect to the statement that I said on the Utah lease sales, making sure that as we move forward with the development of a renewable energy world, which we are going to develop, that we are also thoughtful and mindful of making sure that we are protecting those landscapes that both of you have fought so hard for so many decades and which I believe are very much an important part of my role as Secretary of the Interior.

TREASURED LANDSCAPE

Second, I will work very hard to establish a treasured landscapes agenda for the United States of America. At the request of Senator Alexander a few weeks ago, maybe a few months ago now, I met with Henry Diamond and a number of other people who were involved in the original creation of the Land and Water Conservation Fund.

When one looks back at those conversations that took place in the Secretary of the Interior's office with Stewart Udall, you are left with a sense, given our fights together here to put funding into a Land and Water Conservation Fund (LWCF), that there truly has been a breach of the trust with the American people relative to the investment of resources that we have gotten from the Earth, which belongs to the American people in the form of public lands.

When LWCF was created, the thought was that we would take royalties from offshore oil and gas development, as well as some from onshore, and we would create a trust fund from which would flow the investments to make the landscapes that both of you have fought so hard to protect a reality. The fact is, last year, we raised about $24 billion through the activities of the Minerals Management Service (MMS) and the Bureau of Land Management (BLM), and at the end of the day, there was only $255 million that was appropriated from the Land and Water Conservation Fund.

I will look forward to working with both of you, working with the White House, and working with our colleagues in the House to take a moon shot with respect to investing in the treasured landscapes of America. That will take us to the restoration of great places like the Bay Delta in California from an ecosystem perspective, to the

Chesapeake Bay, to what we do in the Everglades, to the kinds of investments that, Senator Alexander, you want to make in the heritage and future of the Great Smoky Mountains National Park.

And so, there is a great agenda that I want to work on with you all.

21ST CENTURY YOUTH CONSERVATION CORPS

Third, I will help usher in with all of you, a new 21st century Youth Conservation Corps that reflects the realities of our times here in the 21st century. We need to get our young people connected to our landscapes in terms of environmental education and understanding the importance of stewardship.

This budget reflects that priority, for example, by allocating $30 million for hunting and fishing programs for young people in the form of a grant program that will be made available to the States. It also includes $20 million for educational and service programs for young people in the Department of the Interior.

This summer alone, based on money that you made available and direction that we had from you and others here in the Congress, we will have 15,000 young people that will be working with us in the Department of the Interior, helping us restore trails and doing other kinds of service that are important in terms of engaging young people.

EMPOWERING NATIVE AMERICAN COMMUNITIES

Fourth, we will do everything we can to empower the Nation's Native American communities. The issues of law enforcement, economic development, and education are huge challenges for Native Americans all across this country. Those issues are addressed in this budget by adding additional resources in law enforcement and in education. They build off of the investments that we made through the Recovery Act into those agendas.

Assistant Secretary of Indian Affairs Larry Echo Hawk and I have already had several meetings on his first week of the job where we are moving forward with respect to the agenda on our Native American communities.

WATER

Finally, I will work very hard to help address some of the vexing water problems that face us that are connected to how we deal with taking care of our wildlife and our plant species. The Bay Delta in California is a great example of one of those very complex water supply issues, which also has many other facets to it. The issues between Florida, Georgia, and Alabama with respect to the allocation of water on their rivers is also one of those issues that we will work on.

Those are some of my priorities. I am proud of the budget that we have presented to all of you. I look forward to working with you in the days to come.

PREPARED STATEMENT

I appreciate the confirmation that you gave to Assistant Secretary for Policy, Management, and Budget Director Rhea Suh.

Rhea Suh comes here, I think, in her first day on the job today, to hear the testimony before us.

Rhea, I think you are here. Here she is. I want to introduce Rhea because she will be working with us on a lot of these issues.

Thank you very much.

[The statement follows:]

PREPARED STATEMENT OF KEN SALAZAR

Chairman Feinstein and members of the subcommittee, I am pleased to be here today to present the details of the 2010 budget request for the Department of the Interior (DOI). I want to thank the Chairman and this subcommittee for its interest in and support for Department of the Interior programs, most notably those that ensure the stewardship of the Nation's natural and cultural resources and our special relationship with Native Americans and Insular Areas. Your interest in this department and support for Interior's programs has helped to build a strong foundation for a clean energy future and to tackle climate change impacts, conserve our treasured landscapes, and empower Native American communities. I look forward to working closely with this subcommittee to build on that foundation.

INTRODUCTION

I am honored to serve as the 50th Secretary of the Interior and to oversee this Department and its 67,000 dedicated employees. Our expansive mission stretches from coast to coast. It spans the continent from the subtropical Everglades in Florida, west across 12 time zones to the insular areas in the Pacific, and north to the vast tundra in Alaska. Our land and community-based programs touch the lives of most Americans, including 1.7 million Native Americans and Alaska Natives.

Interior manages 500 million acres or about 1 in every 5 acres in the United States, including 391 National Park units, 550 wildlife refuges, the 27 millionacre National Landscape Conservation System, and other public lands. These places are treasured landscapes and serve as economic engines for tourism and growth opportunities for recreation, wildlife conservation, and responsible resource use.

The Department's public lands and 1.7 billion acres on the Outer Continental Shelf (OSC) supply nearly one-third of the Nation's domestic energy production. These resources are vital to the Nation's energy security and provide economic returns to the Nation. In 2010, an estimated $14 billion in revenues will be generated from these lands and waters.

The Department fulfills its special responsibilities to Native Americans managing one of the largest land trusts in the world including over 56 million acres held in trust for Indian tribes and individual Indians, over $3.4 billion of funds held in over 2,700 trust accounts for approximately 250 Indian tribes, and over 380,000 open Individual Indian Money accounts. The Bureau of Indian Education (BIE) school system provides services to approximately 42,000 students in 23 States attending 183 elementary and secondary schools and supports 30 tribally controlled community colleges, universities, and postsecondary schools.

The Department of the Interior is truly the department of America. We are uniquely positioned to provide enduring benefits to the American people. Our 2010 budget will allow us to make wise and prudent investments that will allow us to maximize opportunities to realize the potential of our lands and waters, resources, and people.

THE FIRST 100 DAYS

Today I celebrate my 134th day as the Secretary of the Interior. It has been an exciting time as we have begun to impact how the Department of the Interior does business. We have already implemented changes to improve accountability, transparency, and ethical reform; established a vision for a new energy frontier that will help to produce and transmit renewable energy from our public lands while protecting our treasured landscapes and environmental quality; set an agenda for protecting America's open spaces and treasured landscapes with stewardship and enhanced climate impacts management based on sound science; started restoring the Government-to-government relationship with Indian tribes; announced a new 21st Century Youth Conservation Corps; and implemented the President's economic recovery plan.

We have released detailed implementation plans for $3 billion appropriated in the American Reinvestment and Recovery Act that could create as many as 100,000 jobs in communities across the Nation, while significantly improving the safety and en-

ergy efficiency of our facilities; the state of our roads and trails; and habitat for wildlife including endangered species. This funding will also help to significantly accelerate efforts to realize the clean energy potential of our public lands by funding environmental planning, studies, and analyses.

Thanks to your support, the Recovery Act provided $2 billion for the programs funded by this subcommittee. Over 40 percent of these funds will be spent on deferred maintenance projects including road and trail maintenance, and 35 percent will be spent on construction and capital improvement projects. We are building and repairing Indian schools, stabilizing America's signature park structures, retrofitting our buildings to improve energy efficiency, restoring landscapes for wildlife and people, correcting safety hazards such as abandoned mines, and clearing trails. These projects will stimulate local economies across the Nation by providing employment opportunities and will make our parks, refuges and public lands more welcoming for over 450 million people that visit our lands each year.

Throughout the development of our Recovery Act program, I worked closely with the Bureaus to encourage them to find the most meritorious projects. I believe that we have chosen well and that our projects will maximize job creation, help to stimulate the economy, meet the prescribed timeframes for completion, provide lasting benefits, and make you proud that you invested in our programs.

Our Recovery Act investments in the Bureau of Land Management (BLM) will lay the groundwork for a critical national priority—achieving a clean and independent energy future. BLM will jump-start renewable energy development activities by conducting the regional environmental impact assessments and technical studies needed to pro-actively identify areas suitable for potential development, while ensuring we protect our treasured landscapes and ensure substantive public input. This investment is the first step to fulfill a commitment I made in a March 11 Secretarial Order making the production, development, and delivery of renewable energy top priorities for the Department. I established an energy and climate change task force to spur a clean energy future and identify specific zones on public lands where Interior can facilitate a rapid and responsible move to large-scale production of solar, wind, geothermal, and biomass energy. For these renewable energy zones to succeed Interior will need to work closely with other Federal agencies, States, and tribes to identify electric transmission infrastructure and transmission corridors that are needed to deliver these renewable resources to major population centers, while preserving the values of our treasured landscapes and protecting the environment.

Through the investments we are making with Recovery Act funding we will conserve America's timeless treasures and icons of our culture and heritage. Our projects will restore monuments, stunning natural landscapes, and parks and public lands that are integral to the lives of communities across the country. During the first 100 days of this administration the Congress enacted and President Obama signed the Omnibus Public Land Management Act of 2009, which will help us protect these important assets. In addition, our Recovery Act plan includes 2,291 projects in National Parks, refuges, and public lands. These projects will accelerate our efforts to restore and protect natural and cultural resources.

You directed us to utilize our partnerships with the Student Conservation Association and other entities to expand youth engagement through the Recovery Act. We are using Recovery Act funding for youth partnerships that will launch our 21st Century Youth Conservation Corps initiative. This initiative will build capacity to engage young people in the outdoors and create a lasting interest in our treasured landscapes and cultural history. I have established an Office for Youth Programs to improve the coordination of Bureau educational and outreach activities in order to seize this opportunity to invite our children and young adults into the outdoors.

My first 134 days sets the stage for the future of this Department, and our 2010 budget gives us optimism about the days ahead and our ability to fulfill our bold agenda.

OVERVIEW OF THE 2010 BUDGET

The 2010 Interior budget request for current appropriations is $12.1 billion, $802 million or 7.1 percent above the level enacted by Congress for 2009. This comparison excludes $3 billion enacted in the American Recovery and Reinvestment Act of 2009. Permanent funding that becomes available as a result of existing legislation, without further action by the Congress, will provide an additional $6.1 billion, providing a total of $18.2 billion for Interior in 2010.

The 2010 request includes $11 billion for programs funded by this subcommittee. This is an increase of $857 million above the level enacted for 2009. This comparison excludes $2 billion in enacted Recovery funding and $50 million requested by the President in 2009 supplemental funds for wildland fire. About 19 percent of the

2010 increase or $160.8 million will fully fund anticipated increases for pay, health benefits, unemployment and workers compensation, and other fixed costs.

In 2010, Interior will continue an exemplary record of producing revenue for the American taxpayer. The estimate for revenue collections by the Department in 2010 is $14 billion, which exceeds the amount requested for current appropriations.

The 2010 budget assumes the enactment of legislative initiatives to ensure better management of and a fair return for leasing on Federal lands and waters. These initiatives include a new fee on nonproducing Gulf of Mexico offshore oil and gas leases to encourage timely domestic energy development, repeal of oil and gas and geothermal mandatory spending authorizations included in the Energy Policy Act of 2005, and discontinuation of Abandoned Mine Land (AML) payments to certified States and tribes.

The budget also anticipates increased revenues will be available beginning in 2010 from oil and gas royalty reform, a new fee for offshore facility inspections, and a fee for processing onshore oil and gas applications. I hope to be able to work closely with you on the consideration of these proposals in the budget.

CREATING A NEW ENERGY FRONTIER

The energy challenges the United States faces are severe. The Nation has seen $4.00 per gallon gasoline and rising electricity costs. The Nation imports about 57 percent of the oil needed to fuel the country's transportation system, heat homes, and power the economy. The time has come to create new, clean sources of energy using the Nation's vast domestic resources. The President has a vision of energy independence driven by concerns about national security, economic security, and environmental health. His plan will steer the country onto a new energy path—one that creates new jobs and puts America out front in new, growing industries; one that promotes investment and innovation here at home; and one that makes responsible use of domestic resources.

On Earth Day, the President announced the completion of new regulations for the development of renewable energy resources on the OCS. In addition, I recently reached agreement with Federal Energy Regulatory Commission Chairman Jon Wellinghoff on an approach to manage, permit, and issue licenses for hydrokinetic energy projects (e.g., wave or current energy projects) in offshore waters. These actions are setting in motion our collaborative efforts with the Federal Energy Regulatory Commission and others to create new opportunities for the production of wind, wave, and solar energy offshore.

Renewable Energy.—Through its stewardship responsibilities, Interior is uniquely positioned to help achieve the President's vision of a clean and independent energy future. The BLM has identified about 21 million acres of public land with high wind energy potential in the 11 Western States and about 29 million acres with high solar energy potential in the 6 Southwestern States. There are also 140 million acres of public land in Western States and Alaska that have significant geothermal resource potential. In addition, there is considerable wind and wave energy potential offshore. The National Renewable Energy Laboratory has identified more than 1,000 gigawatts of wind potential off the Atlantic coast, and more than 900 gigawatts of wind potential off the Pacific coast.

The 2010 budget request includes $50.1 million to invest in renewable energy development on Interior public lands and waters. Through this initiative, we will engage the combined talents of the Department's bureaus: facilitating the development of renewable energy on public lands, developing a robust OCS renewable energy program, and using science to identify areas with the highest potential for responsible energy production on public and tribal lands. We will do all of this in a manner that respects our treasured landscapes and protects the natural and cultural values of the lands and resources that we manage.

The BLM and BIA will facilitate development of renewable energy sources such as wind, solar, and geothermal energy on public and tribal lands, and will address the siting challenges associated with building a new transmission infrastructure. The 2010 request for the BLM proposes an increase of $16.1 million to leverage Recovery Act funds and build a capacity to address anticipated needs for renewable energy and transmission development on the public lands. The Bureau of Indian Affairs (BIA) economic development program will support the informed development of renewable energy resources on tribal lands with an increase of $4 million.

The budget for the Minerals Management Service (MMS) includes an increase of $24 million to begin a program for renewable energy on the OCS. The MMS will conduct environmental and technological studies and prepare environmental analyses to develop competitive renewable energy lease sales, and issue and monitor leases for individual projects.

With an increase of $3 million, USGS will develop scientific information on the distribution of renewable energy resources, including geothermal, biomass, wind, and solar to ensure environmentally sensitive development. An increase of $3 million for the Fish and Wildlife Service (FWS) consultation program will assure that renewable energy facilities are developed with careful attention to the stewardship of natural resources.

Conventional Energy.—The administration's energy strategy includes the continued development and, where appropriate, expansion of domestic production of oil and gas and other mineral resources. The 2010 budget request includes increases of $16.9 million for BLM and MMS to continue programs that support 30 percent of the domestic energy production in the United States. The MMS will support the development of conventional energy resources with an increase of $5 million to facilitate continued oil and gas leasing. The budget for the BLM maintains the Bureau's capacity to process oil and gas applications for permits to drill through an increase of $11.9 million in appropriations and a proposed increase of $9.1 million in permit fee collections. These increases offset 2010 reductions in mandatory spending from rental revenues previously supporting these activities.

Audit and Compliance.—The budget request includes funding in three bureaus to improve revenue collection and oversight activities, needs identified by the Government Accountability Office, the Department's Office of Inspector General, and other independent reviewers. The MMS budget includes $1.7 million to provide timely and accurate production and gas plant accountability data and $3 million to implement a risk-based audit and compliance protocol. There is an additional $2.5 million requested for BLM's oil and gas management program to enhance production verification capabilities; and $1 million is requested in BIA to establish standards for renewable energy development.

TACKLING CLIMATE IMPACTS

Inextricably linked with the need for a clean energy future is the need to tackle climate change impacts. With lands that range from the Arctic to the Everglades, Interior's managers observe the sometimes dramatic effects of a changing climate, including thawing permafrost and melting glaciers, changes in precipitation patterns, and sea level rise. In this dynamic context, Interior managers need information, tools, and resources to measure, understand, and respond to on-the-ground impacts. As the largest land manager in the Nation, Interior is positioned to pioneer adaptive management approaches to address the effects of climate change.

In April of this year, the United States Geological Service (USGS) released a report prepared in close collaboration with the British Antarctic Survey indicating that Antarctica's glaciers are melting more rapidly than previously known because of climate change. The USGS study documents for the first time that one ice shelf has completely disappeared and another has lost a chunk three times the size of Rhode Island. This research is part of a larger ongoing project that is studying the entire Antarctic coastline.

This study provides the first insight into the extent of Antarctica's coastal and glacier change. The rapid retreat of glaciers demonstrates the profound effects our planet is experiencing, with rates of change occurring more rapidly than previously known, as a consequence of climate change. The scientific work of USGS combined with the Department's on-the-ground resource management programs and States and tribes, are a critical component in the administration's commitment to combat climate impacts.

The 2010 budget request for the Department includes increases totaling $133 million to address the impacts of climate change on land, water, and wildlife resources. The climate impacts initiative integrates the activities of the BLM, USGS, FWS, NPS, and BIA to measure and monitor climate-induced change and share information with State, tribal, and other managers and to formulate strategies to protect wildlife and habitats through adaptive resource management. The budget increase will allow the Bureaus to work collaboratively to expand capability in climate impact science, adaptive management techniques, and carbon sequestration.

Monitoring Networks and Adaptive Strategies.—Interior's climate impacts initiative includes $65 million to establish a strong monitoring network that will comprehensively track and provide information on climate impacts on land, water, and wildlife resources and to develop adaptation strategies for improved management. The BLM, USGS, FWS, and NPS will work together to develop scientific data about climate-induced changes that are occurring and those that are predicted to occur, and then translate this scientific input into on-the-ground strategies for land and water managers.

The majority, $80 million or 60 percent, of funding proposed for the Climate Impacts Initiative is within the 2010 request for the FWS. This includes two components: $40 million for grants to States and tribes, provided through the FWS State and Tribal Wildlife Grants program, and $40 million to tackle climate impacts on refuges, fisheries, and other resources.

The State and Tribal Wildlife Grants component will assist with planning and implementing strategies, and activities to help fish and wildlife adapt to the impacts of climate change. The FWS climate impact component includes: $20 million in the Resource Management account to obtain the information needed to plan and deliver conservation activities that address the impacts of climate change on fish and wildlife and Their habitat. Biological planning, conservation design, and monitoring will be important in formulating our response to help wildlife adapt. FWS will use $12 million to plan, monitor, and implement climate change related adaptive management strategies on refuge lands and another $6 million to help fish and wildlife adapt to the impacts of climate change on private lands. Additionally, $2 million will be used, through the National Fish Habitat Action Plan, to help freshwater fish and other aquatic species adapt.

Additional increases for the Bureau of Land Management ($15 million), the National Park Service ($10 million), and the BIA ($6 million) will support resource assessment, monitoring, habitat restoration and climate impact mitigation efforts.

Climate Impact Science.—The 2010 USGS budget includes an increase of $15 million within the Climate Impacts initiative for scientific research, forecasting, and modeling activities to better assess climate change impacts on national resources and develop response strategies. This funding will also expand priority climate change monitoring, develop regional collaborative research hubs through the National Climate Change and Wildlife Science Center, and collaborate on climate impact science.

Carbon Sequestration.—Forest and rangelands, wetlands, and other landscapes managed by the Interior Department play a vital role in the carbon cycle. These natural systems soak up carbon dioxide and thereby reduce the harmful effects that carbon dioxide and other heat-trapping gases can otherwise cause. This absorptive capacity of our landscapes has played a key role in reducing the negative impacts of climate change. The Department's bureaus will enhance the absorptive capacity of lands by engaging in more aggressive re-vegetation and tree planting strategies, ecosystem restoration, wetland protection, and similar strategies, to enhance the carbon cleansing capability of natural systems.

The 2010 budget includes an increase of $7 million for USGS to research both geological and biological carbon sequestration potential. In 2010, with the completion of its 12-month project to develop the appropriate methodology, USGS will begin the initial stages of a national assessment of geologic sequestration of carbon dioxide in saline formations and depleted oil and gas reservoirs. With this new funding, USGS will also develop methodologies to measure and assess biological carbon sequestration.

A key aspect of climate impacts, particularly in the West, is increased variability of water supplies. Although the Bureau of Reclamation (BOR) is not within the jurisdiction of this subcommittee, the Bureau's water conservation, water basin studies and water recycling and reuse activities are an important complement to the Department's climate impacts initiative. The 2010 budget increases water conservation challenge grants by $26 million. The 2010 budget for the BOR also requests $64 million for 7 ongoing authorized BOR rural water projects that will help bring reliable water supplies to tribal and nontribal populations.

PROTECTING TREASURED LANDSCAPES

In the spirit of the bold, visionary actions that President Theodore Roosevelt took when he established the first National Wildlife Refuge at Pelican Island, Florida, and developed a framework for the National Park System, President Obama is committed to the preservation of landscapes in parks, refuges, and other public lands. President Obama signed the Omnibus Public Land Management Act of 2009 on March 20 and began a new era in land management with new, organic legislation for BLM's National Landscape Conservation System. This landmark legislation added 2 million acres of new wilderness and preserved 1,000 miles of wild and scenic rivers. This act will allow us to protect some of America's most special places and is a wonderful addition to the legacy of treasured landscapes that we already manage.

The 2010 President's budget signals this commitment with an unprecedented $2.3 billion for park operations, a program increase of $100 million above 2009 enacted levels. Funding will be focused on three key areas: building a solid foundation for

parks, caring for America's treasures, and enhancing leadership in parks. Included in the operations funding increase is $57.5 million for park base funding. These funds will be used to enhance core visitor services and resource protection needs at 212 parks. An additional $21.7 million will be used to enhance major procurement and contracting services in parks, increase officer and civilian staffing in the United States Park Police, and build organizational capacity to better serve customers and recruit a new and diverse workforce.

NPS has a long and impressive history of caring for America's natural and historic treasures and ensuring their continued appreciation, understanding and enjoyment. Today, as NPS readies itself for the next 100 years, efforts are underway to face a new set of challenges. The 2010 NPS budget request includes an additional $5 million to enhance youth environmental education, vocation, and volunteer service opportunities through the Department's 21st Center Youth Conservation Corps initiative; $10 million to monitor, adaptively manage, and assess the impacts of climate change on park resources as a part of the climate impacts initiative; $4.9 million to enhance critical stewardship programs at parks through research, operational, and educational activities; $2.2 million to expand emergency storm damage response capability; and $150,000 to enhance visitor health and safety programs.

The 2010 budget includes $3.9 million to address one of the long-term challenges facing NPS—the need to develop a workforce that reflects the changing and diverse face of America and demonstrates management excellence. The budget funds training for new superintendents and establishes a new leadership development program open to all employees to equip NPS managers with the skills to recruit and manage a diverse workforce.

Park Partnerships.—The 2010 budget recognizes the strong American tradition of philanthropy for National Parks and includes $25 million for Park Partnership Project Grants. The combined benefit to the NPS would be over $50 million for signature projects or programs. This proposal mirrors the action that this subcommittee took in 2008 to fund programs and projects that will leave a lasting legacy for future generations.

Any discussion of partnerships should recognize the achievements of our park superintendents and other land managers who work collaboratively with adjacent landowners, cooperating associations, other Federal agencies, State and local governments, and the communities in which they are situated. The Department recently lost one of its staunchest advocates for partnerships and someone who recognized the importance of parks as key elements of livable communities. Brian O'Neill served as the Superintendent of the Golden Gate National Recreation Area for 23 years. His vision ledto the realization of this diverse and creative park unit that hosts 200,000 volunteers, the largest number of volunteer workers of any park in the world. Brian's leadership resulted in the successful creation of the Presidio partnership and turned Alcatraz from a decrepit former prison into a much visited tourist destination. Brian died on May 13, 2009, leaving a world-class legacy for future generations and models for partnerships that are being replicated throughout the country and the world.

Investing in the Land and Water Conservation Fund.—Recognizing the importance of America's natural and recreational resources, in 1962 the Kennedy administration introduced legislation to establish a new Federal conservation fund. The next year, Kennedy repeated the proposal, writing to Congress, "Actions deferred are all too often opportunities lost, particularly in safeguarding our natural resources." In 1964, Congress created the Land and Water Conservation Fund to conserve, develop, and utilize outdoor recreation resources for the benefit and enjoyment of the American people.

The law sought to accomplish these goals by providing funds for acquisition and development of lands and by providing Federal assistance to States in recreation planning, acquiring lands and waters, and development of recreation facilities. These activities are funded through a trust fund that receives revenues primarily generated from OCS oil and gas drilling activities. Other funding sources include the sale of surplus Federal real property and taxes on motorboat fuel. The annual authorized level is $900 million; appropriations have been provided at this level only twice during the program's 45-year history. Over the life of the program, 7 million acres have been purchased with LWCF appropriations. More than 41,000 matching grants to State and local governments have been approved for acquisition, development, and planning of outdoor recreation opportunities in the United States.

President Obama has a goal to fully fund the LWCF at $900 million annually by 2014. The 2010 President's budget includes $419.9 million, an increase of $115.8 million, as a first step toward achieving this goal. The 2010 budget includes $300.2 million for Interior LWCF programs and $119.7 million for the Forest Service. With-

in the Interior total is $170.2 million, an increase of $59.7 million, for protection of treasured landscapes.

The 2010 request includes $30 million to assist States and local and tribal governments to protect and create park lands, open space, and wildlife habitat through competitively awarded LWCF grants. This is an increase of $11 million over the 2009 enacted level of $19 million. The 2010 budget request includes $27.2 million for grants and $2.8 million for administration. An additional $10 million in State conservation grants is available from the LWCF in mandatory appropriations.

The 2010 budget request includes $100 million, an increase of $24.5 million over 2009, for the Cooperative Endangered Species Conservation Fund. This program provides grants to States for activities that conserve threatened and endangered species. States can, in turn, pass the funding on to municipalities, tribes, and private landowners to enlist their support in species conservation efforts.

CREATING A 21ST CENTURY YOUTH CONSERVATION CORPS

The future of resource conservation and management on the public lands depends upon the next generation's understanding of the importance of natural resources and cultural treasures. The 2010 budget includes a 21st Century Youth Conservation Corps initiative to signal a new emphasis on youth involvement. An Educating Young Hunters and Anglers component of the initiative addresses the President's Rural Agenda item to support the rights and traditions of sportsmen. The 21st Century Youth Conservation Corps initiative leverages the expansion of youth partnerships undertaken with Recovery Act funding and the creation of a new office to coordinate youth programs.

The budget includes $50 million to develop new ways to engage youth and under represented groups in nature and help them to achieve environmental awareness and respect for America's exceptional natural resources. The initiative has two distinct components—educating young hunters and anglers and an environmental education component that will engage and encourage youth in environmental conservation and to seek careers in America's great outdoors.

Educating Young Hunters and Anglers.—In support of the President's efforts to educate young hunters and anglers, the budget request includes $28 million for a new discretionary Federal Aid in Wildlife grants program to help States, territories, and tribes establish new, creative programs to engage young hunters, anglers, and wildlife managers. Special emphasis will be placed on under-represented groups. Included within the request is $2.8 million targeted specifically for grants to tribes.

The 2010 budget request includes an increase of $1 million for the National Fish and Wildlife Foundation to establish a public-private partnership to promote these efforts. Another $1 million is included in the budget for the National Conservation and Training Center to provide workshops and other training to develop the capacity of Federal, State, and tribal agencies to develop new and creative methods to increase interest in hunting, fishing, and other wildlife management.

21st Century Youth Conservation Corps.—Studies show that vast numbers of children spend much of their lives indoors playing video games or watching television, with little contact, understanding or appreciation of the natural world. A large body of evidence attributes improved health, particularly in youth, to nature and exposure to the natural environment. Childhood experiences with nature are associated with increased environmental awareness. An investment of $20 million will be made in BLM, USGS, FWS, and NPS to promote youth engagement and environmental awareness. Specifically, the 2010 budget identifies a three-pronged approach: engage youth in public service; enhance science-based programs offered through schools and community partners; and improve curricula of national environmental education programs. In addition to promoting health and environmental awareness, these resources will support efforts to develop an interest among talented and capable young people in entering public service as natural resource professionals.

EMPOWERING INDIAN COUNTRY

President Obama has placed a high priority on restoring the Government-to-government relationship with Indian tribes. Restoring the relationship requires a commitment to helping Indian communities prosper, and the 2010 budget provides increased resources that will support this commitment. The 2010 budget provides increases totaling $102 million to strengthen law enforcement and provide expanded educational opportunities in the BIE school system and through tribal colleges and universities. The 2010 budget also funds enacted Indian Water Rights Settlements with an increase of $25.8 million.

Protecting Indian Country.—The 2010 budget advances efforts to improve safety in Indian country with a comprehensive request to promote law enforcement. The

2010 budget for BIA makes new investments in officers on the street, specialized training, detention centers, and tribal courts. The 2010 proposal builds on the congressional support provided in 2008 and 2009, and provides an additional $30 million in program funding.

The largest component of this initiative is an increase of $10.5 million to aggressively address law enforcement staffing needs throughout Indian country. The additional funding will strengthen the law enforcement presence on Indian reservations by hiring additional officers. In order to meet the demand for these new officers, BIA must also expand its training capabilities. The budget includes $500,000 to establish the Indian Police Academy outreach program.

One of the biggest challenges for Indian Affairs has been managing the individuals arrested as a result of increased officers and increased arrests. The initiative proposes $70.4 million for the corrections program, including an increase of $5.0 million to fund additional correctional officers, contracted bed space for prisoners, and an armed transport officer program. The initiative also includes an increase of $2 million above the 2009 enacted level of $6.3 million to specifically target the drug trade and reduce violent crime. This funding will advance intelligence gathering capabilities and provide additional support for victim and witness services.

Another important component of the Indian Affairs justice system is the tribal courts program and sustained support for oversight and management. The initiative includes an increase of $8 million to improve the efficiency and operations of tribal courts and $4 million for the management functions.

Advancing Indian Education.—The 2010 advancing indian education initiative will sustain $716.2 million enacted in 2009, and provides an additional increase of $72 million for education programs.

The 2010 request of $391.7 million for the Indian Student Equalization Program formula funds includes an increase of $6.7 million in teacher pay to fund fixed costs and a $10 million program increase. These funds are one of the primary sources of funding for the BIE's 169 elementary and secondary schools and 14 dormitories. Funds directly support schools for core operating costs, such as salaries for teachers, aides, administrators, support staff, and supplies and classroom materials. The 2010 request also includes $59.4 million for operation of elementary and secondary school facilities, an increase of $2 million above the 2009 enacted level. The program funds operational expenses for educational facilities at all 183 BIE schools and dormitories.

The BIE is committed to assist Indian students to attain postsecondary educational credentials. The BIE administers operating grants for tribally operated colleges and universities. Included in this request is $64.3 million for tribal colleges and universities, an increase of $5 million over the 2009 enacted level. The budget also includes a one-time increase of $50 million to forward fund activities at tribal colleges and universities for the 2010–2011 school year. Tribal college leaders have repeatedly stated that forward funding provides them greater financial security to plan for the academic year. It is a budgeting technique widely used at educational institutions, including the BIE elementary and secondary school system.

The initiative includes $34.6 million for Scholarships and Adult Education, $5 million above the 2009 enacted level. This funding not only improves opportunities for American Indians and Alaska Natives to attain an advanced education, it directly supports the spirit and intent of Indian self-determination by providing the tools to shape their future.

Resolving Land and Water Claims.—The Omnibus Public Land Management Act of 2009 included two major Indian Water Rights settlements. The Northwestern New Mexico Rural Water Projects Act authorizes settlement of the longtime water rights claims of the Navajo Nation in the San Juan Basin in New Mexico. The 2010 budget includes $6 million for this settlement.

The Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement reached after a decade of negotiations, resolves tribal surface and groundwater claims in Nevada and establishes trust funds for the tribes to put water to use. The 2010 budget includes $12 million for this settlement.

BUDGET PRIORITIES

Wetlands.—In April, we celebrated American Wetlands Month, recognizing the importance of wetlands for economic and environmental well being. Wetlands are among the most productive habitats on Earth, providing shelter and nursery areas for commercially and recreationally important animals like fish and shellfish, as well as vital wintering grounds for migratory birds. The 2010 budget fulfills President Obama's commitment for wetlands preservation with an increase of $10 million for the North American Wetlands Conservation Fund. This increase will be lever-

aged with matching funds from partners and will protect an additional 45,000 acres of wetlands and associated uplands and enhance 15,000 acres of habitat.

Great Lakes Restoration.—The 2010 budget for the Environmental Protection Agency (EPA) includes a $475 million Great Lakes Restoration initiative. The initiative will fund a broad-based strategy to restore the Great Lakes in support of the President's pledge for a comprehensive approach to Great Lakes restoration. Working in concert with its Federal partners on the Great Lakes Interagency Task Force, EPA has identified a series of projects that will begin in 2010. EPA will transfer funds to Interior bureaus and other Federal agencies for projects that will be undertaken to target the most significant problems in the Great Lakes ecosystem and will demonstrate measurable results. EPA's 2010 request estimates funding of $15 million for USGS, $57.5 million for FWS, $10.5 million for NPS, and $3 million for BIA. Interior will use this funding to restore habitats that are important to the health of the Great Lakes region including wetlands, islands, and tributaries. Cooperative projects will be funded to combat invasive species, conduct scientific research to identify threats to the region, and develop mitigation strategies.

Endangered Species.—As part of the 2010 budget's investments in the Land and Water Conservation Fund, there is an increase of $24.5 million requested for grants to States in the FWS Cooperative Endangered Species Conservation Fund. This infusion of funding will support expanded protections for threatened and endangered species and help States and others with support to help reduce threats and recover species. The 2010 budget also includes increases of $7.4 million for FWS and USGS to increase population assessments, research, and conservation planning and actions for the polar bear and other Arctic species.

Land Management.—The 2010 budget for land management operations reflects an increase of 7.6 percent over the level provided by the Congress in 2009. This request includes funding for fixed costs and increases to address current challenges in energy and climate impacts, and to improve the engagement of youth. Sustaining the operational budgets are key to our ongoing stewardship capacity. Within the operating accounts, the 2010 budget retains an increase of $7.5 million for BLM to accelerate inventory and remediation of abandoned hardrock mine sites and retains increases of $8.7 million provided to BLM, NPS, and the Office of the Secretary for a coordinated effort to eradicate drug production and related activities on public lands.

Wild Horse and Burro Management.—The BLM manages wild horses and burros under the Wild Free-Roaming Horses and Burros Act, a 1971 law that sets forth certain protections for the animals and guides the BLM's management of the horse and burro populations. The 2010 budget includes $67.5 million, a program increase of $26.5 million over the 2009 level, for the Wild Horse and Burro Management program. This significant funding increase is needed to fund increases in the costs to hold horses that have been removed from the range, to fund ongoing gathers to manage the population on the range, and to more aggressively implement population control efforts to help slow the growth in wild horse populations. We look forward to working with the subcommittee on a long-term solution for effective management of these populations—one that will allow us to operate a less costly program.

Wildland Fire Management.—The Department's Wildland Fire program works collaboratively with the Forest Service to conduct effective and cost-efficient fire preparedness, suppression, hazardous fuels reduction, and other prevention activities in support of the National Fire Plan. Wildland fire management activities are conducted by four Interior bureaus including BLM, FWS, NPS, and BIA. The 2010 budget request of $899.8 million for Wildland Fire Management includes an increase of $34.6 million in Suppression Operations to fully fund the 10-year average cost of $369.8 million. In addition, the budget establishes a new discretionary Wildland Fire Contingency Reserve Fund of $75 million for fighting catastrophic wildfires, which would be available after the appropriated 10-year average is exhausted and other specific objectives are met.

Working Capital Fund.—The Department's 2010 budget request includes funding for continued deployment of an integrated business management system that will be used by all bureaus and offices. The 2010 budget of $85.8 million for the Working Capital Fund is an increase of $12.4 million above the 2009 enacted level. Of this amount, $80.4 million is included to fund continued development and deployment of the Financial and Business Management System, an increase of $7 million over the 2009 enacted level. This includes funding to support bureau efforts in preparing for deployment and transitioning to the new system. The budget also includes $5.4 million for costs associated with enterprise wide information technology enhancement requirements, which are needed to support investments for improved transparency and accountability.

LEGISLATIVE AND ADMINISTRATIVE PROPOSALS

The 2010 budget request is accompanied by proposals that will affect receipt or spending levels in 2010 or in future years. These proposals will be transmitted separately from the budget for consideration by congressional authorizing committees.

Fee on Nonproducing Leases.—To further encourage timely domestic energy development, the administration will submit legislation to impose a new fee on nonproducing oil and gas leases in the Gulf of Mexico. This new fee would provide a financial incentive for oil and gas companies to either move leases into production or relinquish them so that tracts can be re-leased and developed by new parties. The proposal would require holders of Gulf of Mexico OCS oil and gas leases to pay a $4 per acre fee when leases are in nonproducing status.

Payments to Certified States and Tribes.—The budget proposes to discontinue mandatory payments from the General Treasury to States and tribes that have certified as completing the reclamation of their abandoned coal mine sites. Because payments to certified States and tribes can be used for any purpose approved by the State legislatures or tribal councils, they do not contribute to the intended purpose of the AML program, to reclaim abandoned coal mines. This proposal would not affect payments to States that have not yet certified that abandoned coal mines have been reclaimed.

Energy Policy Act.—The administration will submit legislation to repeal portions of section 365 of the Energy Policy Act, which diverted mineral leasing receipts from the Treasury to a BLM Permit Processing Improvement Fund and prohibited BLM from establishing cost recovery fees for processing applications for oil and gas permits to drill. Upon repeal of these provisions, BLM will establish fees for applications for permits to drill through a rulemaking process. Until these fees can be put in place, the budget assumes that for 2010, a permit processing fee will continue to be charged through an appropriations provision, consistent with Congress' practice for 2008 and 2009.

Geothermal Implementation Fund and Payments to Counties.—The administration will submit legislation to repeal sections 224(b) and 234 of the Energy Policy Act of 2005. Prior to passage of the Energy Policy Act, geothermal lease payments were split 50–50 between the Federal Government and States, with 50 percent directed to States, 40 percent to the Reclamation Fund, and 10 percent to the General Fund. The Energy Policy Act changed this distribution to direct 50 percent to States, 25 percent to counties, and 25 percent to a new Geothermal Steam Act Implementation Fund. The repeal of sections 224(b) and 234 will reverse these changes and restore the disposition of the geothermal revenue to the historical formula of 50 percent to the States and 50 percent to the Treasury.

Compact with Palau.—The Office of Insular Affairs and the Department of State are currently engaged in an inter-agency review of the Compact of Free Association with the Republic of Palau. Permanent and indefinite funding for Palau will expire at the end of 2009. The inter-agency group is weighing the value of this request against the United States' interests. Palau has a strong track record of supporting the United States in the United Nations, and its location is strategically linked to Guam and United States operations in Kwajalein Atoll. The budget assumes a placeholder of $7 million in 2010 in recognition of these negotiations.

The budget also assumes implementation of proposals that will result in increased revenue, which in some cases offset the costs of operations.

Royalty Reform.—The Department is initiating a comprehensive review, not requiring legislation, of oil and gas leasing and royalty policies to consider and evaluate a range of reform options that would have the effect of both assuring a fair return to the American taxpayer and encouraging diligent development of future leases. As part of this review, the Department will consider the recommendations of a recent Government Accountability Office report that urges the Department to consider alternative leasing and royalty practices, such as those utilized by States and private landowners. Upon completion of this review, the Department will move forward to implement a rulemaking. The budget assumes these reforms will increase revenues to the Treasury by $1.5 billion over 10 years.

Offshore Facility Inspection Fee.—Through appropriations language, the Interior department proposes to implement an inspection fee in 2010 for each above-water OCS oil and gas facility, except mobile offshore drilling units, that is subject to inspection by MMS. The proposed inspection fee is tiered based on the number of wells per facility and would support Federal efforts to provide services that not only ensure human safety, but also protect the environment and conserve energy and marine resources. The budget assumes these fees will total $10 million in 2010.

Application for Permits To Drill (APD).—The 2010 budget assesses an APD fee through appropriations language, an approach taken by Congress in the 2009 Ap-

propriations Act. The 2010 budget proposes to raise the fee from $4,000 to $6,500 per APD, which would generate an estimated $45.5 million in offsetting collections, an increase of $9.1 million over the 2009 estimate. This increase in offsetting collections, combined with a requested increase of $11.9 million in discretionary appropriations for the Oil and Gas Management program, will fully offset the proposed cancellation of the mandatory spending, thereby maintaining BLM's current capacity for processing APDs and other use authorizations.

In total, these proposals are expected to generate over $300 million in 2010 revenues that help to reduce the overall cost of Interior's programs. The 2010 budget also proposes over $300 million in cost savings resulting from the completion of one-time projects, elimination of funding for earmarks, and reductions to lower priority programs.

CONCLUSION

Thank you for the opportunity to testify on behalf of the President's 2010 budget request for the Department of the Interior. I want to reiterate my appreciation for the longstanding support of this subcommittee. We have a tremendous opportunity to improve the future for our children and grandchildren with wise investments in clean energy, climate impacts, treasured landscapes, our youth, and the empowerment of Native Americans. I look forward to working with you to implement this budget. This concludes my written statement. I am happy to answer any questions that you may have.

Senator FEINSTEIN. Thank you very much, Mr. Secretary.

DRUG CULTIVATION ON PUBLIC LANDS

I would like to begin with a subject and that is drugs on public lands. One of the things that has happened is that the cartels are extending their influence up from Mexico, running Mexican nationals in our National Parks and some of our State parks. As a matter of fact, 70 percent of the marijuana found is really in either Federal or State parks. It is a very real and growing danger.

Last year, as part of the appropriations bill, I added $5.1 million to the BLM budget and $3.3 million to the National Park Service budget so those agencies could gear up and begin a coordinated effort with the Forest Service and the DEA.

Now Congress was late in passing the omnibus bill. So the 2009 money, I understand, is just making its way out into the field. Can you tell us what BLM and the Park Service will do with these funds?

Secretary SALAZAR. Senator Feinstein, you put your finger on a law enforcement issue that needs to be addressed. We will hire additional law enforcement officers with the money made available through last year's budget, as well as this year's budget, to help deal with the eradication of marijuana and drug interdiction not only on the border, but as well as on our other public lands.

It is interesting to note that when you think about the Department of the Interior, sometimes people don't recognize the fact that we essentially have responsibility for 793 miles of the border between the United States and Mexico. We also have responsibility for great stretches of the border between Canada and the United States. Our law enforcement officers, working with the Bureau of Land Management, working with the BIA, are often in the midst of dealing with many of these issues.

We had a National Park ranger who was killed several years ago involving some of the drug activity on the border. It is an issue which I will take seriously. It is an issue which I will work on with the Departments of Justice and Homeland Security to try to develop a coordinated effort to address these issues.

Senator FEINSTEIN. Yes. I just want to make the point. This marijuana growing is not benign. These are Mexican nationals. They are armed, and they are very dangerous.

And what I am most interested in and put the money in is for your participation in the joint task force to go in and clean this stuff out of our parks and keep it that way.

Now let me ask you, would you confirm that those funds are figured into your base budget in 2010?

Secretary SALAZAR. Yes.

Senator FEINSTEIN. Okay. Now how soon do you anticipate that you will be up and running and participating in future raids with DEA and the Forest Service?

Secretary SALAZAR. Senator Feinstein, we are working on a number of law enforcement issues within the Department of the Interior, some of which I can talk about, some of which I can't yet talk about. We will be focused on this issue as soon as we can, and part of what we are trying to do is to get the Department of the Interior stood up. And that means bringing in the people that can make sure that we are carrying out the requirements and the suggestions that we are getting from you on these very important issues.

Last week, we started making some progress. We need to make some more progress to get it done.

Senator FEINSTEIN. I just want you to know that this money is there with the view that you will, in fact, participate in these raids. They have been dormant as of late, and this concerns me.

Secretary SALAZAR. I can only tell you that we will be working on it. I was attorney general of my State for 6 years. I support law enforcement in many different ways, and this will be a high priority for me.

RENEWABLE ENERGY

Senator FEINSTEIN. Okay. Good. All right. Because I will come back and back and back.

Your budget proposes $50 million for activities designed to increase the use of renewable energy. Of that, $16 million would go to the Bureau of Land Management so they can expedite 200 solar projects and 240 wind projects out West. More than 130 of those are in California.

I spoke to you in person about this. As you know, I was the author of the Desert Protection Act, which created the Joshua Tree, Death Valley National Parks and the Mojave Preserve. For about 6 years in the 1990s, we raised private money, namely $40 million, and some Federal money, $17 million, to go in and buy 600,000 acres of in holdings held by Catellus.

Well, one day, somebody comes in to me and says, "Do you know that they are putting solar troughs in these in-holdings that have been purchased for conservation?" And I said, "You are kidding?" No advance notice.

So I went down to the desert, and I visited about 8 projects, and I find, in fact, not only are they proposed, but they are enormous in size—one 15 square miles, one 8 square miles, one 7 square miles, one 5 square miles, and on.

Now these are huge solar troughs, big towers, fences, steam plants, and all of the infrastructure. If you have a 15 square mile

facility, and this was the Bright Source proposal, I mean, that has a huge mark on land that we are trying to conserve.

I have spoken with you about it. I want to raise it in the public because we are about ready to introduce a monument to protect these lands, and we have discussed it with everybody. We have amended it. I had the military in yesterday. I believe we are going to get some good solutions out of it.

But I think this planning process really has to be looked at and the size has to be looked at because you would have an, oh, 20-mile corridor just filled with this stuff and way more than the 33 percent clean fuel requirement that California has to make its commitment by 2020. So I would like to know how you are handling these permits.

The second point is, as we traveled through this area with the Wildlands Conservancy, they pointed out that there was private land in the area which really was much more suitable for use for this. You know, flat, not in areas that are in a conservation mode, et cetera.

And the downside of that was I was told, well, the people that went for private land had to go to the back of the line, and the BLM land was at the front of the line. I don't believe that is the right approach. And it seems to me that—and I know the environmental studies are being done. And I guess what I objected to most was the inordinate size of these things, just enormous in terms of their scope and what they do to the land.

And then the last point is at Daggett, we saw photovoltaic and a solar trough and the factories, but what had happened is the people running it had walked away from it and just left it all there. So that raises the point, much like abandoned mines, that these developers have to be responsible.

And if they are going to leave, vacate the site, take their equipment with them because the site is essentially changed forever from the desert topography. It is leveled. Artificial surface is brought in. And I am for this, but I am for it in moderation with size that is limited so that it doesn't really become an enduring blight upon the land for miles and miles and miles.

RENEWABLE ENERGY

Secretary SALAZAR. I appreciate your raising this issue with me from I think my very first days in the Department of the Interior, Senator Feinstein. It is an issue that we are very aware of with respect to the deserts of California and with respect to solar siting elsewhere around the Southwest and wind power throughout the country.

What I can tell you is this, that as we move forward with turning the new page and developing solar and wind and geothermal energy, that we have to do it in a way that is thoughtful, that is not helter-skelter, that essentially makes sure that we are protecting the treasured landscapes of America.

Going back to Senator Alexander's statement with respect to oil and gas development, we have to have that same kind of approach with respect to renewable energy projects. Right now, the 240 applications that you speak about, many of those applications were pending when I came into office. There was not any kind of signifi-

cant planning process with respect to renewable energy in the Department of the Interior, frankly, because it had not been prioritized.

And we are now moving forward with the Bureau of Land Management, with our other agencies, Fish and Wildlife and National Parks, to develop a process that essentially is no different than the kind of process, Senator Feinstein, that you used as mayor of the city of San Francisco. It is a land-use planning process.

But you essentially take a look at the entire landscape relative to what the scientists will tell you are the technically possible developments for renewable energy. It doesn't mean that you are going to develop renewable energy in all of those spaces because many of them are inappropriate because of ecological values or other national interests that need to be protected. You have to go through a screening process to determine where the best siting of these facilities will be.

We are engaged in a very robust effort through the Renewable Energy and Climate Change Task Force that I created in the Department to bring all of the agencies together so we address the specific kinds of concerns that you are raising here today.

Senator FEINSTEIN. Thank you very much. I really appreciate that.

And I hope—part of my problem was the surprise. Now here, I was the author of the bill who helped raise some of this money, and then, bingo, all of a sudden this was happening. And so, it was an element of surprise. I really appreciate your taking this action. I think it is the right way to go, and I will be just as supportive as I can.

Senator Alexander.

Senator ALEXANDER. Thank you, Madam Chairman.

Mr. Secretary, let me follow up on Senator Feinstein's comments. I think what she describes in California is a good indicator of what we hope doesn't happen, and I am dead serious when I think one of the important legacies you could leave, in addition to building up the Land and Water Conservation Fund and the other areas you mentioned, is to be able to look back and say that we had an expansion of renewable energy in the country, but we did it in the right way.

That we didn't—that we recognized that from the days of John Muir and Ansel Adams through Lady Bird Johnson that the great American landscape is really what you are—that is your job, really, and it is what we all love. And we don't want to destroy the environment in the name of saving the environment.

Your statement mentioned some very big numbers. The energy potential you mention, especially in the West, 1,000 gigawatts of wind potential off the Atlantic coast, 900 gigawatts off the Pacific coast in terms of 21 million acres of public land with high wind potential.

Senator Feinstein talked about large size. I think it is important for us to keep in mind the size. This is not a point that I am not trying to say renewable energy is good or bad. I think it is good.

But let us say a nuclear power plant produces about 1,000 megawatts of power. To get that from a solar, thermal plant like Senator Feinstein was discussing, you would need 30 square miles,

which is about 5 miles on each side that would just equal one nuclear plant, which is 1 square mile. And you would still need the nuclear plant because the sun only shines part of the time.

Biomass in the South is what is said would be a good renewable energy for us. We talked about that in our hearing with the Forest Service last week. There are a couple of million tons of biomass in Tennessee forests, so said the head of the Forest Service.

That sounds like a lot, but that would produce about 200 megawatts of power, and the TVA uses 27,000 megawatts of power on a regular basis. You would need a forest the size of the Great Smoky Mountains, which is 550,000 acres, to feed a 1,000 megawatt plant on a sustained basis. That is one nuclear power plant equals a forest the size of the whole Smoky Mountains.

On wind, it is even bigger, 270 square miles at 16 miles on a side to equal one nuclear unit, and an unbroken line of 500-foot-tall wind turbines from Chattanooga to Bristol in our State, that is throughout all of east Tennessee, would give us one-fourth of the electricity from one unit of nuclear plant and really destroy the views that we treasure so much.

T. Boone Pickens was asked whether he was going to put any of these 50-story wind turbines on his ranch, and he said, "Hell, no. They are ugly." And we agree with him in our part of the woods.

And I have up here a map, and you can see the blue part over in the East, we were talking about the West. But in the East, the place where the wind turbines would go is the foothills of the Smokies, up through the Blue Ridge Parkway, on up through Pennsylvania into the White Mountains. I mean, those are the treasured ridge tops, and the wind turbines only go on ridge tops in the East because the wind doesn't blow as much. And in our part of the world, it only blows about 20 percent.

And then we have the coast. Now you and I were part of debates about oil and gas and how far off should it go. I think one of the proposals that Republicans had was that oil and gas drilling should be at least 10 miles off the coast. Well, maybe wind turbines should be 15 or 18 miles off the coast. Then you couldn't see them.

Then there is also the question of why do we need these large transmission lines to go across our densely populated New York City or densely populated California to bring in wind power from the Dakotas when you have got 900 gigawatts in the Pacific Ocean and 1,000 gigawatts in the Atlantic Ocean?

The Secretary of Energy and Environment for Massachusetts wrote a letter and said that is a big waste of money to bring renewable energy from the middle of the country to the coasts, when the coasts have hundreds of thousands of megawatts of wind power of their own, if they want it. And they can use their money to go offshore.

So my question is this. Tell me more about your plan. If 20 percent of our electricity were wind, as some people say it should, that would be an area the size of West Virginia. I think you said it could be 50 percent. Or replace coal. That would be an area two and a half times the size of West Virginia.

Where is all this stuff going to go? And can we take your concept of renewable energy zones, for example, and be assured that we

don't have the kind of renewable energy sprawl that one major conservation group talked about?

That we can say, yes, we are going to have this much. We are going to have it here. Transmission lines are going to be here. So we don't have to wake up in the morning and find out that we have got a row of wind turbines three times as tall as our football stadium going along the edge of the Smoky Mountains, as Senator Feinstein found in the deserts of California.

Secretary SALAZAR. Thank you, Senator Alexander.

First, let me say I appreciate, again, your advocacy for the landscapes of America. I remember your long history with respect to your involvement back in the 1980s and into the 1990s and our work together here on the Land and Water Conservation Fund, I remember concerns that you raised, which I believe are legitimate concerns relative to the aesthetic issues that you talked about with respect to wind.

Let me say I appreciate the concerns that you raise. Let me also say that the new energy frontier I think is here, and we are going to move forward in a very robust way to develop alternative energies, including solar, wind, and geothermal.

Now the numbers that you speak about are numbers that are technically developable numbers. Those are numbers which I did not create. Those are numbers that came out of the National Renewable Energy Lab in Golden, Colorado, which they have worked on over the years. And that is exactly what they are.

It doesn't mean that you are going to develop all of those gigawatts or megawatts of power that you spoke about because there are going to be limitations relative to where you actually do the siting of some of these facilities.

Second of all, I want us to continue to underscore the connection between the new energy world and jobs here in the United States. We expect that hundreds of thousands of jobs can, in fact, be developed with respect to the renewable energy industry. We have approximately 160,000 jobs today in America that you can connect up to both the solar and the wind industry.

In Tennessee, for example, Senator Alexander, there is a company, Hemlock Semiconductor Corporation, which has opened up a solar energy facility that is creating 500 jobs for the State of Tennessee. There are other plants that are there as well. The combined solar and wind companies are already providing significant jobs to the United States as we develop these new forms of energy.

Thirdly, I want to comment on an issue that I think is integral to your points, and that is the question of transmission. How do you get the renewable energy resources from the places where they are produced to the places where they are consumed? Let me focus in specifically just on the Atlantic coast.

When you look at New Jersey, Delaware, New York, Governor Carcieri from Rhode Island, who has been a major leader in some of these efforts, their view is that with the potential of the 1,000 gigawatts of power off of the Atlantic that you essentially could plug that energy into the grid without having to build a lot of new transmission because you essentially would take the power from the wind turbines offshore, run a cable, and plug it into an already-existing grid system.

New Jersey has a host of projects which Governor Corzine and others are ready to move forward with. Delaware is in the same position. Rhode Island is in the same position. New York is in the same position. We hope to be able to move forward with the permitting of some of these facilities in the very, very near future. Now as they move forward, part of what we will have to do is the environmental analysis to make sure that we are taking care of the oceans in those particular areas where these projects are to be planned. We now have rules that we have issued with respect to offshore wind in the Atlantic. Those rules have been held in abeyance really for the last 3 years.

We now have broken through the logjam. Those rules are out there, and we are processing the permit applications.

In terms of the aesthetic and landscape issues, which you raise, off the Atlantic—as an example, New Jersey has wanted to locate its wind projects, and they have, I think, six wind projects that they hope to be able to build in the very near term. Their proposal is to have those projects built somewhere in the neighborhood of 6 to 8 miles off the coast.

The State of Delaware has a project which is a significant size project in the Atlantic, and their proposal is to build that project 13 miles off the coast of Delaware.

I think the issues that you are raising, Senator Alexander, and which Senator Feinstein has raised with me as well, is that there is a way in which we can move forward with this renewable energy revolution and at the same time make sure that we are doing it in a thoughtful way that provides a balance of the need for energy and the protection of our landscapes.

Senator ALEXANDER. Thank you, Madam Chairman.

Senator FEINSTEIN. Thank you very much, Senator.

And thank you, Secretary.

Senator Tester, being the gentleman that he always is, will cede to Senator Reed because he has another appointment.

So, Senator Reed.

Senator REED. Thank you. Thank you, Madam Chairman.

Thank you, Senator Tester. Thank you very much.

OFFSHORE WIND DEVELOPMENT

Welcome, Mr. Secretary. And you have already commented on the activities in Rhode Island to develop wind power. In fact, our Coastal Resources Management Council is undertaking a great deal of scientific studies to help site these facilities appropriately.

And the Minerals Management Service is a critical component of any siting. They have provided technical support. They have consulted with Rhode Island, but it has been sporadic and somewhat ad hoc. And I would very much encourage you to commit full-time personnel coordination so that we could move these projects along.

As you point out in your statement, Rhode Island and other States along the Atlantic coast are actively moving to get these wind farms into production—not theoretically, not conceptually, but actually moving. And the early involvement of the MMS would be absolutely helpful on a full-time regular basis. So if you could consider that, I would really appreciate it, Mr. Secretary.

Now also in terms of their participation, we are doing a lot of scientific research, our Coastal Resource Management Council. But it would be unfortunate if our research didn't comply with what ultimately the Minerals Management Service considers to be appropriate. So if that could be integrated also?

And in fact, I would ask very sincerely if you could designate a team to work full time with the State, not only to coordinate on all these different activities, particularly to verify the science. And if you could consider that, I would appreciate it.

Secretary SALAZAR. Absolutely.

Senator REED. Thank you.

Secretary SALAZAR. Let me just, if I can, Senator Reed?

Senator REED. Yes.

Secretary SALAZAR. Thank you for your leadership and your friendship as well. Thank you for the work that you and the leadership in Rhode Island have already done with respect to wind energy. I held four hearings around the country—one in Atlantic City, one in New Orleans, one in San Francisco, and one in Alaska in Anchorage, and actually, a fifth one in Dillingham, Alaska, as well—with respect to the OSC.

It was really clear to me that in the Atlantic coast area, there is tremendous interest on the part of the leadership to move forward with renewable energy and wind projects off the Atlantic. We have included in this budget $24 million with respect to moving forward with renewable energy projects on the offshore.

In the interim, we are not stopping, however, and using resources that we already have. We broke through the logjam on the rules, and we look forward to working hand-in-hand with you and Rhode Island to make these projects a reality.

Senator REED. Well, thank you, Mr. Secretary.

Again, I think a formal designation of a team, some type of understanding between the State to working closely together, and even some financial support for our efforts.

We have already put State dollars, and it would be helpful. I also noted that you have talked about establishing four regional officers in California, Nevada, Wyoming, and Arizona to help speed permitting of renewable projects.

Are you considering something on the Atlantic coast?

Because as you point out, there is a lot of activity there.

Secretary SALAZAR. I think we would probably do it. There will be a focus on the Atlantic because I think that is the primary area for wind development offshore. And so, because we have MMS located here in Washington in the offshore area, it does seem to me to make sense to have a group of people that are specifically assigned to working on these wind projects on the offshore.

Part of the conversation I have had with some of the Governors on the Atlantic is to see whether we can start a dialogue on how we do this across the Atlantic as a whole, as opposed to each State doing its own thing. And so, we are having some conversations about that. But this I will guarantee you, Senator Reed, that we are focused like a laser beam on the wind potential off of Rhode Island, and the other States have shown great interest and leadership.

Senator REED. Thank you.

Just one final point. That is, in all of this, we can't forget the equities of many different parties. One is the fishing industry. In fact, one of the things that the State is doing through their modeling, through their analysis, is trying to minimize the impact of these developments on traditional fishing grounds. And again, I think that is something that should be within the context of your responsibilities.

Secretary SALAZAR. I agree with you, and the money that we are currently using as we move forward with the environmental analysis for these wind projects and money that we requested for it from the Congress in this budget with respect to renewable energy projects will go into those kinds of analyses.

Senator REED. Thank you very much, Mr. Secretary.

Senator FEINSTEIN. Thank you very much, Senator Reed.

Senator Tester.

Senator TESTER. Thank you, Senator Feinstein.

And it is good to have you here, Secretary Salazar. I appreciate the work that you have done in this position. I appreciate your work ethic. I appreciate the long hours you put in because I know you have, and it shows. And your answers to many of the questions that were asked before me, in my opinion, are spot on. So thank you.

ABANDONED MINES

I want to talk a little bit about abandoned mine dollars. It was eliminated in your budget. We have about 4,000 abandoned mines in Montana. Many, if not most, are on Federal lands. And they are a problem.

They are problem for water quality. They are a problem. What is the plan? Because they are not going to go away.

Secretary SALAZAR. First, Senator Tester, let me say the issue of abandoned mines is a major issue throughout the country, in particular in many places in the West—Montana, California, New Mexico, Nevada, and Colorado. We know that there are not dozens, but there are really thousands of abandoned mines that were created at a time when we didn't have the kinds of environmental laws in place that we have today. They create threats to the public safety, and they are issues that we have to deal with.

Montana has used money that it gets from the reclamation fees from coal to try to address this very huge problem, which Montana faces. Our budget, the administration's budget looked at what the coal program had been set up to do with respect to those reclamation fees and made the determination that with respect to coal mine reclamation, that those monies were not needed for that particular purpose.

Now having said that, that does not take away or minimize the importance of trying to do something with respect to the abandoned mine issue. It is my hope that we can figure out a way of addressing that issue, and it may be in part what we are able to do through mining law reform as we move forward with that agenda.

Senator TESTER. Okay. It is—and I don't need to tell you this. You know this as well if not better than I do. The AML monies, and Montana has accounts set up for it. If it goes in, it is used for

mine clean-up. It works in Montana. We didn't use it to back fill our general fund. We used it to clean up mines.

And I would hope that we do not take our eye off the ball. I know from your previous statement that you know that. And I look forward to working with you to make sure that we continue that program, and I know that the chairman feels the same way about it as far as getting those mines cleaned up.

NATIVE AMERICAN COMMUNITIES

There are several things in the budget dealing with Native Americans. One of them is stripped funding for community development programs to train American Indians as skilled workers. Another one is to eliminate funding for critical housing improvement programs, which serves the poorest of the poor in Indian country.

I guess my question is, is that is this being shifted to another agency out of Interior, BIA over to Labor or Housing, or what is going on? Because these are programs that I think are invaluable programs. And to eliminate them without a backup somewhere else, and I don't want duplication, so if it is being shifted somewhere else, I would like to know that.

Secretary SALAZAR. Senator Tester, I appreciate the question. I will just communicate what I said in my opening statement earlier, and that is the issues of empowering our Native American communities are very important to me. I know how important they are to you in Montana, how they are to North Dakota, California, and lots of other places.

We will have a robust agenda relative to the economic and the law enforcement and educational issues for Indian country. We invested significant amounts of money, as you well know from our conversations, concerning education and housing and law enforcement from the recovery funds received in the Department of the Interior.

We also recognize that there are other agencies that are involved in delivering these services to Indian Country, including Housing and Urban Development and Health and Human Services. We are working to develop a coordinated approach to how we deliver these services to Indian Country.

Senator TESTER. I appreciate that. Once again, just as with the abandoned mine monies, and I think it is ridiculous, quite frankly, to have as many agencies dealing with the same problem as we do. And so, I think consolidation and making sure that we get the most bang for the buck and making sure the money gets to the ground, that effort is a noble effort and needs to be done.

And I just don't want the programs to go away without something back there helping Native Americans so they just don't have to hold the stop sign. They can actually be running the piece of equipment that is behind that stop sign. So, and I think you see it the same way.

Just in closing, real quick, thanks for coming to Montana in April. Appreciate the visit. Don't forget we have got to write up the St. Mary's plan at some point in time, your schedule permitting.

Thank you.

Secretary SALAZAR. I will be in Montana again, Senator Tester—as I will in Tennessee, as I will in California.

Senator FEINSTEIN. Better cover them all.

ABANDONED MINES

Mr. Secretary, I would like to just continue on the abandoned mine subject because we have 47,000 abandoned mines in California, and an estimated 13,000 are on BLM land. Now thousands have major safety or water quality hazards, and some of these are really in popular recreation areas.

Earlier this year, I introduced a bill, The Abandoned Mines Reclamation Act. It created an abandoned mine clean-up fund. It established spending priorities for the clean-up fund based on the severity of risk to public health and safety and the impact on natural resources, and it would direct you to create an inventory of abandoned mines on all Federal, State, tribal, local, and private land.

I would like to ask that you take a look at the bill. Let me know what you think of it. I mean, if the subcommittee feels, I may well try to legislate on an appropriation bill just to get it done. It is a possibility. So if you would look at it, I would appreciate it.

In 2008, I put $1.9 million into BLM and National Park Service budgets to identify and remediate hazards, hazardous abandoned mines in California. In 2009, I added $8.1 million, and under the stimulus, your Department allocated a total of $52 million for mine clean-up work that should be getting underway now.

So one of the things I would like to do is ask you how that is going, in other words, the money appropriated by the stimulus. And the second question is do you have a prioritized list of abandoned mines on public lands?

Secretary SALAZAR. On the second question, we should have one. I am not aware that one exists today, but it is something that we will work on as soon as I get my Assistant Secretary for Land and Minerals, my Solicitor, and a whole host of other people, the BLM director, that I need really to be able to do the work that you and others are asking of me. We will do it, and we will get it done.

On the overall issue of the abandoned mine challenge that we face, let me just say I will work with this subcommittee. I understand the importance of the issue. I understand we have a major role because many of these mines are located on our public lands. Many, most of them on BLM lands. It is something that is of high importance to me.

Senator FEINSTEIN. Well, in a nutshell, what I am saying is we have specifically appropriated now $62 million to get cracking on these mines, and I am a little bit frustrated trying to find out what is happening. Is there a priority list? There should be.

And therefore, I don't know, maybe we should have—I would like to have Senator Alexander take a look at the bill. Maybe we need to pass it? But the money is now there. And there has to be a priority, prioritized list, it would seem to me. This is 3 years of appropriating money, and we ought to get the list.

Secretary SALAZAR. I will see if there is a list that we can get to you, Senator Feinstein.

Let me just say this. Two points. First, with respect to the recovery project monies, which this subcommittee worked so hard to get to the Department of the Interior. What we did is we went through those funds, including the funds that were made available for rec-

lamation of abandoned mines, and selected those projects which were shovel-ready because that was the purpose which you had given us in terms of the stimulative consequence that you wanted from the investment of those monies.

The reclamation projects for abandoned mines that will be funded through the recovery dollars have been identified, and those projects will get, in fact, done.

Senator FEINSTEIN. Well, then would you send us the list, please? I would like to see the list.

Secretary SALAZAR. I will get you the list with respect to the recovery-funded projects.

[The information follows:]

AML PROJECTS SELECTED FOR ARRA FUNDING

Project title	State
Upper Koyukuk Mine Hazard Inventory—Verify physical hazards and initiate remediation program	AK
Old Placer Gold Mines Restoration—Restoration of stream channels impacted by historical placer min	AK
Red Devil Fuel Spill Remediation—Measurement of the nature and extent of diesel fuel contamination	AK
Red Devil Hazardous Waste Remediation—Treatment or disposal of prior excavated petroleum contamination	AK
Times Gulch Mine—installation of access barrier to reduce risks and protect wildlife habitat	AZ
Times Vein Mine—installation of an access barrier to reduce public safety risks and protect sensitive	AZ
San Diego Mine (Union Pass)—installation of access barrier to reduce risks and protect wildlife	AZ
Vulture Mine—backfill open mine shafts/install barriers to reduce risks and protect wildlife	AZ
Thumb Butte Mine (Union Pass)—install barrier to reduce risks and protect wildlife habitat	AZ
Mary Nevada Mine (Hualapai Mountains)—Install access barriers to reduce risk and protect wildlife	AZ
Porter Mine (N. Black Mountains)—Install access barrier to reduce risk and protect wildlife	AZ
Fire Mountain Mine (N. Black Mountains)—Install barrier to reduce risks and protect wildlife	AZ
Wickenburg Mill site—monitor, sample, and assess soils and groundwater for contaminants	AZ
Gold Hill Mine and Vicinity bat gates	AZ
Octave Mill Site—Complete PA/SI site characterization work of abandoned mine tailings	AZ
Great West Mine (N. Black Mountains)—Install access barriers to reduce risks and protect wildlife	AZ
Gigi Girl Mine (Hualapai Mountains)—Install access barrier to reduce risk and protect habitat	AZ
Swansea Mine and Adits (Lake Havasu)—Plug adits, install barriers, and fence to reduce risks	AZ
Rand Historic Mining District—Air and biological monitoring	CA
Ruth Mine—fencing of tailings	CA
Darwin Mine—tailings remediation	CA
Barstow Off Highway Vehicle Physical Safety Hazards	CA
Palm Springs Off Highway Vehicle Physical Safety Hazards	CA
El Centro Off Highway Vehicle Physical Safety Hazards	CA
Ridgecrest Off Highway Vehicle Physical Safety Hazards	CA
Needles Off Highway Vehicle Physical Safety Hazards	CA
Edith E. Mine Physical Safety Hazard	CA
Yuba, Nevada and Placer County Physical Safety Hazard Sites	CA
El Dorado and Amador County Physical Safety Hazard Sites	CA
Calavera County Physical Safety Hazard Sites	CA
Tuolomne and Mariposa County Physical Safety Hazard Sites	CA
Archer Mine—Site cleanup and restoration	CA
Contact Mine—mercury contamination—EE/CA—mine waste removal	CA
Sonoma Mine—mercury contamination—EE/CA—mine waste removal	CA
Helen Mine—mercury contamination—EE/CA—mine waste removal	CA
Davis Mill Remediation—Site cleanup and removal	CA
Longfellow Mill—heavy metal contamination, physical safety hazard remediation	CA
Islander Mine—install access barriers and fencing to reduce risks and protect habitat	CA
Deer Creek Brownfield Project—mercury tailings removal and remediation/stabilization	CA
Badger Hill Sluice Tunnel—mercury contamination	CA
AML Project Coordinator—monitor closures, inventory projects, coordinate NEPA and contracts	CO
Crystal Hill mine closure project	CO
Club Mesa mine closure project	CO
Kankakee mine closure project	CO
Long Park mine closure project	CO
Sillsville mine closure project	CO
War Eagle mine closure project	CO
Whale Hill mine closure project	CO

AML PROJECTS SELECTED FOR ARRA FUNDING—Continued

Project title	State
Box Canyon Mine closure	CO
Dawson Mountain mine closure project	CO
Grape Creek mine closure project	CO
Jelly Roll mine closure project	CO
Montrose City Uranium mine closure project	CO
Abandoned Mine Lands Grand Junction Field Office Mine Closure and Reclamation	CO
Eveline Mine Remediation Project	CO
Field Validation AML Sites	DC
Zortman/Landusky Mine—Install wind turbine to run acid water treatment system; install clarifier	MT
Maiden Rock Phosphate Site (Big Hole River)—Closures of numerous physical safety hazards	MT
Maiden Rock Phosphate District Phase II (Goat Mountain, Canyon Creek)—inventory/assess hazards	MT
Maiden Rock Phosphate District—Conduct environmental analysis needed for mine closures	MT
Maiden Rock Phosphate Phase II (Goat Mountain, Canyon Creek)—close physical safety hazards	MT
East Pacific/Chartam Mine Reclamation	MT
Thistle Mine Tailings Reclamation (Rochester Area)	MT
Great Divide Sand Tailings Removal	MT
Clark County Nevada Abandoned Mine Lands—Closures to prohibit humans/allow wildlife access	NV
Northern Nevada Abandoned Mine Lands—Install mine entrance closures to eliminate hazards	NV
Nevada Abandoned Mine Lands Biological and Cultural Surveys—Surveys before closure of mines	NV
Ward Mountain Nevada Abandoned Mine Lands—Reclamation to provide habitat and public safety	NV
Rip Van Winkle Nevada Abandoned Mine Lands—Cleanup, stabilize, restore, cap shafts, fence	NV
Golden Butte Nevada Abandoned Mine Lands—Revegetation of the Golden Butte mines site	NV
Tuscarora Nevada Cadastral Survey—Determine boundaries before reclaiming abandoned mines	NV
Goodsprings Nevada Cadastral Survey—Determine boundaries before reclaiming abandoned mines	NV
Nelson Cadastral Survey—Determine land boundaries in advance of reclaiming abandoned mines	NV
Nevada American Flats/Comstock United Merger Mill Abandoned Mine Lands—Record and remediate	NV
Caselton Nevada Tailings Abandoned Mine Lands—Update action plan and reapply dust controls on site	NV
Almeda Mine Site—assessment for ultimate installation of system to limit uncontrolled discharge	OR
Remediation of known Abandoned Mine Sites in SW Oregon—EE/CA for physical danger and water quality	OR
Inventory of Historic Areas for Abandoned Mine Features—identification, prioritization, remediation	OR
Utah Shaft Closures—physical safety hazards	UT
Physical Safety/Environmental Hazard Site Inspections—Inspect sites 1 mile of populated areas	UT
Wyoming Abandoned Mine site reclamation—Secure and seal hazardous mine openings in WY	WY

Secretary SALAZAR. On your broader question on whether we have created that inventory across the country with respect to abandoned mines, let me take a look at that, and I will get additional information back to you. I understand the enormity of the problem and the importance of the problem.

[The information follows:]

ABANDONED MINE SITES ON NATIONAL PARK LANDS

Abandoned mines are in 126 National Park System units. An ongoing inventory in the units so far revealed an estimated 3,100 sites with about 8,400 mine openings, piles of tailings, and hazardous structures and thousands of hectares of scarred lands.

Does the Bureau of Land Management (BLM) have an inventory of Abandoned Mine Land (AML) Sites, and prioritization of it?

Yes, the BLM does have an inventory and central repository for data regarding AML Sites. This data is stored in the BLM's Abandoned Mine Land Site Cleanup Module Database. The database tracks information on both Abandoned Mine Land sites and hazardous material sites. Though the database does not rank sites; there is an AML strategic plan and manual that both describe prioritization of AML sites based on water quality and physical safety hazard degradation criterion.

The BLM maintains an inventory of nearly 20,000 AML sites. Most sites are small to medium in size and environmental impact. The most common site features are: open adits and shafts; waste dumps; highwalls and pits; and tailings piles. About 25 percent of the sites have either been remediated, have reclamation actions planned or underway, or do not require further action. The remaining 75 percent require further investigation and/or remediation. The Abandoned Mine and Site Cleanup Module database houses our inventory data. In fiscal year 2009, the sys-

tem's Project Change Management Board/Users' Group is looking to improve data quality and make system improvements.

Senator FEINSTEIN. Right. Our subcommittee clerk actually went and took pictures of some of these, particularly in California and on BLM land. So we can share those with you as well.

[The information follows:]

ABANDONED MINE LANDS PROJECTS

[In thousands of dollars]

Region/area/district	Unit/facility	Unit name	State	Project title	Project cost estimate
AKR	DENA	Denali	AK	Close Hazardous Mine to Improve Visitor Safety.	32
AKR	KEFJ	Kenai Fjords	AK	Install Gate to Protect Visitors and Preserve Resource Habitat at Remote Locations (multiple projects).	179
AKR	WRST	Wrangell-St. Elias	AK	Install Gate to Protect Visitors and Preserve Resource Habitat (multiple projects).	71
MWR	BUFF	Buffalo National River	AR	Repair Fences to Protect Visitors and Preserve Resource Habitat.	396
IMR	CORO	Coronado	AZ	Install Gate to Protect Visitors and Preserve Resource Habitat at Remote Locations (multiple projects).	868
IMR	FOBO	Fort Bowie	AZ	Install Gate to Protect Visitors and Preserve Resource Habitat.	54
PWR	PARA	Grand Canyon Parashant.	AZ	Install Gate to Protect Visitors and Preserve Resource Habitat (multiple projects).	164
IMR	SAGU	Saguaro	AZ	Install Gate to Protect Visitors and Preserve Resource Habitat (multiple projects).	189
IMR	SAGU	Saguaro	AZ	Repair Fences to Protect Visitors and Preserve Resource Habitat.	324
IMR	SAGU	Saguaro	AZ	Remove Contaminated Soil and Restore Natural Landscape.	418
IMR	SAGU	Saguaro	AZ	Install Steel Cupola to Protect Visitors and Preserve Resource Habitat.	54
IMR	SAGU	Saguaro	AZ	Seal Mine and Remove Hazardous Structures to Improve Visitor Safety.	54
IMR	SAGU	Saguaro	AZ	Seal Hazardous Mine to Protect Visitor and Restore Natural Landscape (multiple projects).	54
PWR	DEVA	Death Valley	CA	Install Gate to Protect Visitors and Preserve Resource Habitat at Keane Wonder Mine.	1,688
PWR	DEVA	Death Valley	CA	Install Gate to Protect Visitors and Preserve Resource Habitat at Greenwater Valley.	304
PWR	DEVA	Death Valley	CA	Install Gate to Protect Visitors and Preserve Resource Habitat at Skidoo Mine.	1,958
PWR	DEVA	Death Valley	CA	Install Gate to Protect Visitors and Preserve Resource Habitat at Remote Locations (multiple projects).	939
PWR	JOTR	Joshua Tree	CA	Install Gate to Protect Visitors and Preserve Resource Habitat (multiple projects).	1,067
PWR	MOJA	Mojave	CA	Perform Initial Temporary Mine Closure (multiple projects).	1,625
PWR	MOJA	Mojave	CA	Install Gate to Protect Visitors and Preserve Resource Habitat at Abandoned Paymaster Mine.	402

ABANDONED MINE LANDS PROJECTS—Continued

[In thousands of dollars]

Region/area/district	Unit/facility	Unit name	State	Project title	Project cost estimate
PWR	MOJA	Mojave	CA	Install Gate to Protect Visitors and Preserve Resource Habitat (multiple projects).	4,494
PWR	MOJA	Mojave	CA	Restore Natural Landscape and Resource Habitat.	308
IMR	GRSA	Great Sand Dunes National Preserve.	CO	Restore Natural Landscape and Resource Habitat.	2,370
PWR	LAME	Lake Mead	NV	Seal Hazardous Mine, Install Gate, and Restore Natural Landscape (multiple projects).	224
PWR	LAME	Lake Mead	NV	Seal Hazardous Mine and Restore Natural Landscape (multiple projects).	21
PWR	LAME	Lake Mead	NV	Install Gate to Protect Visitors and Preserve Resource Habitat (multiple projects).	124
MWR	CUVA	Cuyahoga Valley	OH	Close Four Hazardous Abandoned Oil and Gas Wells and Restore Natural Landscape.	126
SER	BISO	Big South Fork National River and Recreation Area.	TN	Install Gate to Protect Visitors and Preserve Resource Habitat.	212
SER	BISO	Big South Fork National River and Recreation Area.	TN	Close Eight Hazardous Abandoned Oil and Gas Wells and Restore Natural Landscape.	2,862
IMR	BITH	Big Thicket	TX	Remove Two Oil and Gas Wells and Restore Natural Landscape.	540
IMR	GLCA	Glen Canyon	UT	Install Gate to Protect Visitors and Preserve Resource Habitat.	81
NER	NERI	New River Gorge National River.	WV	Install Gate to Protect Visitors and Preserve Resource Habitat (multiple projects).	226

BRIAN O'NEILL

Senator FEINSTEIN. I also would like to thank you—I was reading your testimony—for including the statement on Brian O'Neill. His memorial service—this was a wonderful park superintendent of the Golden Gate recreation area, and he was enormously popular. And I think 3,000 people turned out for a memorial service, which is really quite unusual and wonderful. So thank you for your comments in your written testimony. They are appreciated.

Secretary SALAZAR. I appreciate that, Senator Feinstein. Let me just say, if I may, that Brian O'Neill was one of the heroes of our National Park System, and one of the truths about this Department is the 73,000 employees, which include the seasonals that we have onboard, they are very good and wonderful public servants. And whether they work in Tennessee or in the Dakotas or in California, it has been one of the highlights of my time at Interior.

Senator FEINSTEIN. Thank you.

Senator.

Senator ALEXANDER. Thank you.

GREAT SMOKY MOUNTAINS NATIONAL PARK

Mr. Secretary, first, we very much hope you will be able to come to the Great Smoky Mountains 75th anniversary celebration in the

fall. And if you can, you will be welcomed by lots of people. We hope the President can come as well. He has been invited by the Governors of North Carolina and Tennessee.

Would you put on your list for after you get a few more employees onboard the Smokies, the air tour management plan, the overflights of the National Parks? That is an issue in some places, and a law was passed. Senator Akaka did a lot of work on it in 2000. It is an argument between the FAA and the National Park Service, and we can talk about it sometime. But I would like to get that going. I would like to see one, for example, for the Great Smoky Mountains area.

RENEWABLE ENERGY

Second, just a couple of observations on what was said earlier, you mentioned Hemlock. Now I don't want to get into an energy debate with you because I am talking about landscape.

We do have these two new solar plants making polysilicon in Tennessee. They are billion dollar investments. It goes to make solar cells. We are trying to be a solar hub down there of energy research with Oak Ridge and with Sharp Manufacturing in Memphis. But what is interesting to note is each of the two polysilicon plants, including the one you mentioned, use 120 megawatts of electricity.

Now the only—the Governor has started a 5 megawatt solar facility in Tennessee. It covers 20 acres. In other words, those solar jobs wouldn't be there if they were relying on windmills and solar energy. They have to get their energy from nuclear and coal and natural gas in order to be able to be in Tennessee. One hundred twenty megawatts is a huge amount.

Second, I totally agree with your focus on wind power offshore. I mean, I think that makes the most sense. The question it raises to me, as you do your planning, is one reason we thought that 10 miles offshore might be good for oil and gas drilling is you couldn't see it 10 miles offshore. You would have to go 15 or 16 miles offshore not to be able to see the big wind turbines, and you might want to think about that.

And that also raises the question to me again of if you are going to do that on the east coast and the west coast, then why would we spend hundreds of millions of taxpayer dollars and ratepayer dollars trying to bring wind from North Dakota to New York City, when all you have got to do is plug it in, as you have said, from out there?

But here is my question. Listening to Senator Feinstein and others, someone said, I believe the chairman, that there were 47,000 abandoned mines across the country?

Senator FEINSTEIN. No, in California.

Senator ALEXANDER. In California. Well, if 20 percent of our electricity is wind, that would take 130,000 wind turbines that are 50 stories tall, 2 megawatts each. So even if we could think about an appropriate place to put them, wouldn't it be a good idea to require the developers to put up a bond to take them down if they don't use them anymore?

Because the subsidy might go away, in which case many of them wouldn't be viable. The price of energy might change. Let us say

we have a breakthrough in solar power, and suddenly, it is cheap. Everybody says rather than put up windmills, we will just put panels on our rooftops.

Or they wear out after about 15 years, and wouldn't it be a good idea to require a bond so that we don't have Senators 20 years from now coming with the abandoned windmill legislation, like Senator Feinstein is about to come forward with the abandoned mine legislation?

Senator FEINSTEIN. And you can be assured if I am around, I will.

Senator ALEXANDER. I am sure you will be around.

Senator FEINSTEIN. I hope so.

Senator ALEXANDER. But what about the bond idea?

Secretary SALAZAR. The bond idea makes sense. What we need to do is make sure that as we are permitting renewable energy projects, that we are doing it cradle-to-grave. That is to say from the permit and the environmental assessments to the end of the project and the decommissioning of the project to make sure that the landscape and the environment is restored back to its original condition. It is very much something that is on our agenda.

Just very quickly, I will get back to you on the helicopter flights in general.

Senator ALEXANDER. Sure.

Secretary SALAZAR. On nuclear, you raised that a couple of times, Senator Alexander. We are very open, as part of the Obama energy comprehensive plan, to look at nuclear as being part of our energy program for the Nation.

And third, I want to comment just a little bit in terms of the Dakotas and the height and the winds from the high plains. There is, at the end of the day, in terms of onshore wind, what we have to do is deal with the reality of transmission. It may be that the great wind resource, which we do have in the Dakotas and places like Wyoming, and other places, we will be able to provide power into places like Chicago and the Midwest and tie into a system where we can move energy around.

That is why we have to be very thoughtful with respect to where we are locating the renewable energy generation facilities, but also be very thoughtful about how we are placing them relative to our transmission capabilities which we currently have and transmission capabilities to be built in the future.

LAND AND WATER CONSERVATION FUND

Senator ALEXANDER. Madam Chairman, if I could only—say I haven't asked the Secretary questions about the Land and Water Conservation Fund. But he knows how interested I am in supporting him in those efforts, how much I enjoyed working with him on those items before. And I do think—and I know of his interest in this, and I do think he has an opportunity to leave a great legacy in that area. And I hope to be able to support that and to work with him on it as we have before.

Senator FEINSTEIN. Thank you very much, Senator.

We are joined by Senator Dorgan. Senator, please, take over.

Senator DORGAN. Thank you very much, Senator Feinstein.

I apologize that I have been delayed at another hearing.

Secretary Salazar, thank you for being with us.

Mr. Secretary, you were in North Dakota recently visiting an Indian tribe and some energy projects. I want to ask you about something we talked about then, and it is not a big national policy, but it is one that is an irritant for a lot of folks.

ELK AT THEODORE ROOSEVELT NATIONAL PARK

We have the Theodore Roosevelt National Park in the Badlands, and we have a problem with overpopulation of elk. And so, the question was how do you thin the elk herd? And originally, the National Park Service talked about maybe hiring Federal sharpshooters and then using helicopters to transport out the carcasses, which is just completely devoid of common sense.

And so, in the Grand Tetons, for 50 years, there has been an opportunity when they have to thin the herd, they go ahead and qualify certain hunters who are capable hunters, allow them to come in as agents and thin the herd, and take one elk carcass per hunter out of the park.

Do it without any Federal cost at all, no helicopters, Federal sharpshooters. And so, I have been trying to get them to see if I could get to the same position in North Dakota, the Theodore Roosevelt National Park.

So they have held a bunch of meetings now, a good many meetings across the State, not allowing anybody to speak at the meetings, which is a very curious thing. And now they are thinking maybe they will allow some hunters, but not allow any hunter to take the meat.

So the problem is they have just got themselves wound around a tree, like the rope around a tree, trying to figure out what should take you and me about 10 minutes to come to a conclusion on.

Can you help us get to a conclusion that just allows the Federal Government to get the elk herd thinned without spending Federal money and allowing qualified hunters to come in and take the meat home? And it is all over, and we can free up a little time with these big old planners down at the Park Service who have just met themselves coming and going trying to figure it out?

Secretary SALAZAR. Senator Dorgan, the answer is yes. Let me say that I very much enjoyed my visit to North Dakota to review the carbon sequestration program, which is the only one in the Western Hemisphere which is actually up and running, and to do the work that we did at the Indian reservations and other things that we did at your invitation in North Dakota.

The Theodore Roosevelt National Park and the elk issue is one I think which calls out for common sense solutions, and that is what we will push. I do now have a list of about 1,000 items that have piled up from United States Senators, members of the United States Congress and Governors, and I need to get people into place so that I can start executing on some of the requests that have been made of me. This is one which is on my radar screen, as you and I had discussed.

At Rocky Mountain National Park, we came up with a common sense solution that involved hunting and that uses the reality, which we all know, those of us who come from that background, that hunting is, in fact, a wildlife management tool. If we have elk

as wildlife in our National Parks, there is a way in which we can do it in a common sense way that still protects the mission of the National Park Service and National Park units.

Senator DORGAN. Mr. Secretary, I have a lot of confidence in you. So I look forward to working with you on that common sense solution.

INDIAN COUNTRY LAW ENFORCEMENT

One final question. As you know, I chair the Indian Affairs Committee, and we have very serious law enforcement problems on Indian reservations. One in three Indian women will be raped or sexually assaulted during their lifetime. On some Indian reservations, on the Standing Rock Reservation that straddles North and South Dakota, the rate of violent crime is nearly six times that of the national average—not double, triple, or quadruple, six times.

And you have I believe 9 law enforcement officers that are providing 24 hours a day, 7 days a week law enforcement on an area the size of the State of Connecticut. Obviously, an emergency call for law enforcement help might be answered in 8 hours. It could be the next day on an emergency basis. So we have got all of these problems.

We have a place called Artesia, New Mexico, training tribal police candidates. They get about 150 people a year into Artesia and graduate about 50 percent of them. So we get about 80 new graduates each year in tribal law enforcement issues.

And we need to establish a second area. I have talked to you about that. And I just wanted to especially call your attention to the need in the BIA that you are involved with down at Interior to help us address this serious law enforcement problem. It is urgent on many reservations in many States across the country.

And if you would work with us on that, I would sure appreciate it. And we do need to establish a second location for an Indian police academy. We obviously need to be graduating more than 80 a year, and you and I have talked about that as well.

So you inherit a pretty big job. And by the way, congratulations on your selection for the head of the BIA, the Assistant Secretary's job that has been open and vacant for half of the last, I believe, 5 or 6 years, which is shameful. But you have a good candidate that we have now moved through the United States Senate. I think that is going to help a great deal.

Secretary SALAZAR. Thank you, Senator Dorgan.

And let me say thank you as well for your leadership and advocacy in getting Larry Echo Hawk confirmed as Assistant Secretary for Indian Affairs. I have already met with him. This was his first week on the job, and we have placed these issues on his agenda.

Since the Assistant Secretary for Policy, Management, and Budget was just confirmed and is sitting right behind me, I will ask Rhea Suh to take a look at the very question which you raise. I think we have a $500,000 increase to provide an outreach program for police training from the current existing academy.

Senator DORGAN. That is correct.

Secretary SALAZAR. It seems to me the concept that you raise of having an academy that is not in Artesia, New Mexico, but an additional one up in the northern part of the country is one that

makes some sense conceptually. Let me put that on Rhea's screen and Larry Echo Hawk's screen and let us come back to you with something that we might be able to do.

ENERGY DEVELOPMENT

Senator DORGAN. And one final thank you. On energy development, particularly oil development—in our State, as you know, oil development was occurring north, south, and west of the Indian reservation Three Affiliated Tribes.

It was the largest assessed recoverable oil reserve in the history of the Lower 48 States, called the Bakken Shale.

We had up to 100 rigs drilling new wells every 30 or 35 days and moving. And if you got a map and see where they are going to drill the new wells, they weren't drilling them on the Indian reservation, despite the fact that was right in the middle of ground zero. It was because there was a 49-step process and 4 different Federal offices that had to do with all kinds of issues, and so the result was we didn't have any wells up there that were being drilled.

You and your former Interior Secretary have addressed this, and we now have some capability, and we are seeing some wells drilled finally on the reservations. So that is a big start.

I hope you will pay a lot of attention to that because the bureaucracy is like walking through wet cement. You have got a 49-step process and 4 different agencies inside of the Interior that have to do approvals. We need to streamline that somehow because we need to have energy development on these Indian reservations as well.

So thanks for your work on it, and your predecessor did some good work as well. We appreciate that.

Secretary SALAZAR. I agree.

POINT REYES NATIONAL SEASHORE

Senator FEINSTEIN. If I might, Mr. Secretary, you might want to take a look overall at the policies. I think I told you about the whitetail deer in the Point Reyes National Seashore, and there was helicopters shooting of these deer by the Park Service.

They are not a native species. They are loved by the residents. They are beautiful deer. And so, the Park Service decided they were going to shoot them all, and they put out the helicopters. And I heard immediately from the residents who were very upset about it, and it was a tussle. But finally, the way it was resolved was that the helicopters shooting would stop and that birth control would take care of the remaining population.

But it is really concerning. I think there ought to be a review of what these policies are because elk is good to eat, too. Why shouldn't hunters be able to do some hunting on a regulated basis and take home the meat?

I mean, this business of running helicopters over and shooting whitetail deer, I mean it is terrible.

Senator DORGAN. Senator Feinstein, if I might just yield on that point? We generally have a no hunting provision in the law with respect to National Parks, but that should not apply to a program by which the Park Service or those that are running the parks de-

cide they have got to thin a herd. Why would they not then use qualified hunters?

But this nutty idea of going out and hiring a bunch of Federal sharpshooters and helicopters, you know, the sky is the limit apparently with the budgets of some of these agencies. All we need is just a good strong dose of common sense to fix these things.

WILD HORSE AND BURRO PROGRAM

Senator FEINSTEIN. One last issue, if I might? And that is the Wild Horse and Burro Program. This is run by the BLM, and it is proposed to increase from $41 million to $67 million. It is a 63 percent increase.

And the budget attributes the problem to a dramatic increase in holding costs resulting from a decline in the adoption market. And it goes on to say that program costs—and this is a quote—"would continue to increase significantly in future years unless new and innovative management approaches are implemented."

So these costs are rising steadily. There is an alternative, and I would like to hear your thought.

Madeleine Pickens has come in and spoken with me, proposing to create a horse sanctuary. I believe she is actually looking at some land in Nevada, whereby she would take many of the horses currently being held by the Government and allow them to roam free. This is a 540,000-acre ranch in Nevada. And in return, and the Government would give her $500 per head in an animal stipend.

Now are you familiar with this proposal? Have you had a chance to look at it?

Secretary SALAZAR. I am familiar, first, with the problem, and second, I am familiar with Ms. Pickens's proposal. I am not prejudging what we will do there, but it, frankly, strikes me that paying $500 a year per horse, you will soon in 10 years pay $5,000 per horse. In 20 years, it is $10,000. In 30 years, it is $30,000.

Senator FEINSTEIN. So the problem is that $500?

Secretary SALAZAR. Frankly, I think we need a whole new strategy with respect to how we deal with this mushrooming problem on our public lands. I can think of the needs that you have to balance out here in Congress, we have to balance in the administration.

Frankly, having us come before you today and say $41 million is not sufficient, we need $67 million in order to deal with the wild horse and burro problem, I think, is a reflection of a failed strategy that we have had with respect to wild horses and burros.

I will, as soon as I have an Assistant Secretary for Land and Minerals and a BLM Director, put them on task to come up with a new strategic plan on how we deal with this issue.

Senator FEINSTEIN. Right. I would appreciate your keeping me advised. As an old horse person, these wild horses have a real place in our country. And I understand the growth, but there might be some response in terms of a proposal from the Government to her.

I understand your per-head cost. Maybe it is a fixed fee for over a period of the next 5 to 10 years or something like that. If she were to obtain the ranch and run it, I mean, she would have to pro-

vide the people and the food, the feed, which is not inexpensive for so many horses.

Secretary SALAZAR. If I may, Senator Feinstein, I would like to comment. The problem that we have with horses out in the wild range is that, frankly, because of the cost of feed, what many people have done who are horse owners is basically turn these horses out onto the public lands. What was once a horse owned in private ownership essentially becomes a charge of the Federal Government. I think there is an unfairness with respect to that.

Senator FEINSTEIN. That is right. I would agree.

Secretary SALAZAR. It is no different, in fact, than what is happening in the Everglades, where Senator Nelson has made a legitimate significant issue of the Burmese python, where people with pythons have essentially decided that they are going to turn their pythons out into the Everglades. Today, we have 150,000, it is estimated, pythons that are taking over the Everglades. A nonnative invasive species.

Senator FEINSTEIN. Oh, my goodness.

Secretary SALAZAR. And those are the kind of problems that end up becoming charges of the Federal Government, which then we have to deal with. Those are the kinds of issues that I think require us to do some strategic thinking about how we are going to deal with them, and I will do that.

Senator FEINSTEIN. I appreciate it. Thank you very much.

Do you have any other comments?

Senator ALEXANDER. Only to say to the Senator from North Dakota, we will take some of the elk. We have been trying to get more into the Smokies.

And second, we have some old boys in east Tennessee who they give night goggle visions to and they go out and shoot hogs at night, and that is how we get rid of them. And we will loan them to you.

Senator DORGAN. We have got plenty of hunters in North Dakota that will find their mark. But are you looking for live elk or dead elk?

Well, then you just send some trucks.

ADDITIONAL COMMITTEE QUESTIONS

Senator FEINSTEIN. Well, we may have accomplished something this morning after all.

Thank you very much, Mr. Secretary. It is good to have you aboard. It is good to work with you, and this subcommittee looks to do right by you, too. So thank you very much.

Secretary SALAZAR. Thank you very much, Senator Feinstein, Alexander, Dorgan, and Reed, everybody else who is here.

Senator FEINSTEIN. Thank you.

[The following questions were not asked at the hearing, but were submitted to the Department for response subsequent to the hearing:]

QUESTIONS SUBMITTED BY SENATOR BYRON L. DORGAN

INDIAN GUARANTEED LOAN PROGRAM

Question. The Department's Office of Indian Energy and Economic Development provides much needed access to capital in Indian country through its Indian Guar-

anteed Loan Program. This program provides access to financial capital by guaranteeing and insuring loans and tribal bonds to promote reservation economic development. The Program supports the development of Indian-owned businesses, which in turn creates reservation jobs. This program has proven to be one of the most successful Federal economic development programs in the Nation. The Program currently leverages appropriated dollars at a 13 to 1 ratio. This program has generated jobs and employment opportunities from the resulting growth and expansion of reservation economies. The default rate under this program is less than 1.5 percent annually, far outperforming other federally guaranteed loan programs. The Program has been underutilized in recent years. In fiscal year 2008, more than a dozen traditional and renewable energy projects were not funded because of the Office's limited budget. In addition, this effective program has historically not kept up with inflation.

Are you able to meet demand for this program?

Answer. In 2008 and 2009 the Department of the Interior worked with potential borrowers and lenders interested in the Guaranteed Loan Program to identify qualified projects and allocate the available loan ceiling for each fiscal year. Projects that could not be serviced during a given fiscal year are addressed the next fiscal year to the greatest extent possible.

Question. What is the percentage of applications you are able to finance each fiscal year?

Answer. In 2008, we were able to fund 27 guaranteed loans and 18 insured loans and expend 100 percent of our loan ceiling. Because of the nature of the program and our hands-on coordination with the lenders, it is not possible to provide a percentage answer. During preliminary discussions, we indicate to the lending community whether or not the project would qualify for the program and if it does what the likelihood would be of obtaining an allocation during that fiscal year.

Question. Are you able to finance energy projects with the current funding?

Answer. We are able to fund projects similar to those we have funded in the past. This includes energy projects.

Question. Would you support doubling or tripling the funding for the Indian Guaranteed Loan Program so that it can accommodate demand and energy projects that require greater capital investment?

Answer. Development of renewable and conventional energy resources in an ownership position is critical for many tribes who rely on these resources for economic development or economic diversity. We would be able to manage any increased funding and have the technical staff available to evaluate energy development projects for inclusion in the Guaranteed Loan Program.

ADMINISTRATIVE COST GRANTS

Question. Administrative Cost Grants are used by those self-governance tribes who take over the operation of Bureau of Indian Education schools. The Administrative Cost Grant funds are used to cover the costs of the vital administrative, management, auditing, and fiscal accounting functions that tribal school boards must perform pursuant to Federal law and prudent management practice. Currently, these costs are being funded at only 62.36 percent. This level of funding creates a shortfall that the tribe either must make up from some other funding source, or services to students must be cut back. The funding for administrative cost grants has not been increased since 2003.

In the fiscal year 2010 budget request, the administration did propose an increase in Bureau of Indian Affairs contract support costs of $5.5 million, and an increase of $107 million for Indian Health Service support costs. However, no increase was proposed for Administrative Cost Grants.

Could you please explain the administration's reasoning in requesting increases in Bureau of Indian Affairs and Indian Health Service support costs, but not for tribally operated schools?

Answer. The 2010 President's budget addressed many of the challenges in Indian Country. The $5.5 million increase for Contract Support and the $2 million increase for the Indian Self-Determination Fund support tribal management activities, and provide the resources necessary for tribes to manage their own programs.

Although there is not an increase for Administrative Cost Grants, the 2010 President's budget sustains congressional increases for the Bureau of Indian Education (BIE) in 2009, and provides an additional increase of $72 million for several key activities that will improve Indian education. The 2010 request includes $391.7 million for Indian Student Equality Program (ISEP) formula funds, an additional $17 million over 2009. This is one of the primary sources of funding for the BIE's 169 elementary and secondary schools and 14 dorms. Funds directly support schools for

core operating costs, such as salaries for teachers, aides, administrators, support staff, and supplies, and classroom materials.

Facility Operations, under Elementary and Secondary Programs, is provided an additional $2 million in this request. The program funds operational expenses, such as electricity and custodial services, for educational facilities at all 183 BIE schools and dormitories. Schools are operated and maintained in order to ensure their continued safety and usefulness for educational purposes. Additional funds are included in the construction program for major and minor improvement projects.

QUESTIONS SUBMITTED BY SENATOR BEN NELSON

Question. It is my understanding that the United States Geological Survey (USGS) and the University of Nebraska—Lincoln have completed a major global climate change/water study that is designed to form the basis for a major cooperative research agenda for the Platte River and the High Plains. As you know this is a very productive and ecologically diverse area. What are your plans for this study and have you included any funding in the fiscal year 2010 budget for pursuing recommendations?

Answer. In 2009, the USGS is completing a science plan for the Great Platte River Basin to address the effects of climate impacts on sensitive ecosystems, natural resources, and human infrastructure. The report, Climate-Impacts Science Plan for the Greater Platte River Basin, is to be published by early 2010. The 2010 budget request does include funds for efforts such as this; however, project funding levels have yet to be determined.

Question. Since water availability and use are of increasing concern. There are many competing uses for water. Climate variability and land use are having an impact. How do you see the role of the Department of the Interior evolving or changing with respect to water? How do you expect to interact with other departments and agencies?

Answer. USGS scientists are increasing their research focus on the links between water availability and climate change, climate variability and land use. Our studies have demonstrated a number of emerging problems associated with the effects of earlier snowmelt and increased rainfall versus snowfall in western mountains on water supply. A recent example of improved collaboration among Federal agencies (USGS, Bureau of Reclamation, NOAA, and U.S. Army Corps of Engineers) led to the 2009 USGS publication of "Climate Change and Water Resources Management: A Federal Perspective", jointly authored by the four agencies as USGS Circular 1331.

To focus our efforts on the issue of water availability and water use, the USGS is preparing an implementation plan for a National Water Availability and Use Assessment of the United States as called for in both the USGS Science Strategy, Circular 1309, Facing Tomorrow's Challenges—U.S. Geological Survey Science in the Decade 2007–2017 and in the Omnibus Public Land Management Act of 2009 (Public Law 111–11) signed by the President on March 30, 2009.

QUESTIONS SUBMITTED BY SENATOR JON TESTER

Question. If the Department of the Interior were to cut AML funding from certified States does the agency have plans for providing additional resources to clean-up mine sites in States like Montana?

Answer. The President's budget for fiscal year 2010 proposes to eliminate payments to certified States and tribes. Therefore, the projection for payments to be made to States and tribes in fiscal year 2010 will decrease by $141.5 million, to $232.4 million. The elimination of these payments will focus AML funding on the most hazardous coal sites and high-priority coal problems.

Question. Has the Department considered alternative proposals that would ensure that all AML funding for certified States is directed toward either coal or hardrock mine cleanup to meet the original goals of the reclamation program to reduce threats to health and safety and clean up our air and water?

Answer. The Surface Mining Control and Reclamation Act of 1977 amendments allow certified States and tribes to use their AML funding for coal on hard rock mine reclamation. The President's budget for fiscal year 2010 proposes to eliminate payments to certified States and tribes. Therefore, the projection for payments to be made to States and tribes in fiscal year 2010 will decrease by $141.5 million, to $232.4 million. The elimination of these payments will focus AML funding on remaining high-priority coal problems.

Question. How will the Department make up for the critical shift in funding away from housing improvement in the Housing Improvement Program (HIP), which helps the poorest of the poor in Indian country?

Answer. The 2010 President's budget requests $12.6 million for the HIP, and an additional $1.1 million in regional oversight for the management of the program. This combined funding of $13.7 million is equivalent to the 2009 enacted level. The reduction of $1.1 million from the HIP line item in 2010 and the corresponding $1.1 million increase in regional oversight was a necessary shift in funding to fill a gap in the oversight of the program.

Question. What is the Department schedule for spending Recovery Act funds on replacement school construction, given the dramatic cut in the Education Construction budget for fiscal year 2010? If appropriated, will your budget eliminate the current school construction back-log? If not, how can you justify this Indian Country funding cut, given the well-documented need?

Answer. The Replacement School Construction program provides for replacement of existing school campuses based on a pre-established priority list of 14 schools published in the Federal Register on March 24, 2004. The priority is based on addressing the overall condition of education facilities.

The first four schools on the priority list have already been funded. The fifth school received funding in fiscal year 2009 and planning for the sixth school is scheduled for fiscal year 2010. The next three replacement schools on the priority list were selected for funding under the Recovery Act, as well as two components of prior replacement schools.

The 2010 Education Construction budget is funded at $113 million, $15.8 million below the 2009 enacted level. This reduction takes into account the five schools that will be replaced with Recovery Act funding. The budget still funds planning and design for three schools, provides funding for three school facility replacements, and maintains necessary annual school maintenance funding.

Question. Given the well-documented need to improve Indian healthcare and economies, why did you eliminate funding for the Inter Tribal Bison Cooperative (ITBC), a group that enables tribes to produce culturally appropriate, reduced fat meats, while supporting tribal agricultural business enterprises?

Answer. The Bureau of Indian Affairs Natural Resources Management program assists tribes in the management, development, and protection of Indian trust land and natural resource assets. The fiscal year 2010 budget provides over $23 million for this crucial work. As in prior years, programs including the ITBC will be considered for funding via a merit-based process that considers programs with existing memoranda of understanding, legal settlements, treaty rights, or that have shown to be of merit in the past. The fiscal year 2010 BIA budget does not contain specific funding for the ITBC, however the ITBC has fared well in previous merit-based review processes.

QUESTIONS SUBMITTED BY SENATOR LAMAR ALEXANDER

Question. The last Environmental Impact Statement (EIS) that was conducted by the Department of the Interior concerning the impacts of coal mining in Tennessee was done in 1985. Many things have changed since that time. These changes include developments in the technology and methods used for mining, changes in marketplace conditions, new effluent standards developed by EPA, new information about threatened and endangered species, and the experience of both the State and the Office of Surface Mining (OSM) in regulating mining.

Does OSM believe that a new EIS needs to be undertaken?

Answer. After careful review, the OSM determined that preparing a comprehensive programmatic EIS to address all Federal regulation of coal mining in Tennessee under the National Environmental Policy Act of 1969 (NEPA) is not warranted.

Question. If not, why not?

Answer. Under section 702(d) of the Surface Mining Control and Reclamation Act of 1977, adopting or revising a Federal program for a State is not a "major Federal action" subject to section 102 of NEPA. Hence, revising the Tennessee Federal program at 30 CFR Part 942, including the State-specific standards and procedures contained in it would not be a "major Federal action" under NEPA subject to preparation of an EIS. Further, OSM already complies fully with NEPA for every permitting action under the Tennessee Federal program. Each environmental review under NEPA for permitting actions takes into account all relevant information, including site-specific information needed to ensure the validity of our NEPA evaluation.

Question. If the agency believes it's necessary, when could the agency begin this process?

Answer. For the reasons stated in the two previous questions, OSM does not believe the process is necessary.

Question. How long would it take?

Answer. For the reasons stated in the two previous questions, OSM does not believe the process is necessary.

QUESTIONS SUBMITTED BY SENATOR THAD COCHRAN

Question. Mr. Secretary, Ship Island, one Mississippi's Gulf Coast barrier islands, is an extremely popular beach and tourist spot. Since Hurricane Katrina hit in 2005, Ship Island has received too little attention from the National Park Service (NPS). Two years passed before temporary bathrooms and temporary shade structures were put on the island. Now Fort Massachusetts, a historic Civil War site, is in danger of losing its structural foundations due to severe beach erosion. Does the National Park Service plan to address this situation?

Answer. Hurricane Katrina dealt a very serious blow to the Gulf Coast. Reconstruction efforts were slow to start, but will be completed at the Gulf Island National Seashore in May of 2010. NPS has begun repairs and rehabilitation efforts at Fort Massachusetts and obligations to date equal $34,263. The current approved budget is $730,000. This project will be completed in two phases with phase I due to be completed in 2009 and phase II due to be completed in May of 2010.

Question. The National Heritage Area Program has become increasingly popular, and funding for the program in your budget has remained static. Now that there are 49 heritage areas across the United States (including three in Mississippi), most areas are hardly funded, and the program office is understaffed. How does the Department of the Interior intend to solve these fundamental and growing problems with this program?

Answer. The 2009 Omnibus Appropriations Act, Congress directed NPS to develop new guidelines for the Heritage Partnership program which require self-sufficiency plans for all areas within a reasonable period of time. It further directed NPS to require the adoption of a credible self-sufficiency plan or satisfactory work towards development of such a plan to be a condition of continued funding for all plans after fiscal year 2009. These guidelines and the plans will assist NPS to better manage this program.

Question. Mr. Secretary, I have been working for several years to protect Cat Island within the NPS' Gulf Islands National Seashore in Mississippi. In 2008, I secured $2 million in NPS Land Acquisition funding for Cat Island and expected this project to be completed at the end of last year. I now understand the long-term protection of Cat Island has been tied up by an issue within the Department of the Interior's Appraisal Services Directorate. This is one of many projects across the country that has been delayed by appraisal issues within the Department. Given your interest in ramping up funding for the Land and Water Conservation Fund as illustrated by the Department's fiscal year 2010 budget, how do you plan to address appraisal issues and the Appraisal Services Directorate to ensure projects such as Cat Island are completed on a timely basis while maintaining full accountability in the DOI appraisal process?

Answer. Due to the unique requirements of the Cat Island project, the standard appraisal process was not required and the current status of the project is not a result of the appraisal process. Rather than have Appraisal Services provide a list of qualified appraisal contractors, the Conservation Fund selected the appraiser. The State of Mississippi conducted the initial review of the appraisal. However, because of internal concerns with the appraisal, the NPS subsequently requested a technical review by the Department's Appraisal Services Directorate (ASD). This technical review identified some issues that needed to be resolved, and options were identified to move the process forward but the family was not willing to consider these options.

The appraisal process plays a significant role in the mission of Interior by identifying the fair market value of parcels of land for acquisition or exchange to protect stakeholder interests. To support the Presidential initiative to increase the LWCF, the budget request included additional funding for the ASD to increase capacity. The additional funding will be used to hire two expert appraisers to manage complex projects. The Department will also continue efforts to refine business processes and streamline contracting. Interior will examine process improvements, assess cycle times at each of the levels of the appraisal process and ultimately ensure cost effectiveness. We are working to improve the process to provide fair analysis; however, a detailed appraisal that incorporates evaluations of resource issues may take time to complete.

QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

Question. I am pleased you are taking a thorough and careful approach to develop a program for energy development on the Outer Continental Shelf (OCS). Our Nation must work together on comprehensive, long-term actions that will stabilize gas and oil prices, prevent energy shortages, and achieve national energy independence. Resources on the OCS can contribute to these goals. The State of Maine has tremendous potential for offshore wind and tidal energy. Offshore wind resources just off the coast of Maine could provide more than 150 gigawatts of clean, renewable energy. Maine also has considerable potential for tidal energy. Yet, the OCS off the coast of Maine is not included in the potential areas of interest for renewable energy identified in your Draft Proposed Program (DPP) for OCS energy resources. When you release a revised program plan, will you add the tremendous resource off the coast of Maine to the areas of interest for renewable energy development?

Answer. The DPP proposes an OCS Oil and Gas Leasing Program covering the years 2010–2015. In addition to OCS Lands Act statutory considerations, the DPP considers OCS renewable energy opportunities and denotes the potential for renewable energy development offshore of the State of Maine. Material Management Services (MMS) encourages States interested in developing renewable resources to submit comments to the DPP and the Department has extended the public comment period through September 21, 2009, for this purpose. The MMS will include in its analysis the considerable potential for renewable energy offshore of Maine and consider projects for which information is available.

Question. I am a strong supporter of the National Park Service Centennial Initiative. This program would celebrate the 100th anniversary of the National Park System (NPS) by infusing our parks with a $1 billion mandatory spending fund over 10 years, which will be matched by an additional $1 billion in private donations. Eligible projects will be prioritized through input from both the public and a broad cross-section of NPS employees. My State of Maine is home to the first National Park east of the Mississippi River, Acadia National Park, a true gem on Maine's rocky coast. I believe this Challenge Fund should remain a priority for the National Park Service, but I understand there has been some difficulty identifying offsets for it. Will you work with Congress to identify offsets for the Centennial Challenge Fund so that we can support this important infusion of parks funding?

Answer. In 2008, the Centennial Challenge invited individuals, foundations, businesses, and the private sector to contribute at least $100 million annually to support signature programs and projects in our National Parks. To encourage philanthropy and partnerships, the 2008 budget proposed a new National Park Centennial Fund of $100 million that would match up to $100 million of mandatory funding annually for the next 10 years. In the 2008 appropriations act, Congress supported the concept and funded this initiative at $24.6 million through discretionary funds.

The NPS went out to the public with their request and received tremendous response from the public and State and local governments. The response proposed matching funds for projects and programs totaling $380 million. The NPS went through a rigorous process to select the signature projects and programs to fund and leveraged the $24.6 million in Federal dollars with the proposed matching funds resulting in $52 million invested in National Parks.

In 2010, NPS has requested $25 million in discretionary funding for this program that will require at least $25 million in matching funds. If enacted, NPS will again go out to the public and the State and local governments to seek proposals.

No offsets are needed for this program.

SUBCOMMITTEE RECESS

Senator FEINSTEIN. The subcommittee will stand in recess.

[Whereupon, at 11:08 a.m., Wednesday, June 3, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2010

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

NONDEPARTMENTAL WITNESSES

[CLERK'S NOTE.—The subcommittee was unable to hold hearings on nondepartmental witnesses. The statements and letters of those submitting written testimony are as follows:]

PREPARED STATEMENT OF THE 1854 TREATY AUTHORITY

The 1854 Treaty Authority is an inter-tribal natural resource organization which implements the off-reservation hunting, fishing, and gathering rights of the Grand Portage and Bois Forte Bands of the Lake Superior Chippewa in the area ceded to the United States in the Treaty of 1854. Our program is partially funded by a Public Law 93–638 contract with the Bureau of Indian Affairs. The 1854 Authority respectfully requests an increase of $270,000 to our existing base funding in order to meet the increased cost of fulfilling our court-ordered responsibilities.

For background purposes, the Grand Portage, Bois Forte, and Fond du Lac Bands are signatories to the Treaty of September 30, 1854, 10 Stat. 1109. In that Treaty the Bands ceded approximately 5,000,000 acres in northeastern Minnesota, reserving the right to hunt, fish, and gather in that territory. For most of the 20th century, those off-reservation rights lay dormant and unrecognized and tribal subsistence activities were relegated to lands within reservation boundaries.

In 1985 the Bands went to Federal court seeking a declaratory judgment that the 1854 Treaty did indeed reserve these off-reservation rights and that the State of Minnesota had no authority to regulate tribal hunting, fishing, and gathering in the ceded territory. In the course of that litigation, the Bands and the State entered into negotiations concerning the exercise of treaty rights in the ceded territory. The negotiations resulted in an agreement which was approved by both the Minnesota Legislature and the tribal governments. The agreement was then entered as a consent decree in the Federal litigation such that the obligations of the parties are enforceable in court.

One of the Bands' obligations under the agreement and court order was to create a means by which the Bands could effectively regulate Band member activities. After the Fond du Lac Band exercised its right to opt out with notice, the two remaining Bands formed the 1854 Treaty Authority. To this day, the 1854 Treaty Authority is the entity responsible for management of the Bands off-reservation hunting, fishing, and gathering rights.

The 1854 Treaty Authority employs 10 full-time employees, consisting of an Administrative Division (3), a Resource Management Division (4) and an Enforcement Division (3). Two of the Resource Management positions are grant (temporary) funded. The organization is overseen by a Board of Directors comprised of the elected Tribal Councils of the Grand Portage and Bois Forte Bands. The 1854 Treaty Authority also has a judicial services division which retains a judge to hear matters arising under the tribal code.

The 1854 Treaty Authority is a shining example of cooperation as we gather and share biological information with State, Federal, local, and other tribal governmental units. The 1854 Treaty Authority is authorized through a Joint Powers Agreement with the State of Minnesota to enforce State natural resource laws over

non-tribal users and State Officers are authorized to enforce tribal law applicable to tribal users. The 1854 Treaty Authority has also conducted many natural resource improvement and research projects with the previously mentioned government entities, as well as organizations from the private sector.

However, the 1854 Treaty Authority has struggled to maintain its full-time staff as we have not had an increase in base funding for our programs of any significance in many years, and in fact the base funding has decreased the last seven funding cycles. Simultaneously, cost of living expenses have been increasing at a regular rate, and some expenses have been increasing at an alarming rate (e.g., health insurance, vehicle insurance, fuel, etc.). Staff pay costs (wages plus benefits) combined with a decrease in base funding has compelled the Treaty Authority to absorb all the cost increases internally at the expense of other programs and services. However, in 2007 we were unable to do so and two vacated positions (one biologist and one enforcement) remain unfilled due to lack of funding. Of particular concern is the fact that our current enforcement staffing level (three officers) is woefully inadequate to cover the 5 million acres of ceded territory. The funding would go toward filling the two current vacancies and adding an additional officer.

I understand that this is not a unique situation as budgets are tight everywhere, but at the same time the Federal Government has a trust responsibility to protect and preserve treaty rights. Those rights will be jeopardized if the 1854 Treaty Authority cannot fulfill its obligations as an effective manager of treaty resources. We strongly believe that we can continue to be an integral and positive component of natural resource management in northeastern Minnesota. As history shows in the short 20 years of our existence we have been able to establish the Bands rightful place among all stakeholders and provide services that stretch beyond tribal benefit. In short, the work we do benefits all users and citizens of this region.

Without an increase in base funding, the Treaty Authority will be forced to make further changes that will result in diminishment of services to the Band members and lose the Bands' ability to participate meaningfully in natural resource management and conservation in northeastern Minnesota.

Finally, I would like to close with a sincere thank you for the years of funding which have enabled the tribes success in this area and respectfully reiterate the request of an additional $270,000 in base funding to continue our work in the natural resource realm which is a positive for everyone.

PREPARED STATEMENT OF THE AMERICAN ASSOCIATION OF PETROLEUM GEOLOGISTS

To the chair and members of the subcommittee: Thank you for this opportunity to provide testimony on behalf of the American Association of Petroleum Geologists (AAPG) about the importance of the geological programs conducted by the U.S. Geological Survey (USGS).

AAPG is the world's largest scientific and professional geological association. The purpose of the association is to advance the science of geology, foster scientific research, and promote technology. AAPG has more than 34,000 members around the world, with roughly two-thirds living and working in the United States. These are the professional geoscientists in industry, government, and academia who practice, regulate, and teach the science and process of finding and producing energy resources from the Earth.

AAPG strives to increase public awareness of the crucial role that the geosciences, and particularly petroleum geology, play in our society. The USGS is crucial to meeting these societal needs, and several of its programs deserve special attention by the subcommittee.

GEOLOGIC RESOURCE ASSESSMENTS

Energy Resources Program

The USGS Energy Resources Program (ERP) conducts both basic and applied geoscience research focused on geologic energy resources (both domestic and international), including oil, natural gas, coal, coalbed methane, gas hydrates, geothermal, oil shale, bitumen, and heavy oil. ERP also conducts research on the environmental, economic, and human health impacts of the production and use of these resources. This research provides both the public and private sectors with vital information.

An urgent problem that the ERP is currently working on is the preservation of geological and geophysical data. The Energy Policy Act of 2005 (EPACT 2005, Public Law 109–58) includes section 351 Preservation of Geological and Geophysical Data. This program is designed to preserve geological, geophysical data, and engineering data, maps, well logs, and samples. It further envisages creating a national catalog

of this archival material, and providing technical and financial assistance related to the archival material. As the act stipulated, the USGS has developed a plan to conduct this program, and is ready to go. It awaits sufficient appropriated funds to achieve the goals and objectives set forth in EPACT 2005.

Why is preservation important? Responsible management and efficient development of natural resources requires access to the best available scientific information. Over many years industry, such as petroleum and mining companies, has invested billions of dollars to acquire geological and geophysical data. Because of changing company focus and economic conditions this data may no longer have value to the company that acquired it, and is in jeopardy of being discarded.

But this data still has value to society. The data is valuable for further natural resources exploration and development, and can be applied to basic and applied earth systems research, environmental remediation, and natural-hazard mitigation. It is the type of data that will enable future generations of scientists and policy makers to address the Nation's energy, environmental, and natural-hazard challenges of the 21st century.

The EPACT 2005 section 351 program was authorized at $30 million annually from fiscal year 2006 through fiscal year 2010. Historical allocations for this program have ranged from $750,000 to $1,000,000 per year. These funding levels are inadequate to achieve this program's objectives.

AAPG supports President Obama's fiscal year 2010 request to fund the Energy Resources Program activities at $29.7 million, and asks the subcommittee to additionally appropriate $30 million authorized by EPACT 2005 for the preservation of geological and geophysical data, bringing the total Energy Resource Program budget to $59.7 million.

MINERAL RESOURCES PROGRAM

The USGS Mineral Resources Program (MRP) is the only Federal source for comprehensive information and analysis of mineral commodities and mineral materials. The United States is the world's largest consumer of mineral commodities, and processed materials of mineral origin accounted for more than $575 billion of the U.S. economy in 2007.

It is therefore essential to this Nation's economic and national security that the Federal Government understands both the domestic and international supply and demand for minerals and mineral materials. This data is used throughout Government (Departments of Commerce, the Interior, Defense, and State; the Central Intelligence Agency; the Federal Reserve) and the private sector. There is no other source for this data and information.

AAPG supports President Obama's fiscal year 2010 request for the Mineral Resources Program at $53.1 million, and urges the subcommittee to appropriate at that level.

GEOLOGIC LANDSCAPE AND COASTAL ASSESSMENTS

National Cooperative Geologic Mapping Program (NCGMP)

AAPG supports the NCGMP. This unique partnership between the Federal and State governments and the university community further demonstrates of the importance of geoscience to society. The geologic maps produced by this program are used for natural resource management, natural hazard mitigation, water resource management, environmental conservation and remediation, and land-use planning.

NCGMP deserves special commendation for its EDMAP initiative. This university partnership enables students, working in a close mentoring relationship with faculty, to produce maps while learning essential mapping skills. As such, the program delivers an immediate return on the Federal investment in terms of beneficial maps, as well as a future return in the form of a trained and competent next generation workforce.

AAPG supports President Obama's request of $28.1 million in funding for the NCGMP in fiscal year 2010, and to consider future increases to this program.

Thank you for the opportunity to present this testimony to the subcommittee. And thank you for your leadership and support for the geosciences. As you deliberate appropriate funding levels for these USGS programs, please consider the important public policy implications these choices entail.

LETTER FROM THE ALLIANCE FOR COMMUNITY TREES; AMERICAN FOREST FOUNDATION; CITY OF CHICAGO DEPARTMENT OF STREETS AND SANITATION, BUREAU OF FORESTRY; CITY OF MILWAUKEE DEPARTMENT OF PUBLIC WORKS, FORESTRY DIVISION; DAVEY INSTITUTE; INTERNATIONAL MAPLE SYRUP INSTITUTE; NATIONAL ASSOCIATION OF STATE FORESTERS; NATURAL BIODIVERSITY; THE NATURE CONSERVANCY; NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION; NORTH AMERICAN MAPLE SYRUP COUNCIL, INC.; PARTNERSHIP FOR SAVING THREATENED FORESTS; THE PENNSYLVANIA GAME COMMISSION; PURDUE UNIVERSITY, DEPARTMENT OF ENTOMOLOGY; SOCIETY OF MUNICIPAL ARBORISTS; THE STATE UNIVERSITY OF NEW YORK COLLEGE OF ENVIRONMENTAL SCIENCE AND FORESTRY; UNION OF CONCERNED SCIENTISTS; AND THE UNIVERSITY OF GEORGIA, CENTER FOR INVASIVE SPECIES AND ECOSYSTEM HEALTH

APRIL 7, 2009.

Hon. DIANNE FEINSTEIN,
Chairperson, Subcommittee on Interior, Environment, and Related Agencies, Washington, DC.

Hon. GEORGE VOINOVICH,
Ranking Member, Subcommittee on Interior, Environment, and Related Agencies, Washington, DC.

RE: Fiscal year 2010 appropriation for the USDA Forest Service

DEAR CHAIRPERSON FEINSTEIN AND RANKING MEMBER VOINOVICH: We urge the subcommittee on Interior, Environment, and Related Agencies to appropriate adequate funding for the USDA Forest Service to manage nonnative insects and plant diseases that threaten America's forests. We recommend an fiscal year 2010 appropriation of $140 million for the USDA Forest Service forest health management program. This level is about $17 million more than the current level of funding. In addition, we ask that you provide an increase of $3 million more than the fiscal year 2008 appropriations level for the "Invasives R&D" line item within the Forest Service research program.

Our proposed funding levels would maintain at approximately current levels research aimed at improving detection and control methods for the emerald ash borer, hemlock woolly adelgid, sudden oak death (also called the phytophthora leaf and stem blight pathogen), gypsy moth, and other nonnative forest pests and diseases. Funding at our recommended level would also allow expanded research on the Sirex woodwasp, which poses a serious threat to pine resources across the continent.

Our proposed significant increase in funding for the forest health protection program is intended to allow expanding that program so that it may address several newly detected pests (such as the "1000-canker" disease killing black walnuts and the goldspotted oak borer in southern California) while simultaneously increasing efforts targeting the Asian longhorned beetle and maintaining programs that help contain the sudden oak death pathogen, emerald ash borer, hemlock woolly adelgid, Sirex woodwasp, laurel wilt disease, gypsy moth, wiliwili gall wasp, and ohia rust.

The forest health program provides vital expertise in forest pests' biology and detection and management methodology that is crucial to the success of pest eradication and containment programs implemented by the USDA Animal and Plant Health Inspection Service (APHIS). As these forest pests are detected in new areas, the importance of the Forest Service's contribution rises. A particularly significant expansion is needed for forest health programs targeting the Asian longhorned beetle as a result of the detection in 2008 of a well-established and large infestation in Worcester, Massachusetts. This infestation places the Asian longhorned beetle on the very edge of the highly vulnerable northern hardwood forests reaching from New England into Minnesota. These forests support hardwood timber, maple syrup, and autumn foliage tourism industries as well as important biological and watershed values. The forest health program must significantly increase its funding for detection and control methods, which in recent years have received only $200,000.

The USDA Forest Service has the lead responsibility for detecting and responding to any outbreaks of sudden oak death in the hardwood forests of the East. These detection programs must not be halted as infected plants continue to appear in Eastern States as a result of the movement of infected nursery plants.

The emerald ash borer has now been detected in nine States. The Forest Service's forest health protection program provides expertise in detecting this elusive insect, in developing more effective tools to curtail its spread, and in advising landowners on how to respond to the threat. For example, the Forest Service helps to fund a Web site maintained by the Continental Forest Dialogue (www.dontmovefirewood.org) in order to educate the public not to transport possibly

infested wood that can spread pests. It is vitally important that the Forest Service effort targeting this insect not be reduced.

Finally, the forest health management program needs adequate funding to expand its early detection project. This program has been responsible for detecting more than a dozen introduced insects, including two which threaten the economically important pine forests of the Southeast: the Sirex woodwasp and Mediterranean pine beetle. The detection program now covers all States on a 3-year rotation. It now must develop and deploy methodologies to detect the highly damaging wood-boring beetles.

The agency bearing the principal responsibility for eradicating newly introduced forest pests is not the USDA Forest Service, but rather the USDA APHIS, an agency under the jurisdiction of the Agriculture Appropriations subcommittee. The USDA Forest Service plays a critical support role by providing both management expertise and critical research—in close coordination with APHIS plant protection and quarantine and through cooperative funding agreements with State forestry, State departments of agriculture and State Land Grant Universities.

Nevertheless, the subcommittee cannot achieve its goal of protecting the Nation's forests' health as long as funding shortfalls undermine USDA APHIS eradication programs. We encourage the subcommittee to work with the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Subcommittee to find ways to increase funding for forest pest line items in the USDA APHIS emerging plant pest account.

Sincerely,

Alice Ewen Walker, Executive Director, Alliance for Community Trees; Drue DeBerry, Senior Vice President—Conservation, American Forest Foundation; Joseph J. McCarthy, Senior City Forester, Bureau of Forestry, City of Chicago Department of Streets and Sanitation; David B. Sivyer, Forestry Services Manager, Forestry Division, City of Milwaukee Department of Public Works; Anand B. Persad, Ph.D., B.C.E., Regional Technical Advisor, Davey Institute; Gary Gaudette, President, International Maple Syrup Institute.

Jay Farrell, Executive Director, National Association of State Foresters; Kristin Sewak, Director, Natural Biodiversity; Robert L. Bendick, Director, Government Relations, The Nature Conservancy; Robert K. Davies, New York State Forester, New York State Department of Environmental Conservation; Michael A. Girard, President, North American Maple Syrup Council, Inc.; Fred Hain, Director, Partnership for Saving Threatened Forests.

Carl G. Roe, Executive Director, The Pennsylvania Game Commission; Steve Yaninek, Professor and Head, Department of Entomology, Purdue University; Dan Hartman, President, Society of Municipal Arborists; Cornelius B. Murphy, Jr., Ph.D., President, The State University of New York College of Environmental Science and Forestry; Phyllis N. Windle, Director, Invasive Species, Union of Concerned Scientists; Dr. G. Keith Douce, Co-Director, Center for Invasive Species & Ecosystem Health, and Professor of Entomology, College of Agricultural & Environmental Sciences, University of Georgia.

PREPARED STATEMENT OF THE AMERICANS FOR THE ARTS

Americans for the Arts is pleased to submit written testimony to the Senate Appropriations Subcommittee on the Interior, Environment, and Related Agencies supporting fiscal year 2010 funding for the National Endowment for the Arts (NEA) at a level of $200 million.

In March, my organization hosted Arts Advocacy Day on Capitol Hill, an annual grassroots gathering cosponsored by 82 national organizations representing dance, theatre, music literature, visual, and media arts—the full landscape of American culture. Collectively, these groups represent tens of thousands of nonprofit and governmental cultural organizations at the State and local levels across the country. The united request that I present today is the result of the collaborative work of these passionate groups. My gratitude goes to all my colleagues who worked on bringing this important summit together.

Last year Americans for the Arts testimony was devoted to the argument that the arts are a driver of industry whose jobs and collateral expenditures are proven economic catalysts that are the rival of any other segment of our economy. A year later I ask you to continue to help save those jobs which are still integral parts of the solution in solving this severe downturn.

Trying economic times; a phrase I use intentionally not only for dramatic effect, but for the unavoidable truth of knowing that this testimony is offered to a subcommittee that deals with our country's purse strings. There will be no unseen elephant in the room about the severe economic downturn that is gripping our country—we know the elephant is in the room. The Nation's financial crisis is indeed having a devastating effect on our families, jobs, and communities and is appropriately at the forefront of all of our minds. And this subcommittee has shown leadership in advancing increased Federal resources for the arts and arts jobs during these most trying of economic times as we saw recently with the $10 million increase in this year's fiscal year 2009 omnibus bill and with the $50 million appropriation in the economic recovery bill.

The arts community is eternally grateful for the congressional effort to preserve jobs in the cultural sector with the $50 million in the American Recovery and Reinvestment Act for the NEA. These funds will throw a much needed lifeline to the thousands of cultural institutions, artists, and community businesses that rely on a robust arts sector. It is hard for me to put into the proper context how grateful the creative community is that our sometimes overlooked contribution to the Nation's workforce was recognized by the new administration and Congress.

This sentiment also extends, of course, to the $10 million boost to the annual NEA appropriation as well. Madam Chairman, your leadership has set a direct course toward restoring the NEA to the $176 million level it once had, and I hope that we will soon be looking beyond that marker in the years to come.

The NEA, more so than many Federal agencies, has the infrastructure and dexterity to expedite relief to workers immediately, in accordance with the Obama administration's wishes that that these expenditures are of a quick and stimulative nature. And these are real jobs—jobs that cannot be outsourced. Creating the ability to extend production seasons means the employment of not just performers but of the entire apparatus that it takes to execute high-quality performances. These jobs are created in the United States and stay in the United States. I spoke earlier of the collateral benefits of cultural centers, but they are not the only beneficiaries of the recovery effort. By keeping those artists, artisans, production crews, educational programs, and local businesses working, you are relieving the burden on local governments as tax revenue keeps coming to the public coffers and eases pressure on the social safety net. This, of course, is like any other industry. NEA funding can be directly related to that effort.

At the core of our membership are 4,000 local arts agencies. A local arts agency (LAA) is a community organization, or an agency of local government that supports cultural organizations, provides services to artists and/or arts organizations, and presents arts programming to the public. One of the most valuable aspects of an LAA to the community it serves is its ability to take public funds and responsibly re-grant the funding to grant applicants, often building in a requirement for those funds to be matched by corporate or private contributions. The NEA's economic recovery funding strategy recognized this and provided a grant category specifically for LAA's as a method of providing $100,000 or $250,000 grants at the local level. These grants awarded to LAAs will (a) speedily disburse local funding to all the arts disciplines; (b) help preserve and in some cases restore jobs for artists and administrators in the cultural workforce; and (c) serve to increase access to the arts by continuing their high-quality programs for audiences in towns across the country. I want to encourage this subcommittee to create a formal re-granting partnership program for local arts agencies to help the NEA better serve arts organization of all sizes in communities across the country.

Local arts agencies also have their ear closest to the ground to provide Federal and State agencies with programmatic trends and a snapshot of the health of the arts field in every discipline. For example, in February, the Seattle Mayor's Office of Arts and Cultural Affairs, the Seattle Foundation, 4Culture, and the Paul G. Allen Foundation commissioned Helicon Collaborative to provide a quick scan of the key impacts that the economic recession has had on the cultural communities in the Pacific Northwest. Measuring the effects on revenue, programming, personnel, venues, and audiences revealed a multi-layer dilemma that is in direct consequence to the economic downturn. Decline in ticket sales to events ranges from 5 percent to 30 percent; contributed income is down 7 percent to 20 percent; and corporate donations and sponsorships a whopping 20 percent–50 percent. Arts organizations in previously immune cultural hub communities like Seattle have been cancelling or curtailing programming, and delaying openings of new installations and concert series.[1]

[1] The Economic Recession's Impact on Cultural Organizations in the Puget Sound, February, 2009.

Here are some recent examples of the downturn's effects on specific institutions in communities across the country:

—The City of Riverside, California funded the arts and cultural affairs division at a limited level of $3 million last year. This year's budget is expected to drop 7 percent.

—Some of the largest Tacoma-area businesses have eliminated or curtailed performing arts sponsorships for this year, and possibly longer, including Russell Investments and Boeing.

—Staff reductions and layoffs have taken place at the Phoenix Art Museum, Phoenix Symphony, and Free Arts of Arizona.

—Theatre West Virginia in Beckley was forced to sell off its assets due to the loss of a $100,000 State grant. The 38-year-old company's shows benefit the entire economy of the region—from hotels to gas stations and restaurants.

—The Tennessee Art Commission and Community Foundation grants saw a 9 percent cut in their grants budget.

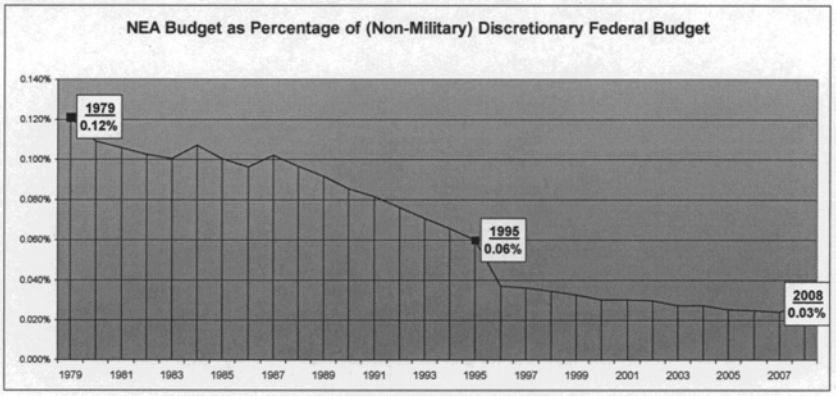
—The United Arts Council of Greensboro, North Carolina was forced to cut 5 percent from the grants it planned to give to 13 local arts groups. The council was forced to cut its budget by 12 percent for the year.

But we do not believe that Government is the only answer in addressing the gaps in funding. Arts organizations are tightening their belts and using their creative talents to try and keep delivering the same high-quality productions, services and programming our communities have been used to. But Government is a necessary and vital partnership that is the catalyst for the large majority of the art community's support, the private sector, and individual giving.

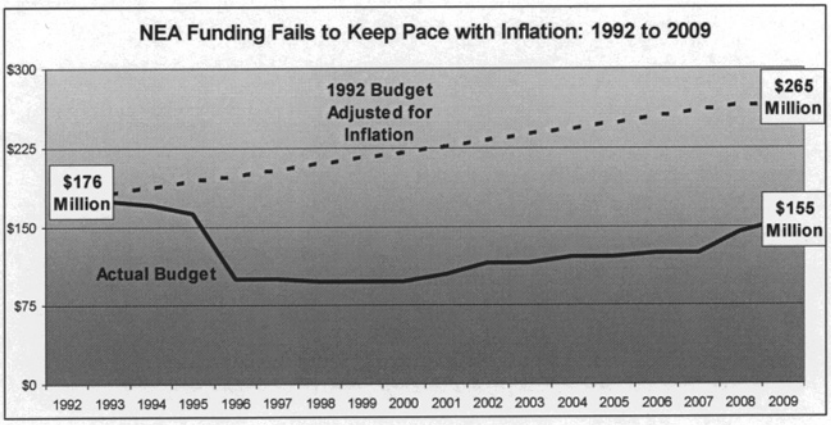
Earlier this year, the National Governor's Association issued a report titled, "Arts & the Economy: Using Arts and Culture to Stimulate State Economic Development" which provides excellent strategies to assist State governments in their efforts to develop new cultural assets and increase revenue streams. The report states, "Governors increasingly recognize the importance of the creative sector to their states' economy and ability to compete in the global marketplace."

In March, I had the opportunity to testify before the House Education and Labor Committee and Chairman George Miller on the impact of the arts in the economy and workforce. The Committee is charged with the authorization of the NEA and in my testimony it was incumbent on me to demonstrate how the vast diversity of support that enables the cultural sector to flourish is actually sparked by the infusion of Federal, State, and local government dollars.

As much benefit as the arts provide to their communities, Federal funding has failed to keep pace to capture these upsides of the arts—neither in terms of tracking with inflation, nor with as a steady share of the nonmilitary discretionary spending.



Thirty years ago, the NEA received a modest 12 cents per $100 of nonmilitary discretionary spending. Today, that is just 3 cents per $100. If the NEA simply maintained its 1979 percentage of discretionary funding (0.12 percent), its 2008 budget would have been $613 million.



If the NEA's 1992 budget had merely kept pace with inflation, its 2009 budget would be $265 million instead of $155 million.

Conclusion

The arts must not be taken for granted. They are not only integral to our lives but also to our economy. Most citizens throughout America appreciate the arts for their intrinsic values—their beauty, vision, and inspiration; their ability to open new horizons and sharpen and challenge our thinking.

But everyone should understand the essential contribution of the arts to the growth of our economy. The arts are not a frill. Rather, they provide cultural and economic benefits, and real jobs for real people. They are at the heart of countless U.S. industries that rely on talents fueled by design and creative content. Arts-centric jobs are core to building a new kind of workforce to compete in the 21st century global economy. The arts are fundamental to putting Americans back to work.

PREPARED STATEMENT OF THE ASSOCIATION OF FISH AND WILDLIFE AGENCIES

On behalf of the national Teaming with Wildlife Steering Committee, we urge you to support the president's request of $115 million for the State and Tribal Wildlife Grants program in the fiscal year 2010 Interior, Environment, and Related Agencies Appropriations Act. This funding level would enhance the ability of State fish and wildlife agencies and their partners to implement Comprehensive Wildlife Conservation Strategies (State Wildlife Action Plans) and address the impacts of climate change on wildlife and their habitats.

Teaming with Wildlife (www.teaming.com) is a coalition of more than 6,000 organizations and businesses who support increased funding for State-level wildlife programs aimed at keeping wildlife from becoming endangered. The Teaming with Wildlife coalition includes a diverse partnership of organizations and businesses that represent hunters and anglers, birdwatchers, hikers, nature-based businesses, community organizations like visitors' bureaus, zoological institutions, and other conservationists who are working together to advance proactive wildlife conservation.

The State and Tribal Wildlife Grants Program is the only Federal program dedicated to implementation of State Wildlife Action Plans, designed to conserve declining species and to keep more common species common. Congress required State and territorial fish and wildlife agencies to develop and implement these plans to reverse the decline of at-risk fish and wildlife. These plans are being used across the country to prioritize and guide wildlife conservation work. This work is helping to protect vital ecosystem services and recreational opportunities that are valued in the hundreds of billion of dollars and helping to sustain an economic engine that contributes millions of jobs to the economy.

Addressing climate change is one of the most daunting tasks facing the conservation community. We support the addition of $40 million in climate change funding through the State Wildlife Grants program that will provide States and tribes with the resources they need to plan and implement conservation actions needed to mitigate the impacts of climate change and help wildlife adapt. However, State fish and

wildlife agencies are facing significant budget declines during the economic downturn making it increasingly difficult to secure matching funds. Therefore, we respectfully ask that the subcommittee consider reducing the Federal:State match requirement for climate change activities to 90:10.

The State and Tribal Wildlife Grants program makes efficient and effective use of scarce Federal resources and puts them on the ground in a smart and proactive manner before species become imperiled. Efforts to restore wildlife are often more costly and less successful after they become severely imperiled. Through conserving wildlife and therefore providing opportunities for hunting, fishing, and wildlife viewing, the State and Tribal Wildlife Grants program is helping to sustain an economic engine that contributes millions of jobs to the economy. The State and Tribal Wildlife Grants program provides States with a tool to avoid conservation catastrophes, concurrently saving wildlife and taxpayer dollars.

Conservation organizations and private foundations are doing their part to augment Federal funding provided to State and Tribal Wildlife Grants Program. One such example is the Wildlife Opportunities Action Fund which has, since 2006, supported more than 35 grants and provided $3.2 million to a variety of local, regional, and national nonprofit conservation organizations for projects that strive to implement priority conservation activities outlined by the State Wildlife Action Plans.

Following are two examples of projects funded by the State and Tribal Wildlife Grants program:

Conserving Tri-colored Blackbirds

California is home to 99 percent of the world's population of tricolored blackbirds, which are listed as a State species of special concern. Along with the decline of native wetlands in California's Central Valley, the Tricolored Blackbird population has dropped severely in the last 60 years. While recent trends appear to indicate that the species population has stabilized at 250,000–300,000 birds, these numbers are far below the population in the 1930s. The birds commonly nest in silage fields, ditches and other areas around dairy farms in the San Joaquin Valley and in limited areas in southern California. This presents a serious risk when fields are ready for harvest and young birds cannot yet fly. An alliance of 16 partners have come together to conserve habitat and restore tricolored blackbird populations without listing the species as threatened or endangered. This diverse partnership includes the California Department of Fish and Game, Audubon California, California Farm Bureau, California Cattlemen's Association, Pacific Gas & Electric Company, and University of California. This voluntary and proactive effort will conserve the tricolored blackbird and may avoid another costly endangered species listing.

RECLAIMING AQUATIC HABITAT

Panther Branch, a tributary to Island Creek, Morgan County, Tennessee had been severely impacted by acid mine drainage (AMD) and mine refuse from old underground mine workings. The mining activity occurred in the early 1900s and the workings have been abandoned for about 100 years. During the mining process thousands of cubic yards of refuse was produced and disposed of in the channel of Panther Branch. Acid mine drainage lowered the pH of the water to an uninhabitable level. The stream was virtually devoid of aquatic life. Using State Wildlife Grant funds, the Tennessee Wildlife Resources Agency partnered with the Tennessee Department of Environment and Conservation, to remove the refuse, restructure the stream channel, build an alkaline drainage system to reduce water acidity, and construct artificial wetlands to remove any dissolved metals. Completed in the spring of 2007, Panther Branch is recolonizing with aquatic life.

We are grateful for your past leadership in providing funding for the State and Tribal Wildlife Grants program. You have helped make this program and its emphasis on preventive conservation a priority for the U.S. Fish and Wildlife Service. We look forward to the U.S. Congress continuing to provide reliable and adequate funding to ensure the continued success of fish and wildlife conservation in all 50 States, the District of Columbia, and territories. Thank you for your time.

PREPARED STATEMENT OF THE AMERICAN INSTITUTE OF BIOLOGICAL SCIENCES

The American Institute of Biological Sciences (AIBS) encourages Congress to provide the Environmental Protection Agency's (EPA) Office of Research and Development (ORD) with at least $700 million for fiscal year 2010. Within this amount, we encourage you to provide at least $190 million for human health and ecosystem research. This funding level would help restore past funding cuts and make an important investment in our Nation's environmental sciences research enterprise.

AIBS is a nonprofit scientific association dedicated to advancing biological research and education for the welfare of society. Founded in 1947 as a part of the National Academy of Sciences, AIBS became an independent, member-governed organization in the 1950's. AIBS is sustained by a robust membership of some 5,000 biologists and nearly 200 professional societies and scientific organizations; the combined individual membership of the latter exceeds 250,000.

As EPA's scientific division, ORD supports valuable extramural and intramural research that is used to understand, prevent, and mitigate environmental problems facing the United States. ORD research informs decisions made by public health and safety managers, resource managers, businesses, and other stakeholders concerned with climate change, air and water pollution, land management and restoration, and environmental contaminants. In short, ORD provides the scientific basis upon which EPA monitoring and enforcement programs are built.

Unfortunately, a lack of investment in EPA science in recent years has hindered ORD's ability to fully meet its mission. Funding for research programs at EPA peaked in fiscal year 2004, when ORD was funded at $646.5 million. Since then, the budget has declined by more than $100 million. These budget cuts have come at the expense of the research needed by EPA to address emerging environmental challenges.

Within ORD, research on human health and ecosystems has also been negatively affected by a shrinking budget. These programs have collectively suffered a 15 percent decline in their budgets since fiscal year 2004. Restoration of funding to at least the fiscal year 2004 levels, as adjusted for inflation, would be an important first step to meeting our Nation's environmental science research needs.

The Ecosystem Services Research (ESR) program is one of the important areas within ORD that would benefit from increased funding. The ESR is responsible for enhancing, protecting, and restoring ecosystem services, such as clean air and water, rich soil for food and crop production, pollination, and flood control. Research conducted by the ESR program provides scientific data, methods, models, and tools needed by State and local resource managers to account for the cost and benefits of using and preserving ecosystem services.

Another key program affected by the declining human health and ecosystem research budget is the Science To Achieve Results (STAR) Graduate Fellowship. This program supports graduate students pursuing an advanced degree in environmental science. Since the program's inception in 1995, EPA has awarded STAR Fellowships to 1,500 promising scientists who have gone on to pursue careers as scientists and educators. This fellowship contributes to the role of the United States as a world leader in scientific discovery and innovation. Despite the program's success, the STAR Graduate Fellowship has lost approximately 35 percent of its funding in real dollars between fiscal year 2004 and fiscal year 2008. Even with repeated restorations of funding by Congress, the number of STAR Fellowships awarded each year has been drastically reduced, down from 124 fellowships in 2004 to 32 fellowships in 2008. The President's budget request of $10.9 million for the program will restore funding to the fiscal year 2005 level and provide 131 new fellowships.

Revitalization of ecosystem research has also been a concern of the EPA Science Advisory Board. Over the past several years, the EPA Science Advisory Board has made multiple requests to then-EPA Administrator Stephen L. Johnson for increased funding for ecological research. In a letter dated May 2008, Dr. M. Granger Morgan, Chair of the EPA Science Advisory Board, expressed grave concerns about EPA's funding declines. He stated his concern about not being able to adequately address future problems due to current underinvestment of emerging scientific needs. Dr. Morgan stated that we "run the risk of incurring much larger future costs because we do not understand the subtle intricacies of these risks and hence could blunder into difficulties . . . from which it may be much more expensive to recover." Clearly, the EPA Science Advisory Board feels that the current funding levels are jeopardizing the EPA's ability to fulfill its missions down the road.

We urge Congress to consider the Board's concerns and provide EPA with at least $700 million for ORD for fiscal year 2010 and at least $190 million for human health and ecosystem research. Providing these amounts to ORD will restore them to fiscal year 2004 levels and begin to provide the resources needed to address a backlog of research needs.

Thank you for your thoughtful consideration of this request and for your past support of EPA science programs.

PREPARED STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

REQUEST SUMMARY

On behalf of the Nation's Tribal Colleges and Universities (TCUs), which compose the American Indian Higher Education Consortium (AIHEC), thank you for this opportunity to present our fiscal year 2010 appropriations recommendations for the 28 colleges funded under the Tribally Controlled Colleges and Universities Assistance Act (Tribal College Act), the two Bureau of Indian Education postsecondary institutions, and the Institute of American Indian Arts. The U.S. Department of the Interior, Bureau of Indian Education (BIE), administers these programs, save for the Institute of American Indian Arts, which is funded directly by the Interior Department.

In fiscal year 2010, TCUs seek $80.6 million to fund all of the programs under the Tribally Controlled Colleges and Universities Assistance Act of 1978 or Tribal College Act. Specifically, we seek $78 million for institutional operations grants; of which, $53.3 million for title I grants (25 TCUs); $17.7 for title II (Diné College); and $7 million for title V ($4.5 million for United Tribes Technical College and $2.5 million for Navajo Technical College). This request represents an increase of $6.9 million for title I grants; $5.4 million for Diné College; and an increase of $1 million for title V, more than fiscal year 2009 levels. Additionally, we seek $601,000 for the technical assistance contract authorized under the act, which is the same level as annually appropriated since fiscal year 2006, and $2 million to help the TCUs establish and fund endowments under title III of the act, which has been severely cut over the past few budget cycles.

AIHEC's membership also includes three other TCUs funded under separate authorities within Interior appropriations, namely: Haskell Indian Nations University; Southwestern Indian Polytechnic Institute; and the Institute of American Indian Arts. AIHEC supports the independently submitted requests for funding of the institutional operations budgets of these institutions.

Forward Funding of Institutional Operations Grants.—For the past several years, basic institutional operations funding has not been available to the TCUs until well after October 1 of the relevant fiscal year.

—In fiscal year 2006, despite the early August enactment of the Interior spending bill, almost 2 months prior to the start of the fiscal year, funds were not made available to the TCUs until late November, 2 months into the new fiscal 3 months into the academic year.

—In fiscal year 2007, due to the protracted appropriations process, TCUs did not receive basic operating funds until mid-March; 5 months into the fiscal year and 6 months after the academic year began.

—In fiscal year 2008, TCUs did not gain access to any institutional operations funds made in order under the first continuing resolution until mid-December, almost a full month after the second continuing resolution had been enacted. Once again, the TCUs were more than 2 months into the new fiscal year, and more than 3 months into their academic year and unable to access even a partial payment toward their basic day-to-day operating budgets.

—As for this year, the fiscal year 2009 omnibus appropriations legislation was only signed into law on March 11, 2009, more than 5 months after the start of the fiscal year and more than 6 months into the academic year. Most of the TCUs had to obtain costly lines of credit, cancel programs, and/or make temporary staff layoffs in order to keep their doors open for the remainder of the academic year, which for many will end in the very near future or have already ended.

The President's budget includes a one-time payment of $50 million to transition TCU institutional operations grants to a forward funded program, which would correct this most unfortunate cycle of delayed payments, expensive short-term loans, and layoffs that perennially plague TCUs. Additionally, it would, for the first time, give these institutions the resources they need at the beginning of each academic year. Forward funding is authorized under the Tribal College Act (25 U.S.C. 1810(b)(2)) and is consistent with the existing funding practices of other Indian education operating accounts within the Department of the Interior, BIE.

BACKGROUND AND FUNDING DISPARITIES

Today there are 36 TCUs located in 14 States, which were begun specifically to serve the higher education needs of American Indians. Annually, these institutions serve students from more than 250 federally recognized tribes, more than 80 percent of whom are eligible to receive Federal financial aid.

TCUs are accredited by independent, regional accreditation agencies and like all institutions of higher education, must undergo stringent performance reviews on a periodic basis to retain their accreditation status. In addition to college-level programming, TCUs provide much needed high school completion (GED), basic remediation, job training, college preparatory courses, and adult education.

Title I of the Tribal College Act authorizes funding for the basic institutional operating budget of one qualifying institution per federally recognized tribe based on a full-time American Indian student enrollment formula. Despite the much appreciated increases that Congress has appropriated over the last several years, TCUs remain chronically underfunded. Distribution of funds under title I of the Tribal College Act is enrollment driven. In fiscal year 2009, the 25 title I institutions received $5,494 per Indian student toward their operating budgets. If you factor in inflation, 28 years later the buying power of this appropriation is $1,115 LESS per Indian student than it was in the initial fiscal year 1981 appropriation, which was $2,831 per Indian student. While the other TCUs' operations funding is not enrollment driven and therefore the disparity is not as easily illustrated, they too suffer from a lack of adequate basic operating funds. This is not simply a matter of appropriations falling short of an authorization; it effectively impedes our institutions from having the necessary resources to grow their programs in response to the changing needs of their students and the communities they serve.

JUSTIFICATIONS

TCUs provide critical access to vital postsecondary education opportunities. TCUs provide access to higher education for American Indians and others living in some of the Nation's most rural and economically depressed areas. The 2000 Census reported the annual per capita income of the U.S. population as $21,587. However, the annual per capita income of Native Americans was $12,923 or about 40 percent less. In addition to serving their students, TCUs serve their communities through a variety of community outreach programs.

TCUs are producing a new generation of highly trained American Indians as teachers, tribal government leaders, engineers, nurses, computer programmers, and other much-needed professionals. By teaching the job skills most in demand on their reservations, TCUs are laying a solid foundation for tribal economic growth, with benefits for surrounding communities. In contrast to the high rates of unemployment on reservations, graduates of TCUs are employed in "high-need" occupational areas such as Head Start teachers, elementary and secondary school teachers, and nurses/healthcare providers. Just as important, the vast majority of tribal college graduates remain in their tribal communities, applying their newly acquired skills and knowledge where they are most needed.

TCUs meet the strict standards of mainstream accreditation boards offering top quality academic programs and serve as effective bridges to 4-year institutions of higher learning. A growing number of TCUs have attained a 10-year accreditation term, the longest term granted to any higher education institution. While most TCUs are 2-year institutions offering certificates and associate degrees, their transfer function is significant. A survey of TCU graduates conducted by Harder + Company Community Research, San Francisco, California, for the American Indian College Fund, indicated that more than 80 percent of respondents who attended a mainstream college prior to enrolling at a TCU did not finish the degree they were pursuing at the mainstream college. The rate of completion markedly improved for those who attended a TCU prior to beginning a degree program at a mainstream institution. After completing tribal college coursework, less than half of respondents dropped out of mainstream colleges and nearly 40 percent went on to earn a bachelor's degree. This illustrates TCUs' impact on the persistence of American Indian students in pursuit of baccalaureate degrees. The overwhelming majority of respondents felt that their tribal college experience had prepared them well for further education and noted that it had a very positive impact on their personal and professional achievements.

SOME ADDITIONAL FACTS

Enrollment Gains and New TCUs.—Compounding existing funding disparities is the fact that although the numbers of TCUs and students enrolled in them have dramatically increased since 1981, appropriations have increased at a disproportionately low rate. Since they were first funded, the number of tribal colleges has quadrupled and continues to grow; Indian student enrollments have risen by more than 310 percent. Between fiscal year 2005 and fiscal year 2009, four more TCUs became eligible to receive funds under title I of the Tribal College Act. TCUs are in many ways victims of their own successes. The growing number of tribally chartered col-

leges and universities and added students have forced TCUs to slice an already inadequate annual funding pie into even smaller pieces.

Local Tax and Revenue Bases.—TCUs cannot rely on local tax base revenue. Although tribes have the sovereign authority to tax, high reservation poverty rates, the trust status of reservation lands, and the lack of strong reservation economies hinder the creation of a reservation tax base. On reservations where TCUs are located, the unemployment rate can well exceed 60 percent. In comparison, the current national unemployment rate is 8.1 percent.

Trust Responsibility.—The emergence of TCUs is a direct result of the special relationship between American Indian tribes and the Federal Government. TCUs are founded and chartered by their respective American Indian tribes, which hold a special legal relationship with the Federal Government, actualized by more than 400 treaties, several Supreme Court decisions, prior congressional action, and the ceding of more than 1 billion acres of land to the Federal Government. Beyond the trust responsibility, the fact remains that TCUs are providing a public service that no other institutions of higher education are willing, or able, to provide by helping the Federal Government fulfill its responsibility to the American people, particularly in rural America. Despite the fact that only enrolled members of a federally recognized tribe or the biological child of a tribal member may be counted as Indian students when determining an institution's share of the operating funds, TCUs have open enrollment policies. Approximately 20 percent of TCU enrollments are non-Indians. These institutions are simply and effectively providing access to quality higher education opportunities to reservation community residents.

THE PRESIDENT'S FISCAL YEAR 2010 BUDGET

The President's fiscal year 2010 budget includes $62.5 million for the institutional operations of 26 TCUs. Over the past few years several new TCUs have become eligible for funding under title I of the Tribal College Act. In fiscal year 2009, White Earth Tribal and Community College in Mahnomen, Minnesota joined the list of eligible institutions, with Keweenaw Bay Ojibwa Community College in Baraga, Michigan expected to be eligible in fiscal year 2010. We are hopeful that Congress will build on the President's fiscal year 2010 budget. The President's fiscal year 2010 budget also includes $50 million to transition the TCUs' institutional operating grants to a forward funded program finally giving these institutions the resources they need at the beginning of each academic year. Additionally, funding is included in the budget for institutional operations funding for two tribally controlled postsecondary career and technical institutions, two BIE-operated postsecondary institutions, and the Institute of American Indian Arts.

APPROPRIATIONS REQUEST FOR FISCAL YEAR 2010

TCUs respectfully request the following for the programs authorized under the Tribal College Act (25 U.S.C. 1801 et seq.): $78 million for fiscal year 2010 institutional operations grants; of which, $53.3 million for title I grants (25 TCUs); $17.7 for title II (Diné College); and $7 million for title V ($4.5 million for United Tribes Technical College and $2.5 million for Navajo Technical College). Additionally, we seek $601,000 for the technical assistance contract authorized under the act, which is the same level as annually appropriated since fiscal year 2006, and increased funding to help the TCUs establish and fund endowments under title III of the Tribal College Act, which has been dramatically reduced in the past few budget/appropriations cycles. We also request a one-time appropriation of $50 million, which is included in the President's fiscal year 2010 budget and authorized under the act (25 U.S.C. 1810(b)(2)), needed to transition basic institutional operating grants to a forward-funded program.

CONCLUSION

TCUs provide quality higher education to many thousands of American Indians who might otherwise not have access to such opportunities. The modest Federal investment that has been made in TCUs has paid great dividends in terms of employment, education, and economic development. Continuation of this investment makes sound moral and fiscal sense.

We greatly appreciate your past and continued support of the Nation's TCUs and your serious consideration of our fiscal year 2010 appropriations requests.

PREPARED STATEMENT OF THE APPALACHIAN MOUNTAIN CLUB

Dear Madam Chairwoman and honorable members of the subcommittee: On behalf of our almost 90,000 members, the Appalachian Mountain Club (AMC) is honored to present this testimony in support of much needed funding for conservation programs in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill, including:

—$125 million for the USDA Forest Service Forest Legacy Program (FLP);
—$450 million for the Department of the Interior Land and Water Conservation Fund (LWCF) (including $325 million for Federal-side and $125 million for stateside programs);
—$11 million for the Department of the Interior Highlands Conservation Act;
—$12 million for the National Parks Service (NPS) Rivers, Trails, and Conservation Assistance Program.
—$75 million for the Community Forest and Open Space Conservation Program.

The above programs are essential to a healthy, happy, and thriving populous and provide economic, ecological, and recreational benefits to Americans across the country. Land conservation and recreational program support are vital to maintaining the health and well being of the Nation's lands and our citizens. The demands on these programs continue to grow despite the fact that funding for most of these programs have declined in recent years. There is a great need to fund these programs at the above requests and to work toward their full funding. The availability of public open space amid the populous Northeast and Mid-Atlantic regions benefits the well-being of the regions' citizenry and economy.

The AMC is the Nation's oldest recreation and conservation organization. Founded in 1876, our mission is to promote the protection, enjoyment, and wise use of the mountains, rivers and trails of the Appalachian region. With 12 chapters from Maine to Washington, DC, AMC is proud of our long tradition of stewardship and engagement in the outdoors.

Open space conservation in the East is a vital investment that ensures clean air and water, a sustainable supply of timber products produced from private and public forests, local food and farm products for millions of people, and diverse recreational opportunities including hiking, cross-country skiing, wildlife viewing, photography, and paddling. Conservation of these resources is needed now more than ever. According to a report by the U.S. Forest Service (USFS), Forests on the Edge, more than 44 million acres of private forests in the East will be developed in the next 30 years.

Priority Fiscal Year 2010 FLP Needs in the Northeast

For fiscal year 2010, we have assembled a list of exemplary FLP projects in the Northeast and Mid-Atlantic. Some of these projects, like the Katahdin Forest, Mahoosuc Gateway II, Musconetcong and Rockaway Rivers Watersheds are in need of funds to be completed. Others projects, such as the Tulmeadow Farm and Wolf Hill in Connecticut are new priorities that would protect unique and critical forests in the Eastern United States.

AMC respectfully requests a substantial increase in overall funding for the FLP at no less than $125 million in fiscal year 2010. The FLP has protected more than 1.7 million acres of forestland since 1990. For fiscal year 2010, the USFS received 84 project proposals from 44 States and territories to protect 288,530 acres with a total project value of more than $363 million. The FLP conserves working forests threatened by conversion to development or other uses, and promotes economic viability as well as recreational open space and wildlife protection. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change.

For fiscal year 2010, the AMC supports funding requests for the following FLP projects:

State	Project
ME	Katahdin Forest
ME	Rangeley High Peaks
NH	Cardigan Highlands
NH	Mahoosuc Gateway II
MA	Monson Forest Lands
MA	Southern Monadnock Plateau Phase II
MA	Metacoment-Monadnock Forest
NY	Follensby Pond
CT	Tulmeadow Farm

State	Project
CT	Wolf Hill
NJ	Musconetcong and Rockaway Rivers Watersheds

Priority Fiscal Year 2010 LWCF Program Needs in the Northeast

AMC respectfully requests a substantial increase in overall funding for the LWCF specifically $325 million for the Federal LWCF and $125 million for the LWCF stateside program, in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill. We applaud the LWCF funding increases provided by this subcommittee in fiscal year 2009. And, we are most thankful that the Obama administration budget recognizes the importance of this program by proposing significant increases for fiscal year 2010 and setting a goal to achieve full funding of the LWCF in the next 5 years.

The LWCF is our Nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units, and other Federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the Nation. The LWCF will provide important funds to obtain inholdings and lands adjacent to Federal lands such as the White Mountain National Forest, Silvio O. Conte National Wildlife Refuge (NWR), Wallkill NWR and Monongahela National Forest.

The LWCF stateside program provides close-to-home recreation through thousands of State and local parks across the country. These parks provide millions of urban and suburban residents the benefits of access to natural areas while promoting much needed tourism in local communities.

In fiscal year 2010, the AMC supports the following LWCF projects in our region:

State	Federal land unit
ME	Rachel Carson NWR
ME/NH	White Mountain National Forest
NH, VT, CT, MA	Silvio O. Conte NWR
NH	Lake Umbagog NWR
NH	Mahoosuc Gateway I
CT	Stewart McKinney NWR
NJ	Wallkill NWR
NJ	Great Swamp NWR
MD	Blackwater National Wildlife Refuge
WV	Monongahela National Forest

Fiscal Year 2010 Highlands Conservation Act (HCA) Needs

AMC respectfully requests a substantial increase in overall funding for HCA, including $10 million for land conservation and $1 million for USFS technical assistance funding. The HCA, passed in 2004, authorizes land conservation partnership projects and open space purchases from willing sellers in the four State Highlands region of Pennsylvania, New Jersey, New York, and Connecticut. The HCA includes authorization of $10 million in annual grants to the Highlands States and nonprofit conservancies from the Department of the Interior for land acquisition and easements. It also includes $1 million annually in technical assistance from the USFS to work with Highlands States and local municipalities to implement the conservation strategies outlined in the three comprehensive USFS studies of the region completed in 1992, 2002, and 2008.

This program has received only $5.25 million since it was initiated 5 years ago. While we greatly appreciate the subcommittee's efforts to support this program, and are thrilled that the program had its own line-item in the fiscal year 2009 omnibus bill, we are in dire need of additional funds to fulfill the purposes of the HCA and complete projects that have strong public support. According to a study by the USFS, open space in New York and New Jersey alone is disappearing at a rate of 5,000 to 6,000 acres a year. The four State Highlands Region is the backyard for the more than 25 million people living in or around the large cities of the Mid-Atlantic States, and provides critical drinking water, wildlife habitat, and abundant and accessible recreation opportunities. Current projects in Pennsylvania, New Jersey, New York, and Connecticut share strong local support, commitments from State and private sources to provide matching funding, and will protect important water supplies, forests, farmland, recreational opportunities and wildlife habitat.

In fiscal year 2010, the AMC supports funding for the following HCA projects:

State	Project
CT	Ethel Walker II
CT	Naugatuck/Mad River Headwaters
NY	Greater Sterling Forest
NJ	Northern Highlands
PA	Texter Mountain

Fiscal Year 2010 Community Forest and Open Space Conservation Program Needs

AMC respectfully requests funding of $75 million for this important new program. The Community Forest and Open Space Conservation Program will provide communities matching funds to purchase critical forestland tracts and provide technical assistance through State forestry agencies for outstanding forest management. The program provides 50–50 matching funds to help local governments, tribes, and nonprofit organizations acquire forest areas that are economically, culturally, and environmentally important to that locality and threatened by development. The program differs from the FLP by providing grants directly to local governments and nonprofits for full fee acquisition, not conservation easements. The program's criteria are built around evaluation of a project's community impact and it requires public access and active community engagement in forest planning for parcels.

Priority Fiscal Year 2010 Recreational Programs Needs

In addition to the important land conservation projects from the Katahdin Forest in Maine to Texter Mountain in Pennsylvania, the AMC respectfully urges the subcommittee to ensure the viability of programs that support outdoor recreation in America. The AMC echoes the testimony of the American Hiking Society in support of diverse and strong funding levels for important recreational priorities.

Fiscal Year 2010 Rivers, Trails and Conservation Assistance Needs

AMC respectfully requests a substantial increase in overall funding for Rivers, Trails Conservation Assistance program and requests $12 million nationwide. Through this NPS program, partners protect 700 miles of rivers, create 1,300 miles of trails and conserve more than 60,500 acres of open space annually, promote alternative transportation, brownfield redevelopment, youth conservation and floodplain planning. Funding would counteract the steady erosion of funding and reduced staffing. This program receives less than 1 percent of NPS funding, but Federal funds are leveraged many times over with State, local, and partnership cooperation and in-kind matches.

Thank you for the opportunity to submit this testimony for your consideration.

PREPARED STATEMENT OF AMIGOS DE LA SEVILLETA

Dear Madam Chairman and members of the subcommittee: I would like to thank you for the opportunity to present testimony in support of an appropriation of $2 million from the Land and Water Conservation Fund (LWCF) to protect land at the Sevilleta National Wildlife Refuge (NWR) in New Mexico. This funding will allow the U.S. Fish and Wildlife Service (FWS) to acquire the 250-acre first phase of the Indian Hill Ranch property.

Before I begin describing this project, I would like to discuss the importance of the LWCF to Sevilleta NWR and to national wildlife refuges around the country. The LWCF is the premier Federal land protection program and enables refuges to protect vital wildlife habitat, water resources, and recreational lands and improve public access and land management by consolidating holdings and acquiring inholdings.

I respectfully urge a substantial increase in overall funding for the LWCF, specifically urging the subcommittee to provide $325 million for the Federal LWCF in the fiscal year 2010 Interior, Environment, and Relted Agencies appropriations bill. And, we are most thankful that the Obama administration budget recognizes the importance of these programs by proposing significant increases for fiscal year 2010 and setting a goal to achieve full funding of the LWCF in the next 5 years.

Covering an area of approximately 360 square miles and located just 40 miles south of Albuquerque, the largest city in the State, the Sevilleta NWR serves as a vast, protected landscape in the heart of New Mexico. The refuge supports four major ecological habitats, encompassing two mountain ranges and containing approximately 4 miles of the Rio Grande River. Much of the refuge is managed to enhance riparian habitat and compensate for marsh loss along the Rio Grande basin. The refuge provides important habitat for a large variety of birds, insects, reptiles,

and mammals such as beaver, coyote, bobcat, fox, jackrabbit, and elk. Parts of the refuge are flooded from November to February in order to provide habitat for migrating shorebirds and waterfowl including herons, ducks, geese, and sandhill cranes. The refuge is also managed to combat nonnative species such as the extremely invasive salt cedar. This nuisance species is being cleared and replaced with native willow and cottonwood to restore the natural bosque/riparian habitat native to the area.

Available for acquisition in fiscal year 2010 is the first phase of the 1,250-acre Indian Hill Farms property, which lies adjacent to 3 miles of the Rio Grande as well as current refuge lands. Indian Hill Farms comprises more than 600 acres of prime irrigated farmland and a very significant quantity of senior water rights which will provide the refuge with excellent opportunities for the creation of wildlife habitat, including moist soils, wetlands, and restored river bosque. The Sevilleta NWR is home to the second largest population of the endangered southwestern willow flycatcher along the Rio Grande River. If Indian Hill Farms is added to refuge ownership, there are plans to restore a portion of the property to provide additional prime flycatcher habitat. Because the farm is the first to take water rights off the important San Acacia Dam, located just off the edge of the farm, control of the water rights by the FWS should also provide additional protection and benefit to the endangered silvery minnow, found within portions of the Rio Grande that run through the refuge.

Given the water rights associated with the property and its location along the Rio Grande, acquisition of the Indian Hill Farms property could provide the refuge system a tremendous opportunity for habitat manipulation for a number of different wildlife uses, including endangered species habitat, wintering waterbird habitat, migratory landbird use, as well as raptor and resident big game habitat. Its location between two major wintering waterfowl areas, Ladd S. Gordon Complex to the north and Bosque del Apache NWR to the south, makes this a key acquisition to enhance waterfowl populations in the Middle Rio Grande area.

Currently, Sevilleta NWR offers limited public access as much of its acreage has been designated to ongoing research projects. Sevilleta NWR is the host to the University of New Mexico's (UNM) Long-Term Ecological Research program initiated in 1988 and funded through the National Science Foundation. This program focuses on examining the responses of different ecological communities to climate change, among other topics, and UNM has expressed great interest in research projects that would be associated with the planned conversion of farmland to wildlife habitat should Indian Hill Farms be acquired by the refuge.

An appropriation of $2 million in fiscal year 2010 will ensure that the first phase of the Indian Hill Farms property is protected in perpetuity. The FWS is pursuing the administrative steps necessary to include the Indian Hill Farms property within refuge boundaries. The addition of this priority parcel to the Sevilleta NWR will allow for the creation and restoration of important wildlife habitat types along the Rio Grande River, increase public access to refuge lands, and increase unique research opportunities for local scientists.

Thank you again, Madam Chairman, for the opportunity to present this testimony in support of the acquisition effort at Sevilleta NWR in New Mexico.

PREPARED STATEMENT OF THE ASSOCIATION OF PERFORMING ARTS PRESENTERS

The Association of Performing Arts Presenters (Arts Presenters) urges the subcommittee to approve fiscal year 2010 funding for the National Endowment for the Arts (NEA) at a level of $200 million. With audiences of 6 million people per week for performances in virtually every community in the Nation, the American performing arts presenting industry has combined annual expenditures in excess of $9.8 billion. The performing arts presenting field supports more than 900,000 jobs, including the employment of artists and those who help manage and present them, and supports many more services related to performing arts events, such as hotel stays, restaurants, transportation, and parking.

Many of the organizations in the performing arts presenting field offer educational outreach to school children, programs for the elderly, and provide artists who reach deeply into their communities to bridge social gaps and improve the quality of life for those who may be less advantaged. Founded in 1957, Arts Presenters is the national service organization for the field of performing arts presenting. Nearly 2,000 members represent the Nation's leading performing arts centers, civic and university performance facilities, amphitheaters, college and university theatres, local arts agencies, festivals, fairs, park sites, and museums. Arts Presenters also provides services to touring artists and companies, their managements and agents.

Our membership includes a range of organizations with multi-million dollar budgets to budgets of $3,000 and individuals who are artists or independent performing arts professionals; two-thirds of the membership and wider presenting field are organizations with small budgets under $1.5 million (the largest segment of which is under $500,000).

We continue to track the value and impact of the performing arts to communities, including our economic impact, and recent survey indicators point to an industry concerned with the overall impact the current economic crisis has on the operating environment for our field and the increased difficulty of resolving the many challenges presenting organizations already faced before the deep recession. We must ensure that every performing arts presenter continues to build upon and contribute to the economic engine and cultural infrastructure in those communities in which they serve.

While we are far from achieving a cultural democracy, the idea that arts and culture be woven into all aspects of life is essential to both preparing an innovative workforce in the 21st century and bridging the deep socioeconomic gaps that continue to plague underserved and underprivileged communities in various pockets of the country. As a Nation, we are wise to look back on our rich history of integrating the arts and culture in times of need to help us move forward. Like many of the cultural projects President Franklin Roosevelt launched to get the United States out of the Great Depression, and the decades of United States Information Agency support of arts encounters and exchanges that provided powerful images of a diverse American citizenry and cultural landscape, the NEA should have an opportunity to expand its ability to serve the American public with an increased level of funding to help projects that capture the spirit, optimism, creativity, and imagination as well as demonstrate the value the performing arts offer in critical times to a Nation in crisis.

In the most completed grant year, fiscal year 2008, the NEA's Grants to Organizations included 90 grants to 85 Arts Presenters organizations and the communities they serve, supporting arts education for children, adults, disabled, underserved and underprivileged, preserving great classical, jazz and choreography works, fostering the creative endeavors of contemporary classical musicians and composers, and expanding public access to performances and exhibitions.

2009 NEA FUNDING HIGHLIGHTS

Learning in the Arts for Children and Youth

A grant designed to advance arts education for children and youth in school-based or community-based settings, this category supports in-depth, curriculum-based arts education experiences that occur over an extended period.

(Burlington, Vermont). Flynn Center for the Performing Arts, Ltd. (Consortium)

To Support Words Come Alive.—Designed and implemented in partnership with the Burlington School District, summer training, workshops, and classroom collaborations will be featured activities for elementary school teachers in theater and dance—$45,000

American Masterpieces: Presenting

A grant designed to celebrate the extraordinary and rich contribution that presenters make in American communities.

(Hanover, New Hampshire). Dartmouth College (on behalf of Hopkins Center).

To Support Presentations of Influential Works and Residency Activities at the Hopkins Center.—Performer Meredith Monk, Pilobolus Dance Theatre, Vanguard Jazz Orchestra, and choreographer Trisha Brown will participate in workshops, postperformance discussions, school visits and matinees, master classes, and public discussions—$60,000

Challenge America

A grant designed to identify and support projects that connect the arts—and artist—to their broader communities through collaborative works.

(Billings, Montana). Alberta Bair Theater Corporation.

To support New Music for the Old West, a concert series featuring diverse musical styles. Proposed guest artists ScrapArtsMusic (rooted in world music traditions), the string quartet Ethel, jazz vocalist Rachael Price, Edgar Meyer, and Mike Marshall (masters of modern acoustic music), and the American Chamber Players will perform and participate in outreach activities for audiences from Montana and northern Wyoming—$10,000

Access to Artistic Excellence

A grant designed to encourage and support artistic creativity, preserve our diverse cultural heritage and make the arts more widely available in communities throughout the country, especially by providing access to underserved populations.

(San Francisco, California). Yerba Buena Center for the Arts (aka YBCA) (Consortium).

To Support the African Consortium.—In partnership with Mapp International Productions in New York City, the international exchange initiative is designed to create a new level of artistic collaboration between artists and arts organizations and develop cultural dialogue between the United States and African countries through activities such as panels, seminars, workshops, performances, residencies, interview, and a Web site—$40,000

(Providence, Rhode Island). FirstWorks.

To Support the Production of FirstWorksProv Festival 2009.—The program of performing arts premieres will be accompanied by community and outreach activities, such as forums, workshops, master classes, school programs, and discounted admissions—$15,000

(Helena, Montana). Helena Presents (aka Myrna Loy Center).

To Support a Series of Commissioning, Presenting, and Residency Projects at the Myrna Loy Center.—Guest artists will create new works in collaboration with local and regional artists. $35,000

State Partnership Grants

Arkansas Arts Council; Little Rock, Arkansas; $697,800 to support Partnership Agreement activities

California Arts Council; Sacramento, California; $1,194,800 to support Partnership Agreement activities

I would like to thank you for this opportunity to reinforce the positive and meaningful contributions the NEA makes to ensure access to participation in the performing arts for tens of millions of Americans throughout the country each year and for thousands of performing arts presenters to serve the millions of audience members they directly reach across the country. We believe that arts experiences exemplify and ignite the ingenuity and creativity needed to prepare a competitive workforce ready to meet existing and emerging global challenges. We also believe access to quality arts programs for students of all ages enrich their academic achievements and advance their overall development. The Endowment provides an exemplary platform for upholding the highest standards for artistic endeavors while increasing access to and participation in the arts for the underserved and underprivileged communities. Together with the NEA, we are committed to building and supporting a strong cultural infrastructure nationwide and opportunities for direct participation in the arts in each and every community. We urge you to actively support the funding level increase for fiscal year 2010 by approving $200 million in funding for the NEA.

PREPARED STATEMENT OF THE AMERICAN PUBLIC POWER ASSOCIATION

The American Public Power Association (APPA) is the national service organization representing the interests of more than 2,000 municipal and other State and locally owned utilities throughout the United States (except but Hawaii). Collectively, public power utilities deliver electricity to 1 of every 7 electric consumers (approximately 45 million people), serving some of the Nation's largest cities. However, the vast majority of APPA's members serve communities with populations of 10,000 people or less.

We appreciate the opportunity to submit this statement outlining our fiscal year 2010 funding priorities within the jurisdiction of the Interior, Environment, and Related Agencies Subcommittee.

ENVIRONMENTAL PROTECTION AGENCY: ENERGY STAR PROGRAMS

APPA was pleased that the American Recovery and Reinvestment Act of 2009 included $300 million for the Energy Star program. We urge the subcommittee to allocate the same amount for fiscal year 2010 for Energy Star program.

Energy Star is a voluntary partnership program pairing the Environmental Protection Agency (EPA) with businesses and consumers nationwide to enhance investment in underutilized technologies and practices that increase energy efficiency while at the same time reducing emissions of criteria pollutants and greenhouse gases. In particular, APPA member systems across the country have been active participants in a subset of the Energy Star program called "Green Lights." The

Green Lights program encourages the use of energy efficient lighting to reduce energy costs, increase productivity, promote customer retention, and protect the environment.

According to the EPA, Energy Star is saving businesses, organizations, and consumers more than $9 billion a year, and has been instrumental in the more widespread use technological innovations like LED traffic lights, efficient fluorescent lighting, power management systems for office equipment, and low-standby energy use.

ENVIRONMENTAL PROTECTION AGENCY: LANDFILL METHANE OUTREACH PROGRAM

APPA supports robust funding for the Landfill Methane Outreach Program (LMOP) at EPA under the Environmental Program Management, Climate Protection Program budget. While we recognize that LMOP is not a budget line-item, APPA encourages the subcommittee to highlight the importance of LMOP by including report language directing the EPA to provide adequate funding for the program. The Landfill Methane Outreach Program helps to partner utilities, energy organizations, States, tribes, landfill gas industry, and trade associations to promote the recovery and use of landfill gas as an energy source. According to the EPA, LMOP has more than 700 partners that have signed voluntary agreements to work with EPA to develop cost-effective, landfill-gas-to-energy (LFG) projects. There are approximately 445 operational LFG energy projects in the United States with approximately 110 projects currently under construction or exploring development options and opportunities. LMOP has also developed detailed profiles for more than 1,300 candidate landfills.

Landfill gas is created when organic waste in a landfill decomposes. This gas consists of about 50 percent methane and about 50 percent carbon dioxide. Landfill gas can be captured, converted, and used as an energy source rather than being released into the atmosphere as a potent greenhouse gas. Converting landfill gas to energy offsets the need for nonrenewable resources such as coal and oil, and thereby helps to diversify utilities' fuel portfolios and to reduce emissions of air pollutants from conventional fuel sources.

In 2005, all operational LFG energy projects in the United States prevented the release of 19 million metric tons of carbon equivalent. This reduction is the carbon equivalent of removing the emissions from 13.3 million vehicles on the road or planting 19 million acres of forest for 1 year. This reduction also has the same environmental benefit as preventing the use of 162 million barrels of oil or offsetting the use of 341,000 railcars of coal.

As units of local and State governments, APPA's member utilities are uniquely positioned to embark on LFG projects. EPA's LMOP facilitates this process by providing technical support and access to invaluable partnerships to our members and the communities they serve.

COUNCIL ON ENVIRONMENTAL QUALITY (CEQ)

APPA is disappointed with the enacted level of $2.7 million for fiscal year 2009 for the White House's CEQ, and urges the subcommittee to consider allocating at least $3.2 million for this office. Public power utilities have experienced a general lack of consistency in Federal Government regulations, particularly involving environmental issues. While additional layers of government should be avoided, a central overseer can perform a valuable function in preventing duplicative, unnecessary and inconsistent regulations. CEQ is responsible for ensuring that Federal agencies perform their tasks in an efficient and coordinated manner.

UNITED STATES GEOLOGICAL SURVEY: CARBON SEQUESTRATION STUDIES

APPA urges the subcommittee to include at least the fiscal year 2009 funding level of $3 million to implement the required geological and biological carbon sequestration studies as required in the Energy Independence and Security Act of 2007. As the Federal Government moves to enact legislation to address global climate change, the research the United States Geological Survey (USGS) is doing on carbon sequestration will become increasingly important. The USGS has been doing research on storing CO_2 in depleted oil and gas reservoirs, deep coal seams, and brine formations.

PREPARED STATEMENT OF AMERICAN RIVERS

American Rivers, on behalf of our 65,000 supporters nationwide urges the subcommittee to provide $5,684,662,000 for the following programs in the Interior, En-

vironment, and Related Agencies appropriations bill for fiscal year 2010. I request that this testimony be included in the official record.

ENVIRONMENTAL PROTECTION AGENCY

The Clean Water State Revolving Fund (SRF) provides capitalization grants to States, which in turn provide low-cost loans to communities for a variety of programs to clean up impaired water bodies and protect pristine waters. This program has been extremely effective in helping communities to improve water quality and provide safe drinking water. The annual need for clean water funding is close to $20 billion. Historically, the Federal Government has provided between 10 and 20 percent of those funds or what should be $2 to $4 billion. The SRF programs have also been used to fund nonstructural projects that reduce nonpoint source pollution, protect estuaries, prevent contamination of drinking source waters, and reduce polluted runoff by protecting natural areas and other "green infrastructure," such as stream buffers. These approaches are often more cost-effective then traditional pipe and cement options and provide a wide array of environmental and social benefits, including open space, wildlife habitat, recreation, and improved water supply. American Rivers urges the subcommittee to appropriate $2.4 billion for the Clean Water SRF and $2 billion for the Drinking Water SRF in fiscal year 2010. Additionally, within the funds appropriated for the Clean Water SRF at least 20 percent should be dedicated to low-impact development or nonstructural green infrastructure to deal with stormwater run-off and combined sewer overflows; and within the funds appropriated for the Drinking Water SRFs at least 20 percent should be dedicated to water efficiency projects that reduce overall demand for clean drinking water.

WaterSense is modeled on the highly successful, universally recognized and sought after EnergyStar program—it works with local water utilities, product manufacturers, and retailers to encourage the use of water-efficient products and practices among individuals and developers. Water efficiency is a much more cost-effective way to help local markets manage water supplies than developing new sources. Water supply infrastructure is a major local and Federal cost across the United States, and water efficiency can lessen the stress on both water treatment and wastewater treatment systems and extend their useful life. Environmental Protection Agency (EPA) estimates that if all U.S. households installed water-efficient appliances, the country would save more than 3 trillion gallons of water and more than $18 billion per year, and reduce Americans' water and sewer bills by one-third. American Rivers urges the subcommittee to appropriate $7.5 million for the WaterSense program in fiscal year 2010.

The establishment of Total Maximum Daily Loads (TMDLs) allows States and the EPA to identify all sources of water quality impairment to rivers, streams and lakes that do not meet water quality standards, develop specific goals for improvement, and design plans to reduce pollutant loads into receiving water bodies. The development of strong TMDLs by the States done through funding under section 106 of the CWA requires a commitment of adequate resources. American Rivers urges the subcommittee to appropriate $250 million for State Program Management Grants in fiscal year 2010.

Nonpoint Source Management Program (Clean Water Act, section 319) grant money that States, territories, and Indian tribes can use for a wide variety of nonpoint source pollution reduction activities including technical and financial assistance, education, training, technology transfer, demonstration projects, and monitoring. American Rivers urges the subcommittee to appropriate $250 million for section 319, the Non-point Source Management Program in fiscal year 2010.

The Targeted Watersheds Grants program provides direct grants to a limited number of watershed groups, tribes, and communities working to improve water quality. Portions of these funds are designated for technical assistance programs and to train community groups engaged in watershed-level protection and restoration projects. This training is essential to protect and restore the Nation's rivers and watersheds. American Rivers urges the subcommittee to appropriate $35 million, including $3.5 million dedicated to technical assistance for Targeted Watersheds Grants in fiscal year 2010.

WILD AND SCENIC RIVERS

The National Wild and Scenic Rivers System protects free-flowing rivers with outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. The Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), National Park Service (NPS), and Forest Service (USFS) share responsibility for conducting studies to determine if rivers qualify for designation, and administering and developing river management plans for designated riv-

ers. Unfortunately, none of these agencies receive sufficient funding to adequately protect the Wild and Scenic Rivers System, as Congress intended. Streams are becoming degraded and restoration is needed in many locations. Increased funding will allow these agencies to better manage and protect designated rivers and promote their values to the public. American Rivers urges the subcommittee to appropriate a total of $38.862 million for the management of the Wild and Scenic River System fiscal year 2010. These funds should be split as follows: USFS—$9 million for wild and scenic river management, $6 million for the completion of river studies and the creation of river management plans; BLM's National Landscape Conservation System—$7 million for WSR management and $5 million for completion of WSR studies; FWS—$1,787,000 for wild and scenic river management, restoration and studies; NPS Rivers and Trails Studies—$1 million for wild and scenic rivers studies and $16 million for wild and scenic river management; NPS Partnership Wild and Scenic Rivers—$2.746 million for management of the wild and scenic rivers.

KLAMATH RIVER RESTORATION

PacifiCorp operates five mainstem dams—two in Oregon and three in California—on the Klamath River. These dams cut off more than 300 miles of once-productive salmon spawning and rearing habitat in the Upper Klamath. The dams also create toxic conditions in the reservoirs that threaten the health of fish and people. Salmon populations have plummeted to less than 10 percent of historic numbers, and the commercial salmon fishing industry was virtually shutdown along 700 miles of coastline in California and Oregon in 2006. The fishery closure caused more than $100 million damage to California and Oregon economies, and harmed numerous fishing communities. Native American tribes throughout the Klamath basin have treaty rights to fish salmon, but lower basin tribes have had to drastically reduce their catch to protect the salmon runs, and upper basin tribes have not seen salmon in their waters for nearly 100 years. The Agreement in Principle released November 13, 2008 is intended to guide the development of a final settlement agreement in June 2009 and includes provisions to remove PacifiCorp's four mainstem dams in 2020. The Restoration of the Klamath River will represent the biggest dam removal and river restoration effort the world has ever seen. PacifiCorp will be responsible for much of the costs, but the Department of the Interior will be required to provide on the ground support and technical assistance. American Rivers urges the Committee to appropriate the Klamath River Restoration $7.5 million in fiscal year 2010 through the Department of the Interior.

FWS

The National Fish Passage Program has opened more than 3,750 miles of river and restored 69,000 acres of wetlands for fish spawning and rearing habitat. Restoring fish migration enhances entire watersheds and benefits birds and mammals, such as eagles, ospreys, herons, kingfishers, brown bears, otters, and mink. Since its inception in 1999, working with local, State, tribal, and Federal partners, the Fish Passage Program has leveraged Federal dollars nearly 3 to 1. The Fish Passage Program is also one-half (with NOAA) of the $12 million Open Rivers Initiative which will provide grants to communities and local dam owners to remove their dams that no longer make sense. Many others are either dilapidated, having outlived their 50-year life expectancy, or are no longer providing the benefits for which they were built. These dams are unnecessarily degrading the riverine ecosystem and holding up economic development. These restoration projects provide significant environmental improvements and offer noteworthy economic and societal benefits. They create new opportunities for recreational fishing, river rafting, and kayaking; provide cost savings by eliminating the need for dam repairs; and remove safety and liability risks associated with outdated structures. American Rivers urges the subcommittee to appropriate the National Fish Passage Program $11 million in fiscal year 2010, of which $6 million should be dedicated to the implementation of the Open Rivers Initiative.

The Partners for Fish and Wildlife Program provides financial and technical assistance to landowners to restore degraded habitat on their property. The program completed thousands of projects across the country, restoring more than 150,000 acres of wetlands and more than 300 miles of riverine habitat. American Rivers urges the subcommittee to appropriate $52 million for the Partners for Fish and Wildlife program in fiscal year 2010.

The Coastal Program is an effective partnership that brings together FWS scientists, land trusts, biologists, and other conservation partners to protect and restore habitat in coastal regions and coastal rivers. These partnerships allow the

Coastal Program's dollars to be matched at least 2 to 1 for on-the-ground work. The Coastal Program completed hundreds of projects in across the country, restored more than tens of thousands of acres of wetlands and miles of riverine habitat. American Rivers urges the subcommittee to fund the FWS's Coastal Program at $15 million in fiscal year 2010.

NPS

The Rivers, Trails and Conservation Assistance Program (RTCA) has helped produce some of the best examples of conservation based local-Federal partnerships by providing communities with assistance to help revitalize riverfronts, protect open space, and build trails and greenways. If funded at $12 million, RTCA could expand to assist approximately 200 additional projects in new and currently underserved locations. American Rivers urges the subcommittee to fund the RTCA program at $12 million in fiscal year 2010.

Elwha River Restoration.—Removal of Glines Canyon and Elwha dams will restore salmon access to the Elwha river's wilderness heart in the Olympic National Park for the first time in 100 years. This dam removal will produce a landmark in river restoration for our national parks and an unprecedented opportunity to study a large dam removal and its impact on the river and wild salmon populations. American Rivers urges the subcommittee to provide $40 million to complete the restoration of the Elwha River ecosystem and its fisheries in fiscal year 2010.

U.S. GEOLOGICAL SURVEY

These water resource investigation programs provide a strong and unbiased source of information on water quality conditions and trends on the health of our Nation's rivers and water supply. American Rivers urges the subcommittee to provide the following amounts in fiscal year 2010:

—National Water Quality Assessment Program: $70 million
—Toxic Substances Hydrology Program: $17.4 million
—National Streamflow Information Program: $28.4 million

LAND AND WATER CONSERVATION FUND

LWCF provides much-needed dollars for purchasing ecologically important watersheds. LWCF has proven highly successful, projects have helped States and localities purchase millions of acres of land and advanced river restoration through acquisition of riverside lands to serve as buffer zones. The highest-priority projects for river conservation are the FWS's $2.5 million need for the acquisition of the 500-acre Bower Hill parcel to add to the Rappahannock River NWR in Virginia; NPS's $3.1 million need to complete the 95 acres acquisition of the Hyde Farm parcel to add to the Chattahoochee River NRA in Georgia, $2.69 million need for the acquisition of the 1,840 acres of the Riverstone tract to be part of the Congaree NP in South Carolina, $1 million for the acquisition of 534 acres to be added to the New River Gorge National River in West Virginia; BLM's $1.2 million need for the acquisition of 101 acres along the Crooked River Canyon to add to Oregon's Wild & Scenic Rivers; and USFS's $1.5 million need for the acquisition of the 901 acres Cedar Creek parcel to add to Chattahoochee/Oconee Riparian Project in Georgia, $1.2 million to acquire the 84 acres of Bear Mountain adding to the Charrahoochee NF in Georgia, $8 million to acquire 5,025 acres of the Little Truckee & Middle Yuba Headwaters to add to the Sierra Checkerboard, Tahoe NF in California, $4 million to purchase 735 acres of Reeb Mining Claims to protect three headwater tributaries of the Yellowstone and Stillwater Rivers adding to the Custer and Gallatin NF in Montana, $3 million to purchase 7,800 acres of the Bear Creek Ranch adding to the Gila National Forest in New Mexico, $4.5 million to purchase 5,000 acres along the John Day River adding to the Malheur National Forest in Oregon, $5 million to purchase 2,700 acres along the Blackwater River adding to the Monongahela National Forest in West Virginia, and $2.2 million need for the acquisition of the 160 acres Morgan Ranch parcel to add to Idaho Wild & Scenic Rivers in Idaho. American Rivers urges the subcommittee to appropriate at least $450 million for the LWCF in fiscal year 2010.

PREPARED STATEMENT OF THE AMERICAN SOCIETY OF AGRONOMY

Dear Chairwoman Feinstein, Ranking Member Alexander, and members of the subcommittee: On behalf of the American Society of Agronomy, Crop Science Society of America, Soil Science Society of America (ASA–CSSA–SSSA), I am pleased to submit comments in strong support of enhanced public investment in the U.S. For-

est Service (USFS), U.S. Geological Survey (USGS), and U.S. Environmental Protection Agency (EPA) as critical components of Federal appropriations for fiscal year 2010 and beyond. With more than 25,000 members and practicing professionals, ASA–CSSA–SSSA are the largest life science professional societies in the United States dedicated to the agronomic, crop and soil sciences. ASA–CSSA–SSSA play a major role in promoting progress in these sciences through the publication of quality journals and books, convening meetings and workshops, developing educational, training, and public information programs, providing scientific advice to inform public policy, and promoting ethical conduct among practitioners of agronomy and crop and soil sciences.

SUMMARY

ASA–CSSA–SSSA understand the budgetary challenges the Senate Appropriations Interior, Environment, and Related Agencies Subcommittee faces in fiscal year 2010. We also recognize that the Interior, Environment, and Related Agencies appropriations bill has many valuable and necessary components, and we applaud the efforts of the subcommittee to fund the USFS, USGS, and EPA.

USFS sustains the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. Soils are a vital component of forest management, and their understanding is essential to achieve USFS's strategic goals, yet vital programs that are essential for improved soil quality have been consistently under-funded. The Societies are concerned with past transfers of funding for USFS away from base programs to support wildland fire suppression. ASA–CSSA–SSSA appreciate the more than 3 percent increase provided by the subcommittee to USFS core (without wildland fire management funds) programs which brought fiscal year 2009 funding to $2,614,164,000. For fiscal year 2010, we recommend $2,875,580,400, a 10 percent increase more than fiscal year 2009, thus putting USFS back on track toward properly managing the 749 million acres of forests in the United States for the services they provide: clean water and air; recreational opportunities; hunting; fishing; forest products; and scenic values.

USGS provides reliable scientific information to describe and understand the Earth; minimize loss of life and property from natural disasters; and protect the Nation's natural resources. ASA–CSSA–SSSA applaud the subcommittee's support for an additional $200 million in the American Recovery and Reinvestment Act of 2009 to repair and modernize USGS science facilities and equipment and support other areas. For fiscal year 2010, we recommend $1.3 billion for USGS, a 24.5 percent increase more than the fiscal year 2009 level of $1.043 billion. Only a concerted, long-term effort to boost USGS funding will produce the knowledge and tools needed to appropriately manage and meet the many challenges facing the Nation's water, biological, energy, and mineral resources, while enhancing and protecting our quality of life.

In order to fulfill its mission, the EPA needs increased investments in socioeconomic, sustainability, ecological, and exploratory research as well as partnerships with academia and State and local government. These areas are essential to move environmental protection from a command-and-control regulatory system to a more rational, compliance-based approach. For EPA Science and Technology for fiscal year 2010, ASA–CSSA–SSSA recommend a funding level of $845,354,570, a 7 percent increase more than fiscal year 2009 and for Environment Programs and Management, $2,559,524,000, also a 7 percent increase.

USFS

Forest and Rangeland Research

The Forest Service Research (FSR) soils program examines key environmental issues: nutrient cycling, impact of acid rain on soil function, management impacts on soil productivity, plant nutrition, soil moisture, plant growth relationships, soil microbial functions, and soil quality concepts. Past investments in soils research have yielded great benefits to the Nation, e.g., Research soil scientists described the environment-plant-soil carbon relations in the very carbon-rich black spruce forests needed to assist forest managers in understanding how to manage the soil carbon pool after fire disturbance, which is predicted to increase in a warming climate. ASA–CSSA–SSSA applaud the more than 3 percent increase provided by the subcommittee for Forest and Rangeland Research in fiscal year 2009, and for fiscal year 2010 we recommend increasing Forest and Rangeland Research funding by 7 percent ($20,746,600) bringing total funding to $317,126,600. Within Forest and Rangeland Research, we urge the subcommittee to fund Resource Management and Use at the highest level possible. If funding increases do not occur, USFS will be unable to replace recently retired research soil scientists, and there will also be a loss of

capability to maintain measurements on the national Long Term Site Productivity study that guides USFS sustainability requirements.

NATIONAL FOREST SYSTEM (NFS)

Fresh water is a critical resource that is becoming scarce in many regions. It is essential that we continue to manage our forests to promote healthy watersheds, through effective monitoring. ASA–CSSA–SSSA support a funding level of $179,310,000, a 7 percent increase, for inventory and monitoring program in fiscal year 2010. We also recommend $193,067,590, a 7 percent increase, in funding for vegetation and watershed management. Soil is the natural filter, often overlooked, vital for healthy watersheds. Past investments in NFS have yielded enormous benefits to society—Soil scientists annually provide critical soil resource information to Burned Area Emergency Response teams evaluating the environmental effects and developing rapid management responses for hundreds of wildfires. Strong funding for NFS will allow USFS to start a resource inventory of the remaining 59.7 million acres of National Forest land currently scheduled; adequately continue monitoring the effects of land management activities on forest and range sustainability as required by the National Forest Management Act of 1976; and maintain a viable scientific knowledge base when retiring soil scientists are not replaced.

USGS

Geographic Research, Investigations, and Remote Sensing

Land use and change are major issues of concern for the Nation. Satellite imagery is used by a variety of stakeholders: Government agencies such as the USGS, EPA, National Science Foundation (NSF), and United States Department of Agriculture (USDA); Universities-land grants and private; and private sector environmental managers and planners. Precision agriculture utilizes remote sensing, in combination with GIS and GPS, to develop farm-specific management maps reducing over-application of nutrients and loss in sensitive areas. ASA–CSSA–SSSA are concerned with the 6.96 percent ($5,407,000) cut made to geographic research, investigations, and remote sensing in fiscal year 2009. We urge the subcommittee to fund the geographic analysis and monitoring program at $11,339,860, a 7 percent increase more than fiscal year 2009. This funding level will help ensure access to a common set of current, accurate, and consistent data and scientific information that describe the Earth's land surface to help inform decisions by policymakers, resource managers, researchers, citizens, and the private sector.

WATER RESOURCES INVESTIGATIONS

Water is a limiting resource for many regions of the United States; certain regions have been in a sustained drought for several years. ASA–CSSA–SSSA recommend $161,962,960 in funding, a 7 percent, for hydrologic, monitoring, assessments and research (HMAR) for fiscal year 2010. Within HMAR, critical programs—ground water resources, toxic substances hydrology, and hydrologic research and development—deserve special funding consideration. ASA–CSSA–SSSA appreciate the subcommittee's support for National Water Quality Assessment (NAWQA) program which raised total funding to $65,056,000 for fiscal year 2009. For fiscal year 2010, we recommend an additional $4,553,920 (7 percent increase) for NAWQA which will bring total funding to $69,609,920. This strong funding level will significantly increase the ground water monitoring capacity in USGS and allow for annual monitoring at the 113 active sites, demonstrating the Government's commitment to providing clean available water under increasing demands. Aquifers are the leading source of fresh water across the country and it is essential we monitor and maintain this ecosystem service. Nutrient loading of the Mississippi River has been linked to the hypoxia zone in the Gulf of Mexico. January 2008, NSF released a press release (08–010) that concluded agriculture is changing the chemistry of the Mississippi River due to increased carbon and water loading. As more farm acreage is converted to biofuels, there is increasing potential for these systems to load major river systems. ASA–CSSA–SSSA request a funding level of $8.8 million, a 35 percent ($2,300,000) increase more than fiscal year 2009, for the Water Resources Research Institutes which assist Federal and State agencies in promoting and facilitating the research and technology transfer they need to carry out their missions to protect human health, environmental resources, and economic sustainability.

BIOLOGICAL RESEARCH

For fiscal year 2010, ASA–CSSA–SSSA recommend funding for biological research be increased by $12,973,000 (7 percent) which will provide $198,303,000 in total

funding and thus strong support for biological research and monitoring, biological information management and delivery, and cooperative research units.

SCIENCE SUPPORT

Climate change is a major focus for many agencies in fiscal year 2010 and ASA–CSSA–SSSA which are interested in the role agriculture can play to mitigate climate change. ASA–CSSA–SSSA are pleased to see overwhelming support provided by the subcommittee to global climate change research which brought funding from $7,383,000 in fiscal year 2008 to $40,628,000 for fiscal year 2009, an increase of $33,245,000 (450 percent). Support for the geographic research program is critical to provide the United States the ability to effectively reduce domestic greenhouse gas emissions in agriculture. The geographic research program contributes to the Carbon Research Program, carried out by USGS, USDA, and other international partnerships. We recommend increasing funding levels for terrestrial carbon research to $2,000,000 to develop new tools and understanding of the role that our managed lands play in carbon sequestration.

EPA

In order to fulfill its mission, EPA needs increased investments in both its intramural and extramural science programs as well as associated services such as environmental education and libraries. Long-term, deep budget cuts in research areas are devastating and compromising EPA's ability to adequately monitor and safeguard and the Nation's air, soil, and water resources. ASA–CSSA–SSSA recommend that EPA increase investments in socioeconomic, sustainability, ecological, and exploratory research as well as partnerships with academia and State and local government. These areas are essential to move environmental protection from a command-and-control regulatory system to a more rational, compliance-based approach. For EPA science and technology for fiscal year 2010, ASA–CSSA–SSSA recommend a funding level of $845,354,570, a 7 percent increase more than fiscal year 2009. We urge the subcommittee to fund environment programs and management at $2,559,524,000, a 7 percent increase more thanfiscal year 2009.

Thank you for your thoughtful consideration of our requests.

LETTER FROM THE ASSOCIATION OF STATE DRINKING WATER ADMINISTRATORS

JANUARY 5, 2009.

Hon. DIANNE FEINSTEIN,
Chairman, Interior, Environment, and Related Agencies Appropriations Subcommittee,
Washington, DC.

DEAR MADAM CHAIR: I am writing on behalf of the membership of the Association of State Drinking Water Administrators (ASDWA) to request the opportunity to present oral testimony at the forthcoming Senate Appropriations hearings regarding the Environmental Protection Agency's fiscal year 2010 budget. ASDWA members are responsible for implementing the numerous provisions of the Safe Drinking Water Act (SDWA) in the 50 States, territories, the Navajo Nation, and the District of Columbia. In continuing their efforts to implement the act's provisions, the States are looking to Congress for additional support.

Since enactment of the 1996 SDWA amendments, State drinking water programs responsibilities have continued to grow as we strive to ensure that public health is protected through clean and safe drinking water. These time and resource intensive responsibilities extend beyond traditional activities such as working with utilities to ensure compliance with both new and existing drinking water regulations. They also include undertaking initiatives to protect source waters; working to ensure that drinking water systems can demonstrate that they have adequate technical, managerial, and financial capabilities to meet Federal and State requirements; and ensuring that drinking water system operators are adequately trained and certified. Since September 11, 2001, and underscored in recent years by the growing number of large natural disasters, these responsibilities have expanded to include additional initiatives directed toward ensuring the safety and security of our Nation's drinking water supplies. State drinking water programs are also being directed to focus limited resources on issues such as water quantity issues associated with climate change, carbon sequestration, energy conservation, and sustainable infrastructure.

Federal funding to administer these critical State efforts through the Public Water Supply Supervision is woefully inadequate to the task at hand and has actually remained the same or declined since fiscal year 2004. Similarly, Federal fund-

ing for the Drinking Water State Revolving Loan fund is clearly insufficient to bridge the infrastructure "gap" in the United States and, in fact, has never been appropriated at authorized amounts.

Today, State drinking water programs are experiencing extreme fiscal constraints that affect their ability to undertake federally mandated responsibilities for drinking water protection without additional Federal funding support. As a result, State drinking water programs are being forced to prioritize their public health protection initiatives. This situation cannot and must not be allowed to deteriorate to the point where public health is compromised or where States will have to return the drinking water program to the Federal Government. ASDWA, through its testimony, would like to provide the subcommittee with a realistic picture of State activities and needs for the coming year as well as about critical drinking water infrastructure needs associated with the Drinking Water State Revolving Loan Fund.

Thank you for your consideration of ASDWA's request to provide oral testimony during the forthcoming budgetary hearings. I look forward to learning the specifics of the hearing schedule and the possibility of securing time on the agenda.

Sincerely,

JAMES D. TAFT,
Executive Director.

LETTER FROM THE ALLIANCE TO SAVE ENERGY; AMERICAN COUNCIL FOR AN ENERGY-EFFICIENT ECONOMY; ENVIRONMENTAL AND ENERGY STUDY INSTITUTE; GREEN BUILDINGS INITIATIVE; JOHNSON CONTROLS, INC.; NATIONAL ASSOCIATION OF STATE ENERGY OFFICES; NORTH AMERICAN INSULATION MANUFACTURERS ASSOCIATION; AND U.S. GREEN BUILDING COUNCIL

DEAR CHAIRWOMAN FEINSTEIN AND RANKING MEMBER ALEXANDER: We the undersigned represent a broad-based coalition of hundreds of energy efficiency and environmental organizations, public interest organizations and corporations. We write to commend the success of the EPA Energy Star Program to date and ask for its continued support. We request that the subcommittee approve funding in the amount of $100 million for the EPA Energy Star Program in fiscal year 2010, an increase of $49.3 million more than the President's fiscal year 2010 budget request.

The EPA Energy Star Program is the single most effective Federal consumer information program on energy efficiency. Indeed it is one of the most successful efforts anywhere to promote marketplace solutions for greater energy efficiency. The program works with thousands of business partners to make it easy for consumers to find and buy energy-efficient products, buildings, and services by awarding the well-known Energy Star label and by providing other consumer information. The Energy Star program reduces energy demand, lowers energy bills, and helps avoid pollution and greenhouse gas emissions.

ABOUT THE ENERGY STAR PARTNERSHIPS

These initiatives have proven to be an extremely effective way for us to capitalize on the potential of energy efficiency as a resource. Energy Star's voluntary partnership program, which includes Energy Star Buildings, Energy Star Homes, Energy Star Small Businesses, and Energy Star Labeled Products, works by removing marketplace barriers to existing and emerging technologies, providing information on technology opportunities, generating awareness of energy-efficient products and services, and educating consumers about life-cycle energy and cost savings.

Energy Star serves broad constituencies in every State in the country. The program currently has more than 14,000 partners who are committed to improving the energy efficiency of our homes, businesses, and products. Among those partners are more than 2,000 manufacturing partners who make and market more than 40,000 different models of Energy Star qualifying products, and more than 1,000 retail partners representing thousands of storefronts, as well as building owners and operators, utilities, State and local governments, and nonprofit organizations. Energy Star counts more than 5,000 builder partners and partners who supply products and services for energy-efficient home construction. More than 840,000 families now live in Energy Star Homes—locking in financial savings for homeowners of more than $200 million annually.

MUCH HAS BEEN ACCOMPLISHED

The program helps consumers to visualize the long-term benefits, through lower energy bills, that can be realized through investment in energy efficient appliances. Approximately one-third of U.S. consumers report using the Energy Star label as

an information tool for making purchase decisions, and an even higher number report using Energy Star as an information tool to help them save energy. With this high level of consumer awareness, the potential for Energy Star to tap into even greater energy efficiency is limited only by the availability of resources to fund its programs. The return on investment in EPA Energy Star is unparalleled: The EPA estimates that for every Federal dollar spent on the Energy Star program, $75 or more in consumer energy bills is saved, and about 3.7 tons of carbon dioxide emissions is avoided.

In 2007 alone, Energy Star helped Americans save 35,000 megawatts of peak power, avoiding the need for about 70 new power plants. The electricity savings—180 billion kilowatt-hours—represent 5 percent of total 2007 electricity use. Working together with Energy Star, Americans prevented the emission of 40 million metric tons of greenhouse gas emissions, which is equivalent to removing 25 million cars from the road. And Americans, with the help of Energy Star, saved $16 billion on their energy bills. As these statistics exemplify, the Energy Star program is helping millions of Americans get the energy they need, while saving money and avoiding pollution.

HUGE POTENTIAL REMAINS UNTAPPED

Although EPA Energy Star is already making a tremendous impact on U.S. energy consumption, many opportunities exist to expand existing programs and initiate new efforts, greatly increasing the energy savings potential. Funding for the Energy Star Program declined precipitously in the last several years.

The fiscal year 2008 funding level of $43.9 million was a reduction of more than 25 percent from fiscal year 2002 levels, after accounting for inflation. We were pleased to see an increase in funding to $50 million in fiscal year 2009, but this level still represents a decrease from fiscal year 2002 levels in real dollars. The recommended increase of only $700,000 in the fiscal year 2010 administration budget request is insufficient. Dramatic increases in the program are necessary for the program to fully utilize the opportunities to reduce energy consumption that still remain untapped. A $100 million budget in fiscal year 2010, representing a $50 million increase more than fiscal year 2009 funding, will enable the program to label additional products, update its criteria, increase its consumer outreach, and address energy-efficient home improvements nationwide.

RECOMMENDATIONS

We recommend that the funding for the Energy Star Program be increased to $100 million. The $50 million in increased funding that we are requesting should in our view be directed to the following initiatives:

—An expanded program for improvements to energy-inefficient existing homes: $12.5 million

Homeowners can save 10 to 20 percent on their home energy bills—which now average $2,100 a year—with a set of new Energy Star programs that go beyond the labeling of efficient products. These include:

—*Home Performance with Energy Star (HPES)*.—HPES is a whole-home retrofit program that can be offered by a State, utility, or other local program sponsor in partnership with EPA. It gives homeowners access to trained building professionals, information on the best home improvement projects for their home, and quality assurance and quality control on the work performed, which commonly includes adding insulation and sealing ductwork and air leaks. This program is being offered in a dozen locations around the country and is providing homeowners with an average of 20 percent savings on their home energy bills.

Additional funding would bring this program to many more cities and homeowners around the country. HPES is uniquely valuable to homeowners because it goes beyond household appliances to improve the residential building envelope holistically, while offering consumers the confidence that comes with the Energy Star name.

—*Quality Installation of Heating and Cooling Equipment*.—Ensuring that heating and cooling equipment is of appropriate size and that it is correctly installed and maintained is essential to getting the most out of energy efficiency. Many air conditioners are oversized and improperly installed, so often even high-efficiency units consume much more energy than necessary. Cooling and heating equipment are key drivers of peak demand, and therefore improving the effective efficiency of this equipment can decrease the need for new power plants.

EPA Energy Star and its partners have developed and piloted programs to address the challenges to proper equipment sizing, installation and maintenance. Additional funding would enable Energy Star to spread these program models across the country, ensuring that gains in appliance efficiency are not mitigated by a failure to address these challenges.

—An expanded program for rating the energy performance of all building types: $7.5 million

Providing a comprehensive yet simple measurement of building energy consumption is a powerful tool in motivating energy efficiency improvements. EPA Energy Star has established a performance rating system that offers a standardized, consistent measurement of energy use for more than 60 percent of U.S. commercial building space, and this system has already been used to assess the energy consumption of about 10 percent of U.S. building space. Additional funding would expand this system to apply to the vast majority of the Nation's buildings, and would help Energy Star to partner with States, local governments, builders, and other groups to make effective use of the rating system.

—An expanded focus on medium and small manufacturing and small business: $10 million

EPA Energy Star has developed specialized approaches for working with medium-sized manufacturers and with small businesses to improve their energy efficiency. These efforts could be greatly expanded. Energy Star could enlist many small businesses as partners in the proper delivery/installation of high-efficiency services and products since small businesses constitute about half the economy and consume about half the energy

—A new program to aid sponsors of emerging energy efficiency programs in program development and implementation: $10 million

EPA already partners with hundreds of utilities, States, local governments, and other organizations to help them run their efficiency programs. There is growing interest, especially at the State level, in funding organized energy efficiency programs. The Energy Star energy efficiency platform can help these emerging program sponsors to develop new programs quickly and to build on existing best practices, leading to greater program effectiveness and cost-effectiveness. EPA Energy Star should target its outreach toward programs for elementary and secondary schools, among others.

—An expanded outreach effort to State and local governments: $10 million

State and local governments can save significant energy and money through investments in energy efficiency. State and local governments could dramatically enhance attractive investments in energy efficiency through expanded outreach and sharing of best practice policies and programs, including improving the efficiency of water and wastewater treatment facilities, alternative financing approaches, effective school energy efficiency programs, etc. Matching funds for innovative State programs could be established.

—An expanded focus on exploring new technologies and practices: $5 million

In many sectors technology is advancing at lightning speed, offering opportunities to improve the energy efficiency of new homes, buildings, and products. Additional funding would expand EPA Energy Star's ability to study these innovations and focus earlier in the technology development process on how best to bring them into the Energy Star program and deploy them in the marketplace. This would speed the adoption of the most energy-efficient products and drive further innovation.

CONCLUSION

The Energy Star program proves that we can protect the environment while simultaneously saving consumers money on their energy bills and enhancing the economy. Energy Star provides the catalyst for many businesses, State and local governments, and consumers to invest in energy efficiency, which in turn yields multiple private and public benefits. It does this by providing access to information, improving brand recognition, and providing positive publicity.

While there are many demands on the country's financial resources, Energy Star has proven tremendously cost-effective, and it returns important benefits to the Nation. Every added Federal dollar invested in Energy Star in fiscal year 2010 will return a significant and cost-effective yield in pollution reduction, economic stimulation, energy security, and consumer savings. On behalf of the Energy Efficiency Coalition, we strongly urge the subcommittee to approve $100 million in funding for the EPA Energy Star Program in fiscal year 2010.

PREPARED STATEMENT OF THE AMERICAN SOCIETY FOR MICROBIOLOGY

The American Society for Microbiology (ASM) is pleased to submit the following testimony on the fiscal year 2010 appropriation for the U.S. Environmental Protection Agency (EPA) research and education programs. ASM is the largest single life science membership organization in the world with more than 43,000 members. ASM mission is to enhance the science of microbiology, to gain a better understanding of life processes, and to promote the application of this knowledge for improved health and environmental well-being.

ASM urges Congress to support essential research and provide at least $595 million for the ORD in fiscal year 2010, the same as the funding level provided in fiscal year 2006. While EPA received substantial funding in both the American Recovery and Reinvestment Act of 2009 and the Omnibus Appropriations Act of 2009, the need remains for a steady annual increase of fiscal year appropriations funding, to offset the past detrimental trend of budget cuts and loss of EPA's spending power to inflation.

The EPA relies on sound science to safeguard both human health and the environment. The EPA Office of Research and Development (ORD) sponsors leading-edge research that provides a solid underpinning of science and technology for EPA's regulatory and public outreach activities. ORD conducts research on pollution prevention, human health protection, and reduction of risks from a variety of hazardous chemicals and microbes. The work at ORD laboratories, research centers, and offices across the country helps optimize use of our natural resources and improve the quality of the Nation's air, water, and soil. Excellence in research is crucial to ORD's mandated responsibilities:

—Perform research and development to identify, understand, and solve current and future environmental problems;
—Provide responsive technical support to EPA's mission;
—Integrate the work of ORD's scientific partners (other agencies, nations, private sector organizations, and academia); and
—Provide leadership in addressing emerging environmental issues and in advancing the science and technology of risk assessment and risk management.

ASM is very concerned with the trend in recent years of decreasing the annual budget for EPA's research and development programs. Optimal EPA oversight of public health and the environment clearly depends upon EPA's access to exemplary scientific expertise within and outside the EPA, as well as the ability to respond quickly to our changing environment.

Both access to expertise and timely response to the environment depend on sufficient and sustained investments in research and development programs. The fiscal year 2009 budget allocation for the ORD was $541 million, a significant 1.3 percent decrease from fiscal year 2008. These funding decreases will likely undermine the basic scientific foundation essential for the EPA to make decisions and formulate regulations to protect both human health and the environment. The fiscal year 2009 decreases are part of a longer-term pattern of funding erosion that is cause for serious concern.

SCIENCE TO ACHIEVE RESULTS (STAR) GRANTS AND FELLOWSHIPS

ASM urges Congress to increase funding for the STAR grants program to at least the fiscal year 2002 level of $102 million. The fiscal year 2009 budget continued a disturbing 7-year trend of shrinking STAR resources by recommending only $61 million for STAR, a 4.6 percent reduction from fiscal year 2007. Currently, the STAR program focuses research on drinking water, water quality, global climate change, human health risk assessment, children's health, and the health effects of particulate matter, among other equally important areas. Cuts to STAR funding will have almost certain detrimental effects on both human health and the environment.

The STAR grants support extramural research in numerous environmental science and engineering disciplines, awarded through a competitive solicitation process and independent peer review. The program engages the Nation's best scientists and engineers in targeted research that complements EPA's own intramural research and that conducted by partners in other Federal agencies. Cuts to the STAR program significantly reduce American competitiveness in the important areas of scientific research and discovery, an effect that cannot be ignored in the current economic climate.

Reductions in the STAR program will severely limit EPA's ability to draw upon critically needed scientific expertise from the academic community, a valuable source of research insights and personnel for EPA programs. Reductions will also limit U.S. competitiveness in the areas of environmental research, training, and development of new technologies for solving environmental problems. The STAR pro-

gram revitalizes all areas of EPA research and its fellowships foster workforce development in environmental science and technology.

CLEAN AND SAFE WATER

The EPA is tasked with ensuring the safety of our drinking and recreational waters, an enormous regulatory task that is entirely reliant on sufficient funding. Through Amendments to the Safe Drinking Water Act (SDWA), Congress has mandated that the EPA must conduct adequate research to ensure a solid scientific foundation for EPA's mission of reducing and limiting public exposure to dangerous drinking water contaminants. ASM is concerned with adverse impacts of past ORD budget cuts on EPA's Drinking Water and Water Quality programs.

The Drinking Water Program has suffered the greatest reductions, with an 8 percent decrease from fiscal year 2008 to 2009. Such decreases in the Drinking Water Program severely compromise the EPA's ability to ensure safe drinking water for all Americans. Health problems from microbial contamination of drinking water are demonstrated by localized outbreaks of waterborne disease. Many of these outbreaks have been linked to contamination by bacteria or viruses, likely from human or animal wastes. For example, in 1999–2000, there were 39 reported disease outbreaks associated with drinking water, some of which were linked to public drinking water supplies.

ASM supports the following as priority research areas for the fiscal year 2010 budget for drinking water and water quality: (1) studies on impacts of subsurface carbon dioxide (CO_2) storage on drinking water quality; (2) analysis of aquatic life guidelines, recreational water criteria, the effects of emerging contaminants, nutrients, biocriteria, and multiple stressor effects on stream biota; (3) watershed management research that supports diagnoses of impairment, mitigations, and pollutant load reduction in headwater streams and isolated wetlands; and (4) improvements in the control of microbial releases from publicly owned treatment works during periods of significant wet weather events. It is also imperative that the EPA continues to develop analytical methods for accurately measuring contaminant levels in drinking water and surface water; that the EPA ensures proper certification and assessment of laboratories that analyze drinking-water samples; and that the EPA conducts research that strengthens the scientific basis for standards that limit public exposure to contaminants. Topics of growing concern include: the dissemination of diverse anthropogenic compounds, such as pharmaceuticals and estrogens or estrogen-like compounds into the environment through water and wastewater treatment systems. These compounds are now ubiquitous, but their fates in the environment and impacts on humans and other organisms are inadequately known.

ASM also supports increased funding for the Water Quality program. Expanding ORD-supported research is needed to more fully protect the Nation from waterborne illnesses that persist in our environment. For example, according to the Centers for Disease Control and Prevention (CDC), cryptosporidium, a protozoan parasite causing gastroenteritis in humans, has become the leading cause of recreational water-associated outbreaks of gastrointestinal illness. In 2003–2004, this parasite accounted for 61 percent of gastrointestinal outbreaks associated with disinfected swimming venues, such as swimming pools and water parks—likely due to the parasite's high resistance to free chlorine, the main barrier to infectious disease transmission in pools. Since 2005, reports of cryptosporidiosis have increased substantially. Clearly, the EPA needs continued support to address water-borne diseases such as this.

RENEWABLE ENERGY AND WASTEWATER INFRASTRUCTURE

The EPA is a stakeholder in ensuring a sustainable environment, meeting the needs of the present without compromising the ability of future generations to meet their own needs. Renewable energy research is essential for ensuring sustainability, and ASM encourages EPA to pursue collaborative efforts in this area with the National Science Foundation (NSF), the Department of Energy (DOE), and the U.S. Department of Agriculture (USDA).

In order to provide safe and secure drinking water for its citizens, the Nation must improve the sustainability and energy efficiency of its water distribution systems from sources to "sinks." Energy efficiency is an important but often overlooked consideration when addressing the Nation's water supply. At present, the Nation's water distribution infrastructure consumes approximately 5 percent of total electricity use. The development of nonfossil fuel energy sources for water distribution cannot only contribute to a more secure water supply, but can also contribute to the Nation's energy security. Coupling microbial activity during wastewater treatment to electricity generation provides one example for increasing energy efficiency.

Researchers, supported by the NSF and the USDA have made great strides in advancing the technology of microbial fuel cells to benefit wastewater treatment plants. Microbial fuel cells work through the action of bacteria, which can produce electricity in fuel cells. In the process, the bacteria consume organic matter in the wastewater and thus improve water quality. This approach uses the bacteria that naturally occur in wastewater, requiring no special bacterial strains or unusual environmental demands. The benefit of microbial fuel cell applications is that they purify wastewater while generating electricity; water purification, the goal of wastewater treatment facilities, normally requires the consumption of energy.

ASM urges Congress to support a collaborative relationship between the EPA and the DOE, the NSF, and the USDA to explore energy production from waste treatment, and to develop mechanisms for improving energy efficiency in water distribution.

CLIMATE CHANGE

Climate change affects all of earth's life, including the ubiquitous microbes that dominate the living mass of many ecosystems. While climate-related disturbances can have many effects, it is abundantly clear that they directly and indirectly affect the incidence of serious infectious diseases. Climate changes can also impact air and water pollution, which adversely affect human health. The effects of these changes on microbial activities are often unpredictable, but microbes nonetheless play major roles in water quality, environmental integrity and human health. Thus, it is essential that the EPA retains and expand its ability to support research on climate change, including the subsequent impacts on beneficial and pathogenic microorganisms.

ASM is concerned that past budget reductions to the Global Climate Change research program at ORD will limit its ability to understand links between certain diseases and pathogens and climate change. The Intergovernmental Panel on Climate Change noted in 2007 that the global population at risk from vector-borne malaria would increase by between 220 million and 400 million in the next century. Other vector-borne diseases, such as dengue fever, yellow fever, and encephalitis, are also projected to spread into new areas due to global warming. Climate change may increase the risk of other infectious diseases, particularly those diseases that appear in warm areas and are spread by aquatic pathogens. For example, shellfish-borne outbreaks of gastroenteritis caused by the aquatic bacterium Vibrio parahaemolyticus have been associated with temperature increases in United States coastal waters in recent years. In addition, increased frequencies of harmful algal blooms in warmer waters, particularly in areas subject to nutrient pollution, can lead to more frequent outbreaks of diseases like cholera. Thus, ASM supports the administration's dedication to slow global warming, and asks Congress to provide sufficient funding for the ORD to continue this important research.

CONCLUSION

The EPA requires sound scientific information to meet its mandates to protect human health and the environment. The ORD is an integral component for conducting research needed to answer many of the challenges we face, such as climate change, renewable energy, and provision of clean and safe water. ASM urges Congress to provide at least $595 million for the ORD in fiscal year 2010. ASM appreciates the opportunity to provide written testimony and would be pleased to assist the subcommittee as it considers the fiscal year 2010 appropriation for the EPA.

PREPARED STATEMENT OF THE APPALACHIAN TRAIL CONSERVANCY

Dear Madam Chair and members of the subcommittee: On behalf of the Appalachian Trail Conservancy (ATC), for reasons described below, I am requesting a fiscal year 2010 appropriation from the Land and Water Conservation Fund (LWCF) in the amount of $2.625 million for the National Park Service (NPS) and $15.02 million for the USDA Forest Service (USFS) for the acquisition of lands and interests in lands surrounding or bordering the Appalachian National Scenic Trail (ANST) in the States of New Hampshire, Vermont, Tennessee, and North Carolina. ATC also is supporting two fiscal year 2010 Forest Legacy Program (FLP) projects in Maine and New Hampshire totaling $7.613 million.

Background.—The Appalachian Trail (AT) is America's premier long-distance footpath. Initially established between 1923 and 1937 as a continuous footpath extending from western Maine to northern Georgia, the trail gained Federal recognition in 1968 with the passage of the National Trails System Act. Amendments to

that act in 1978 expanded the authorization for Federal and State land acquisition to establish a permanent, publicly owned right-of-way as well as a protective corridor or "greenway" along the trail. Since 1978, with the strong support of the subcommittee and the Congress as a whole, the ANST land-acquisition program of the NPS and USFS has become one of the most successful land-conservation efforts in the Nation's history with the acquisition of more than 189,000 acres, more than 3,360 parcels, in 14 States. Today, only approximately 5 miles of the 2,178-mile AT remain to be protected through public ownership.

Resource Characteristics.—The AT is a 2,178-mile footpath extending along the crests and valleys of the Appalachian Mountains through 14 States from Maine to Georgia. Often characterized as a "string of pearls," the trail, which is considered a unit of the National Park System, connects 8 National Forests, 6 other units of the National Park System, and approximately 60 State parks, forests, and game-management units. With an estimated 3 to 4 million visitors per year, it ranks among the most heavily visited units of the National Park System and also ranks among the top 10 units from the standpoint of natural diversity.

The AT is equally well known as a remarkable public/private partnership. Since the initial construction of the trail in the 1920s and 1930s, volunteers affiliated with the ATC have constructed, reconstructed, and maintained the footpath as well as a system of more than 250 shelters and associated facilities such as privies, improved campsites, bridges, signs, and parking lots. In 2008, for example, more than 6,000 volunteers contributed more than 203,000 hours of labor along the trail. As an outgrowth of an agreement between the NPS and ATC, the Conservancy has accepted management responsibility for most lands acquired by that agency along the trail. ATC, through its network of 30 club affiliates, is now responsible for virtually all phases of "park" operations, ranging from trail and facility maintenance and construction to land and resources management to visitor education and services. ATC also provides ongoing, volunteer-based stewardship for other trail lands, totaling more than 250,000 acres.

Need for Appropriations.—As noted previously, while the ANST protection program represents one of the most successful land-acquisition programs in the history of the conservation movement in the United States, that program is not yet complete. Although our hope had been to complete the program by the year 2000, escalating land values coupled with diminished administrative capacity in the affected agencies have conspired to delay full program completion. Nevertheless, a number of critical parcels are now "ripe" for land acquisition from willing sellers and we are seeking fiscal year 2010 LWCF appropriations to secure those properties. A brief description of each of those critical parcels follows.

Rangeley High Peaks Project Phase I, Maine.—ATC is supporting a request by the State of Maine and the Maine Appalachian Trail Land Trust to acquire conservation easements affecting three large parcels totaling 13,446 acres in the towns of Rangeley and Madrid and Mount Abrams Township in the Rangeley Lakes region of western Maine utilizing fiscal year 2010 FLP funding. The three properties are known as the Ridge, Orbeton, and Rangeley properties. Of particular interest is the Ridge tract, which borders the AT corridor near Saddleback Mountain and Mt. Abram and includes an important snowmobile crossing of the AT. It abuts other lands acquired by the NPS and the ATC. ATC is supporting a request for $4.613 million from the fiscal year 2010 USDA FLP.

Mahoosucs Gateway/Success Township, New Hampshire.—This project affects a 20,000-acre project area that has been the focus of conservation and economic-development efforts by a consortium of conservation organizations as well as several local communities. The Mahoosuc Mountain Range is one of the most remote and rugged areas along the AT. Straddling the border between New Hampshire and Maine, it provides a scenic gateway to both States. In partnership with a timberland owner an opportunity exists to conserve 4,772 acres in fee-simple and an additional 15,200 acres under easement for 6 miles along the northern edge of the narrow AT corridor there, including two of the most prominent mountain peaks in the area: Bald Cap and North Bald Cap. Conservation of the property would provide protection for a number of existing side trails in the area as well as the watersheds of numerous streams flowing into the Androscoggin River. The fee-simple portions of the property require Federal LWCF monies, while the easement portions will rely on additional funding through the FLP. Approximately one half of the LWCF monies were provided in the fiscal year 2009 omnibus appropriations bill. ATC and The Conservation Fund (TCF) are requesting a fiscal year 2010 LWCF appropriation of $1.375 million for the NPS to complete the fee-simple portion of the project. ATC also is supporting a request by TCF for $3 million in fiscal year 2010 FLP funding for acquisition of easements affecting the remaining 15,200 acres.

Chateauguay-No Town Project, Vermont.—This project involves four parcels, totaling 1,000 acres, in the towns of Barnard and Bridgewater, Vermont. Negotiations have been spearheaded for several years by TCF, which also has secured a $500,000 private contribution toward the project. The four properties straddle more than 1½ miles of the AT in an area where earlier acquisitions by the NPS provided only a narrow buffer for the footpath. They include a high-value wetland complex and feeding habitat for migratory birds, black bears, and moose as well as the headwaters of the Locust Creek watershed, a Vermont Class A stream. ATC and TCF are requesting an fiscal year 2010 LWCF appropriation of $1.25 million for the NPS for this project.

Rocky Fork, Tennessee/Cherokee National Forest.—In mid-December, 2008, the USFS acquired approximately 2,200 acres of this 10,000-acre property in eastern Tennessee situated midway between Johnson City and Asheville, North Carolina, and adjacent to Interstate 26. TCF provided bridge funding to acquire the balance of the property in anticipation of future sale to the USFS and the State of Tennessee. The property includes many game and nongame wildlife values, including 16 miles of "blue-ribbon" trout streams and outstanding black bear, white-tailed deer, and wild turkey habitat. The property also includes 1.2 miles of the ANST and its recent acquisition will permit the construction of a 5-mile relocation to provide a much-improved alignment for the footpath. Total costs for the acquisition were approximately $43 million and ATC is working closely with TCF, the Southern Appalachian Highlands Conservancy, and a number of other conservation and sportsmen organizations to complete the overall funding package for the project. ATC and TCF are requesting an fiscal year 2010 LWCF appropriation of $13.5 million for the USFS which will permit the USFS to acquire the eastern portion of the property while the central portion will be acquired by the State of Tennessee.

Rich Mountain, Tennessee/Cherokee National Forest.—This 100-acre privately-owned in-holding is situated in the northwest corner of the Rocky Fork property (see previous) and unfortunately was carved out by New Forestry, LLC—the previous owners of the Rocky Fork property—at the time the remainder of the property was sold to the USFS and TCF. It includes the highest point of land for the overall property as well as prominent cliffs locally known as Buzzard Rock. The cliffs are only a short distance from the AT through a high-elevation health bald. The property provides sweeping views of the Sampson Mountain Wilderness and northeast Tennessee/southwest Virginia. ATC is requesting an fiscal year 2010 LWCF appropriation of $600,000 for the USFS to acquire this critical in-holding.

Shook Branch, Tennessee/Cherokee National Forest.—This 20-acre property is situated in eastern Tennessee in the Cherokee National Forest. The AT currently follows a dangerous road-walk and crosses US 321 at a location with limited site distances to on-coming traffic. A proposed new route has been identified and a number of parcels have been acquired by the USFS to establish the route. The Shook Branch property is necessary in order to complete the proposed relocation. The current property owner has expressed a willingness to sell the property. ATC is requesting an fiscal year 2010 LWCF appropriation of $500,000 for the USFS.

Buck Mountain, Tennessee/Cherokee National Forest.—This is an 18-acre property situated in rural northeast Tennessee near the Village of Roan Mountain. The southern boundary of the property is within 10 yards of the AT and is clearly visible as it occupies the high ground above the AT for about one-quarter mile. The property includes views of Beech Mountain, Hump Mountain, and the Highlands of Roan. Previously devoted to Christmas tree and ornamental shrub agriculture, the area is under development pressure due to the outstanding views and proximity to the Cherokee National Forest. ATC is requesting an fiscal year 2010 LWCF appropriation of $150,000 for the USFS to acquire the property from a willing seller.

Wesser Bald, North Carolina/Nantahala National Forest.—This 82-acre property is situated in western North Carolina in the Nantahala National Forest. The AT passes within 100 feet of the property and affords a number of outstanding scenic views at several locations along the northern portion of the property and from a viewing platform atop the Wesser Bald fire tower with 360-degree views encompassing the Great Smoky Mountains skyline, the Nantahala Mountains, and northern Georgia. The upper 35 acres was acquired in fee in 2007 by the Southern Appalachian Highlands Conservancy (SAHC) with the aid of a bridge loan from TCF and the requested LWCF appropriation will be used to repurchase that portion of the property at a bargain-sale price with ownership transferred to the USFS. SAHC also has secured a conservation easement affecting an additional 41 acres of the property. The total value of the fee and easement interests is $950,000. ATC is requesting an fiscal year 2010 LWCF appropriation in the amount of $270,000 for the USFS.

With the acquisition of the previously described properties, ATC hopes to complete a substantial portion of the remaining land-acquisition needs in the ANST program. Again, we respectfully request an fiscal year 2010 LWCF appropriation of $2.625 million for the NPS and $15.02 million for the USFS. We also support a total of $7.613 million in fiscal year 2010 Forest Legacy funding for the Rangeley High Peaks project in Maine and the Mahoosucs Gateway/Success Township project in New Hampshire.

Thank you for the opportunity to submit this testimony and for your consideration of our request.

PREPARED STATEMENT OF THE ANIMAL WELFARE INSTITUTE

The Animal Welfare Institute (AWI) respectfully requests that the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies appropriate a total of $83.1 million to the U.S. Fish and Wildlife Service (FWS) including an additional $45 million to increase and expand activities of the Office of Law Enforcement, $26 million for special agents, $3.1 million for ports of entry, $5 million for the Clark R. Bavin National Fish and Wildlife Forensics Laboratory and $4 million for the Multinational Species Conservation Fund. The President's fiscal year 2010 proposed budget falls far short of providing the funds needed by agencies within the Department of the Interior to protect, preserve, recover, and manage America's wildlife, including threatened and endangered species, as required by law and by their public trust obligations to the American people. AWI also asks Congress to reign in the Bureau of Land Management (BLM) by including language preventing funds from being used to kill healthy horses as a way to balance its books or implement sales authority language.

Office of Law Enforcement (OLE).—An apparent increase for this function in the President's budget is actually a decrease when higher uncontrollable and fixed costs are taken into account. AWI requests that an additional $45 million be allocated to the FWS to increase and expand the activities of its OLE in its critical role of combating wildlife crime. The OLE investigates both domestic and international wildlife crimes that involve the transgression of more than one dozen Federal wildlife and conservation laws. Though it is well known that the illegal trade in wildlife and wildlife products is third only to the illicit trade in narcotics and weapons in terms of revenue generated globally, and despite the fact that the United States remains a source of or destination for much of this contraband, the OLE has consistently been underfunded and understaffed and, thus, shortchanged in its efforts to combat this illegal trade.

The FWS has cut its covert wildlife crimes investigation unit in half. Given the severity of illegal wildlife trade and its inherent underground nature, covert investigations are essential for enforcing wildlife laws and, capturing as well as prosecuting those guilty of wildlife crimes. The OLE and its employees cannot effectively enforce Federal wildlife laws without a covert investigations unit. Congress must direct the Secretary of the Interior to reinvigorate the OLE, including its covert investigations unit and provide the funding necessary to restore the OLE as the pre-eminent wildlife law enforcement organization in the world.

FWS Special Agents.—Wildlife law enforcement agents perform what is consistently ranked as one of the most dangerous jobs as they attempt to fulfill their mandate to protect our wildlife heritage. In fiscal year 2007, FWS agents pursued more than 12,000 investigations resulting in more than$14 million in fines, 32 years of jail time for the perpetrators, and 557 years of probation. FWS cases documented illegal trafficking in U.S. leopard sharks, coral reef organisms, live reptiles, and paddlefish. On the global front, agents broke up smuggling rings dealing in sea turtle skins and products from Mexico and sea turtle shell from China. They snared smugglers dealing in over $540,000 worth of sperm whale teeth and sent individuals trafficking in endangered live eagle owls eggs to prison. Despite these impressive statistics, the illegal trade in wildlife and wildlife products continues to imperil wildlife species in the United States and around the world. The ability of the OLE to expand its efforts to combat this trade requires far greater funding than what has been proposed in the fiscal year 2010 budget.

Currently, there are only 191 FWS agents responsible for the enforcement of Federal wildlife laws throughout the entire United States. This number is 11 fewer than in fiscal year 2007, which was 16 fewer than existed in 2006. There are 70 agent vacancies. Filling these vacancies is essential to protecting wildlife and stemming the increasing threat of illegal trade. AWI respectfully requests an additional $14 million ($200,000 each) to fill these 70 agent vacancies and an additional $12

million to ensure sufficient operational funds for existing agents and for those hired in the future.

Port Inspectors.—Given the events of September 11, 2001, and the recent scrutiny applied by Congress on the security of U.S. ports, the value of FWS inspectors should be indisputable. In addition to being the first and only line of defense against the illegal import of protected wildlife and wildlife products into this country, FWS inspectors along with their colleagues from the U.S. Coast Guard, Department of Homeland Security, and other agencies involved in port inspections, represent America's best hope of intercepting bioterrorism agents or items that may represent a security threat to America. Often contraband is hidden in the body cavities of wildlife or in their transport containers; who except FWS inspectors are willing to look inside the box of a poisonous snake or other dangerous animal?

Though it may be hard to see that thwarting an illegal shipment of wildlife is as important as thwarting an illegal shipment of weapons, wildlife pose much greater risks to America due to the potential for the wildlife to be vectors for non-native diseases or insects that could pose a threat to public health (e.g., avian flu), wildlife and livestock health (e.g., Newcastle's disease, foot and mouth disease), or to our native flora. According to a news report, "five of the six diseases the [CDC] regards as top threats to national security are zoonotic." Because legal shipments, which amounted to 650 million animals in the last 3 years, are not screened properly, Americans are left "vulnerable to a virulent disease outbreak that could rival a terrorist act." Couple the threats from legal trade with those from illegal trade, including the amount of illicit bushmeat entering the country, and the threat to public health is potentially catastrophic.

The North American Free Trade Agreement has exacerbated the problem through increased movement of wildlife and wildlife products across the United States border with Mexico. Such contraband includes highly endangered neotropical parrots, cacti, reptiles, and exotic wildlife leather products. The United States border with Canada is a conduit for the illegal import of a variety of international species including the Asian arowana fish, the rare Madagascar radiated tortoise, and protected corals and domestic species including black bear gall bladders, bald eagle parts, and other wildlife products. The current lack of sufficient operational funds for the FWS port inspection program weakens FWS efforts to promote the conservation of species of international concern, to protect all natural resources, and to sustain biological processes. The virtually unregulated smuggling of parrots not only has put new pressure on Western Hemisphere parrot species, 30 percent of which are already on the brink of extinction, but also presents a disease transmission risk to the U.S. poultry industry and native U.S. birds. The illegal import of parrots into California has been linked to an outbreak of Newcastle's disease in that State. Moreover, smugglers are dealing in both illegal wildlife and illegal aliens. For example, a cooperative investigation by FWS, Immigration and Customs Enforcement (ICE), and the U.S. Coast Guard documented the smuggling of illegal aliens and live Clarion angelfish from Mexico, resulting in a Los Angeles man being sentenced to 46 months in prison and fined $60,000.

In fiscal year 2007, Service wildlife inspectors processed more than 179,000 wildlife shipments entering or leaving the United States. An example of how understaffed the FWS port inspection staff can be found at the United States/Canada border crossing at Blaine, Washington, where a single inspector is responsible for inspecting all imports even though that point of entry has experienced a 45 percent increase in the number of wildlife shipments in the past decade. Clearly, then, to protect domestic and international wildlife and to secure our borders, Congress must provide the funding to hire and train a sufficient number of FWS inspectors to ensure round-the-clock coverage at each designated U.S. port of entry. $3.1 million is requested for the ports of entry.

The Clark R. Bavin National Fish and Wildlife Forensics Laboratory.—The FWS forensic laboratory is a key resource used by FWS agents and inspectors for prosecuting wildlife crimes. It uses complex tests and tools to identify wildlife products as to species, determine cause of death, and make other findings critical to a successful legal case. All such findings must adhere to exacting evidentiary standards to be used in court, thus increasing the cost of testing each sample. Due to an increasing backlog of samples, the lab as a whole is running 4 to 8 months behind in its casework, causing FWS investigators, inspectors, and Federal prosecutors to wait longer to continue their investigations or initiate prosecutions. Analysis of newly submitted computer-based illegal wildlife trade cases is backlogged 7 to 8 months and the analysis itself takes another 4 to 5 months to complete. The new protocols that will be needed in the crackdown on shark finning will only worsen this problem.

This lab is the only such facility in the world and it has historically aided the fish and game departments of all 50 States and the 175 Convention for International Trade in Endangered Species (CITES) member countries. The backlog, however, jeopardizes this cooperation and has forced it to stop accepting samples from State and international wildlife investigators, weakening the long-standing partnerships supporting cooperative conservation efforts in this country and around the world. The backlog is largely a product of staffing shortages. These shortages, combined with a loss of expertise when seasoned veteran forensics experts retire before new experts are trained, threaten the lab's ability to solve wildlife crimes. To reduce both these staffing shortages and existing analytical workload and backlog, $5 million is requested for the lab. Such funds would allow for the construction of a new 8,000 square feet building to house the lab's critical comparison standards collection ($2.2 million), the hiring of six forensic scientists (forensics branch chief, senior plant morphologist, and four forensic examiners in the areas of birds, reptiles, plants, and analytical chemistry), four new technicians, and much needed spending on training, travel, equipment and supplies.

Wild Free-roaming Horses and Burros Act.—BLM uses the majority of its budget to round up and warehouse wild horses and burros, despite the fact that numerous herds have been eliminated. In 2004, the BLM embraced a devastating congressional rider requiring the sale of certain wild horses and burros without restriction. With no legal authority to protect these horses once sold, they very likely will end up at the slaughterhouse—the very outcome which prompted Congress to act to protect wild horses more than 35 years ago. Further, in 2008 the BLM announced they were considering mass euthanasia of horses in its holding facilities as a means of dealing with the program's dire financial situation—the direct effect of the BLM's overzealous removal of the animals from the range. While congressional and public outrage at such a proposal was swift and clear the BLM has never withdrawn the possibility so the Congress and public must remain vigilant. For years, AWI worked with Congress to ensure language was included in the annual Interior Appropriations bill to prevent such a travesty from occurring. The language was maintained until former Senator Conrad Burns removed it while inserting his "sales authority" language back in 2004. AWI requests that this "no-kill" language be reinserted to ensure the BLM does not kill healthy wild horses and burros:

"*Provided,* that appropriations herein made shall not be available for the sale of wild horses and burros pursuant to 16 U.S.C. 1333(e) or for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors."

With almost as many animals in holding facilities as are in the wild today, AWI respectfully requests that Congress instruct the BLM that, until such time as the agency either finds qualified adopters for those animals now being held and/or returns animals to suitable herd areas (particularly those from which all wild horses and burros have been removed or whose populations are not self-sustaining), that no funds be used to conduct further round-ups. In addition, Congress should instruct the BLM to designate ranges on public lands for the protection and preservation of wild horses and burros as provided in the act.

Yellowstone Bison.—The National Park Service/Yellowstone National Park (NPS/YNP) is the lead agency in a failed cooperative State/Federal bison management plan that, since 2000, has resulted in the unnecessary killing of nearly 3,500 park bison. Yellowstone bison represent the last continuously free-roaming herd of bison in the United States. They are of immense scientific, aesthetic, and spiritual value to millions of people from around the world. The current bison management plan has cost the American taxpayer up to $3 million per year since it was implemented in 2000 yet the three-step plan remains largely mired in step 1. In addition, though based on the concept of adaptive management, the plan has only recently been adjusted, albeit minimally, largely in response to criticisms of the plan made in a 2008 Government Accountability Office report. These adjustments, however, have not addressed the compelling new evidence documenting the existence of at least two genetically distinct bison subpopulations in the park. By ignoring this new evidence, the agencies, led by the NPS, may be permanently and adversely impacting the genetic health and viability of park bison as a consequence of their lethal management actions. To prevent the ongoing misuse of Federal taxpayers' dollars and to protect park bison from the very agency that is mandated to conserve and protect park wildlife, AWI respectfully requests that Congress include language in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill to specify that no Federal funds are to be used by the NPS for the purpose of killing or participating in the killing of YNP bison.

Multinational Species Conservation Fund.—Since 1988, the U.S. Congress has made clear its commitment to global conservation efforts through the passage of a number of funds to benefit specific species. These funds include the African Elephant Conservation Fund, the Asian Elephant Conservation Fund, the Rhinoceros and Tiger Conservation Fund, and the Great Ape Conservation Fund. To address these problems, AWI respectfully requests that Congress appropriate an additional $4 million more than the President's request for each of these funds.

PREPARED STATEMENT OF THE BEARTOOTH ALLIANCE

Madam Chairman and honorable members of the subcommittee: I appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need on the Gallatin National Forest in Montana. An appropriation of $4 million from the Land and Water Conservation Fund (LWCF) is requested in fiscal year 2010 for the U.S. Forest Service to complete the acquisition of mining claims near Cooke City. We were very pleased to learn that your subcommittee provided $4 million to begin this project in fiscal year 2009.

Roughly the same size as West Virginia, the Greater Yellowstone Ecosystem (GYE) encompasses approximately 18 million acres in Wyoming, Montana, and Idaho. The GYE includes Yellowstone and Grand Teton National Parks, portions of seven different national forests, and three national wildlife refuges. The headwaters of the Yellowstone, Missouri, Snake, and Green rivers are found in its mountains; these rivers lead to the Gulf of Mexico, Pacific Ocean, and the Gulf of California in Mexico. The varied topography of the GYE consists of arid high plains, verdant river valleys, high-elevation plateaus, and spectacular mountain ranges, as well as the most diverse and intact collection of geysers and hot springs in the world. Additionally, the Greater Yellowstone is one of the largest, relatively intact, temperate zone ecosystems remaining in the world.

Remarkably diverse, the GYE provides some of the best wildlife habitat in the country, including home for one of the last viable grizzly bear populations in the lower 48 States. It hosts the largest elk and free-roaming bison herds in North America, and provides the only U.S. wintering ground for the rare trumpeter swan. Wolverines, lynx, fishers, and pine martens still roam the GYE's mountains, as do bighorn sheep, black bears, and mountain goats. Other flourishing species include pronghorn antelope, wolves, moose, mountain lions, mule deer, beavers, coyotes, osprey, bald eagles, and peregrine falcons. The GYE hosts a total of 316 bird, 94 mammal, 24 reptile and amphibian, and more than 1,700 vascular plant species. The rich, biological diversity of the GYE is truly exceptional—nowhere else in the lower 48 States can you find a large and relatively intact ecosystem containing nearly all the living organisms present in pre-Columbian times.

In addition to its impressive wildlife values, the GYE offers some of the best recreational opportunities in North America. Its fisheries are world-renowned and attract fly fishers from all over the globe. Big game hunting opportunities are abundant. In addition to these sporting opportunities, the GYE offers a wide range of backcountry recreational opportunities including skiing, snowshoeing, snowmobiling, hiking, camping, whitewater rafting, horseback riding, and wildlife viewing.

Available within the GYE in fiscal year 2010 is the phase II acquisition of 735 acres of mining claims located near Cooke City just outside Yellowstone National Park in Montana. In 1989, a massive mining enterprise was proposed near Cooke City, Montana, next to the Absaroka-Beartooth Wilderness Area and only 2 miles from the northeastern boundaries of the National Park. The plan to mine gold, silver, and copper so close to the National Park and three important headwater tributaries of the Yellowstone River sparked an international controversy.

As the controversy grew, it reached the attention of officials in Washington, including President Bill Clinton, who visited the site in 1995. In August 1996, after months of talks, President Clinton, mining company officials, and a coalition of environmental groups announced that they had reached an agreement that would cease development of the mine. In return for $65 million in Federal land and other assets, the mining company agreed to suspend the project and create a special $22.5 million fund to clean up past contamination. But in a potentially fatal flaw, Crown Butte failed to consult with a retired Livingston, Montana schoolteacher named Margaret Reeb, who owned most of the claims that Crown Butte had the right to mine and wanted to hand over to the U.S. Government as part of the deal.

The daughter of a pioneering mining family that had owned claims in the Cooke City region for decades, Ms. Reeb quietly acquired additional claims in the area long after most of the old mines had been shut down in the years after World War II. New survey technologies later revealed that the old prospectors had just missed

striking the mother lode and that an immense body of ore still remained buried in the ground.

In the wake of the agreement between the Federal Government, the mining companies, and environmental organizations, Ms. Reeb continued to hold onto her claims. Even though the mining company eventually convinced Ms. Reeb to sign an agreement that prohibited her and her successors from developing a mine on her claims, the risk of mining remains very real since the agreement specifically States that the ban can be overturned by Federal statute. Moreover, the majority of Ms. Reeb's claims are highly developable and would make a perfect place to build backcountry homes and cabins.

Ms. Reeb died in 2005 at the age of 91, leaving her estate to her nephews, who have finally agreed to sell their aunt's mining claims so that they can be put into public ownership as originally proposed. Recognizing this opportunity, Congress appropriated $4 million to the project in fiscal year 2009. An appropriation of $4 million in fiscal year 2010 from the LWCF for phase II is needed to ensure this project is brought to a successful close. Inclusion of the Reeb Mining Claims project in the President's fiscal year 2010 budget recommendation, within the Forest Service's LWCF account, recognizes the national significance of this purchase to Yellowstone National Park and the GYE. However, the project needs an appropriation of $4 million to be completed, rather than the $1 million level included in the President's proposal. Not only will successful purchase of the Reeb property permanently remove the threat of future mining and conserve incredible scenery and wildlife habitat next to Yellowstone National Park, but it will also bring a happy ending to one of the most contentious and hard fought land use battles in the American West.

I also respectfully request a substantial increase in overall funding for the LWCF, specifically urging the subcommittee to provide $325 million for the Federal LWCF in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill. I applaud the LWCF funding increases provided by this subcommittee in fiscal year 2009, which included the funds for this project. And, we are most thankful that the Obama administration budget recognizes the importance of these programs by proposing significant increases for fiscal year 2010 and setting a goal to achieve full funding of the LWCF in the next 5 years.

The LWCF is our Nation's premier program to acquire and protect lands in National Parks, national wildlife refuges, national forests, Bureau of Land Management units, and other Federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the Nation. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change. We urge you to renew this wise investment in America's natural heritage and take steps to toward full and consistent funding of these vital programs.

Madam Chairman and distinguished subcommittee members, I want to thank you for this opportunity to testify on behalf of this important national protection effort in Montana. On behalf of the Beartooth Alliance, I thank you for your consideration of this funding request.

LETTER FROM THE BIRD CONSERVATION FUNDING COALITION

MAY 15, 2009.

Hon. DIANNE FEINSTEIN,
Chairwoman, Interior, Environment, and Related Agencies Appropriations Subcommittee,
Washington, DC.

Hon. LAMAR ALEXANDER,
Ranking Member, Interior, Environment, and Related Agencies Appropriations Subcommittee,
Washington, DC.

DEAR CHAIRWOMAN FEINSTEIN AND RANKING MEMBER ALEXANDER: The Bird Conservation Funding Coalition (BCFC) consists of national organizations that, together, advocate for Federal funding to advance bird conservation. This year we ask that you once again provide funding to programs we believe are crucial for maintaining healthy and abundant bird populations throughout the United States. These programs are:

NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT GRANTS PROGRAM (NMBCA)

NMBCA supports partnership programs to conserve birds in the United States, Latin America and the Caribbean, where approximately 5 billion birds representing 341 species spend their winters, including some of the most endangered birds in North America. Projects include activities to benefit bird populations and their habitats such as research and monitoring, law enforcement, outreach, and education. The BCFC respectfully requests the subcommittee prioritize fiscal year 2010 funding for the NMBCA at $6.5 million, an increase of $1.75 million from the appropriated amount in fiscal year 2009.

JOINT VENTURES

Joint ventures are regionally based partnerships of public and private organizations dedicated to the delivery of bird conservation within their boundaries. Originally formed to support programs involving waterfowl and wetlands, the migratory bird joint ventures have recently adopted a 5-year growth strategy to embody an "all-bird approach," to provide additional capacity for partnership development and enhancement, and to expand monitoring and assessment efforts. The BCFC respectfully requests the subcommittee allocate $19 million for fiscal year 2010, an increase of $6.5 million from the appropriated amount in fiscal year 2009.

SCIENCE AND MONITORING

Science and monitoring done within the U.S. Fish and Wildlife Service (USFWS) Office of Migratory Bird Management provides invaluable information on the status and trends of bird species necessary for sound management decisions. This scientific information helps to ensure that funds are allocated wisely within all other BCFC priorities. The slight increase in funds requested by the BCFC will help to close a multimillion dollar shortfall which currently exists within the Office of Migratory Bird Management. Therefore, the BCFC respectfully requests the subcommittee provide $36 million for this important program, an increase of approximately $6.2 million from the appropriated amount in fiscal year 2009.

NORTH AMERICAN WETLANDS CONSERVATION ACT (NAWCA)

NAWCA provides funding for conservation projects for the benefit of wetland-associated migratory birds in the United States, Canada, and Mexico. Unfortunately, more than half of the original wetlands in the United States have been lost, contributing to the steady decline of migratory birds. NAWCA, in existence since 1989, has preserved more than 24.8 million acres of wetlands by leveraging $945.2 million in Federal funds with more than $1.94 billion in partner contributions. The BCFC respectfully requests the subcommittee prioritize fiscal year 2010 funding for NAWCA at $50 million, an increase of $7.4 million from the level appropriated in fiscal year 2009.

STATE WILDLIFE GRANTS

State Wildlife Grants fund is the Nation's core program for preventing wildlife from becoming endangered, and supports a wide variety of wildlife-related projects by State fish and wildlife agencies throughout the United States. In order to receive Federal funds through the State Wildlife Grants Program, Congress charged each State and territory with developing an "action plan." Every State and territory submitted their wildlife action plan to the USFWS for review (and approval) by the October 1, 2005 deadline. The State Wildlife Action Plans are the result of a collaborative effort by scientists, sportsmen, conservationists, and other members of the community. The BCFC respectfully requests the subcommittee allocates $85 million for fiscal year 2010, an increase of $10 million from the level appropriated in fiscal year 2009.

INTERNATIONAL AFFAIRS WITHIN THE U.S. FISH AND WILDLIFE SERVICE

Wildlife Without Borders (WWB), which is within the USFWS Division of International Conservation, is a mainstay of bird conservation in Mexico, Central America, and the Caribbean. Since the termination of the USAID funding to the National Fish and Wildlife Foundation for its Neotropical Migratory Bird Program, funding for the WWB program is more critical than ever. These programs, which typically leverage $4 for every appropriated $1, are a foundation for long-term conservation efforts, because they focus on developing in-country capacity. At this time, there are four WWB programs, each covering an extensive area: Latin America and the Caribbean; Mexico; Russia and East Asia; the Near East, South Asia, and Africa. The

BCFC respectfully requests the subcommittee prioritize fiscal year 2010 funding at $21 million which is an increase of $7.8 million from the level appropriated in fiscal year 2009.

INTERNATIONAL PROGRAMS WITHIN THE USDA FOREST SERVICE

International Programs within the USDA Forest Service support an array of extremely effective bird conservation projects with a relatively small budget. Among these are restoration of Kirtland's Warbler with programs in Michigan and the Bahamas, and conservation of breeding habitat in Canada's Boreal Forest. The BCFC supports an increase in funds which would expand and accelerate work on these projects, as well as projects benefiting the rapidly declining Cerulean Warbler and the mangroves and wetlands of Mexico's Sonora Coast and San Pedro River watershed. The BCFC respectfully requests the subcommittee provide $14 million for fiscal year 2010, an increase of $5.5 million more than fiscal year 2009.

USGS AMERICAN BREEDING BIRD SURVEY (BBS)

BBS has been providing data crucial for migratory bird conservation planning since 1966. Today, the BBS provides the foundation for nongame, land bird conservation in North America with more than 3,200 skilled volunteer participants sampling 3,000 routes annually across the continental United States and Southern Canada. The BCFC respectfully requests the subcommittee provide this important program with the highest possible level of funding.

Again, we thank you for your steadfast support of these critically important programs.

Sincerely,

GEORGE FENWICK,
President,
American Bird Conservancy.

MARY BETH BEETHAM,
Director of Legislative Affairs,
Defenders of Wildlife.

ELLIE M. COHEN,
President and CEO,
PRBO Conservation Science.

ROBERT BENDICK,
Director, U.S. Government Relations,
The Nature Conservancy.

THOMAS M. FRANKLIN,
President,
The Wildlife Society.

PREPARED STATEMENT OF THE BIOMASS ENERGY RESEARCH ASSOCIATION

This testimony pertains to the Biomass Energy Research Association's (BERA) recommendations for fiscal year 2010 (fiscal year 2010) in support of appropriations for the U.S. Department of Agriculture (USDA) that are related to bioenergy. This includes the conduct of bioenergy-related research by the Agricultural Research Service (ARS) and the National Agricultural Statistics Service (NASS) under Research, Education and Economics programs of the USDA. Also covered are programs under USDA rural development and the USDA Forest Service (FS) Forest Products Laboratory (FPL). In total, BERA recommends that $157,000,000 be appropriated for fiscal year 2010 for the specified efforts below. Specific line items are as follows:

USDA RESEARCH, EDUCATION AND ECONOMICS

$25,000,000 to support ARS new products/product quality/value added to maximize production, harvesting, and storage of plants for bioenergy purposes. The current budget proposes $11 million for bioenergy plant R&D, with too little on high-yield energy crop development.

$20,000,000 to support environmental stewardship and facilitate sustainable agricultural practices, particularly for the production of crops and plants for the use of biofuels. This is an increase of $11 million more than the request of $9 million.

$5,000,000 to support agricultural estimates/bioenergy statistics by the NASS, specifically related to bioenergy crop production and use. This is an increase of $3.15 million over the current budget, which includes only $1.85 million to establish data related to bioenergy production and utilization.

$7,000,000 for the NASS agricultural chemical use program and its restoration to enable support for sustainable production of crops and plants for bioenergy.

USDA FS FPL

$20,000,000 to expand and continue microbial and biochemical research at the USDA FS FPL to enable the application of biotechnology in wood conversions, and to develop improved fermentation and other technologies to convert low-grade wood cellulose into fuels and chemicals.

USDA RURAL DEVELOPMENT

$80,000,000 to further support the Rural Energy for America Program (REAP), specifically to include an additional $20 million for loan guarantees under the Biorefinery Assistance Program (BAP).

BACKGROUND

On behalf of BERA's members, we would like to thank you, Mr. Chairman, for the opportunity to present the recommendations of BERA's board of directors for the high-priority programs that we strongly urge be continued or started. BERA is a nonprofit association based in the Washington, DC area. It was founded in 1982 by researchers and private organizations conducting biomass research. Our objectives are to promote education and research, development, and demonstration (RD&D) of the economic production of energy and fuels from freshly harvested and waste biomass, and to serve as a source of information on biomass RD&D policies and programs. BERA does not solicit or accept Federal funding for its efforts.

There is a growing urgency to diversify our energy supply, develop technologies to utilize indigenous and renewable resources, reduce United States reliance on imported oil, and mitigate the impacts of energy on climate and the environment. The benefits will be many—support for economic growth, new American jobs, enhanced environmental quality, and fewer energy-related contributions to climate change. Economic growth is fueled and sustained in large part by the availability of reliable, cost-effective energy supplies. The import of oil and other fuels into the United States is growing steadily, despite increased volatility in supply and prices, especially petroleum and natural gas. This creates an economic burden on industry and consumers alike, and adversely impacts our quality of life. A diversified, sustainable energy supply is critical to meeting our energy challenges and maintaining a healthy economy with a competitive edge in global markets. Biomass can diversify U.S. energy supply in several ways:

—Biomass is the single renewable resource with the ability to directly replace liquid transportation fuels.
—Biomass can be used as a feedstock to supplement the production of chemicals, plastics, and materials now produced from crude oil.
—Gasification of biomass produces a syngas that can be utilized to supplement the natural gas supply, generate electricity, or produce fuels and chemicals.

While biomass will not solve all our energy challenges, it can certainly contribute to the diversity of our supply, and do so in a sustainable way, while minimizing impacts to the environment or climate. The Energy Independence and Security Act (EISA) of 2007 mandates increased use of alternative fuels, with a substantial portion to come from cellulosic biomass. To meet the ambitious EISA goals will require aggressive support for RD&D to move technology forward and reduce technical and economic risk. We also support the energy provisions of the American Reinvestment and Recovery Act of 2009 (ARRA), particularly those that provide loan guarantees for new plants and research for renewable energy.

Biomass energy plantations that provide feedstocks for forest biorefineries producing paper products as well as fuels and biopower could make an important contribution to our energy supply while providing a boost for rural economies wood also can be used instead of petroleum and natural gas to produce many high-value products such as plastics and chemicals. However, targeted research is needed to make this a reality. Other cellulosic feedstocks, such as agricultural residues and dedicated energy crops (short rotation poplar, switchgrass) are expected to be a primary resource for bioenergy in the future. However, research will be needed to overcome issues of recalcitrance, low yields, cost-effective harvesting and storage, and other challenges to ensure these resources are viable as future bioenergy feedstocks. Some of this research is ongoing at the U.S. Department of Energy; however, there is a strong role for R&D in this area at USDA as well, particularly in harvesting and storage, and basic plant science and breeding. Without additional targeted research with significant Federal investment, the ambitious goals set by the RFS will not likely be met, nor will the real promise of a bioindustry be realized.

OVERALL BERA RECOMMENDATIONS FOR USDA BIOENERGY R&D

BERA's recommendations support key areas that will contribute to sustainable forestry and agriculture, as well as the creation of viable renewable resources as part of a diversified energy supply. Specific recommendations are:

Support and Expand Bioenergy Energy Research by the Agricultural Research Service (ARS) and FPL.—This important research is needed to maximize production, harvesting, and storage of plants for bioenergy purposes. While the focus is on R&D to effectively use energy crops and residues and maximize their conversion to biofuels and bioenergy, there is also the need to develop the production equipment and practices needed to ensure a viable supply infrastructure at the large volumes necessary for an expanded bioindustry. In addition to the existing program, we are recommending research be initiated, in collaboration with programs at the U.S. Department of Energy, on harvesting and other production equipment as well as storage and transportation. This research should include demonstration and validation of systems at the appropriate scale needed to support the large volumes of biomass feedstock needed meet the new RFS.

R&D is needed to enhance the use of energy crops and crop residues as viable energy resources. We recommend that the major thrust be on increased energy crop yields per acre, for both woody and herbaceous crops. This effort should include research, development and some large-scale (500-acre units) plantings of species/genomes selected through R&D and assessment.

Support Sustainability in Agriculture and Forestry for Bioenergy.—We recommend that research and development activities include a focus on the ecological and environmental sustainability of using energy crops and residues for bioenergy, including impacts to water, soil, and the carbon balance. Definitive and long-term research is needed, and should be initiated now, to understand the true impacts of removing agricultural residues from the soil, increased burdens on the water use and aquifers, and the potential environmental issues of increasing use of fertilizers, pesticides, and other agricultural chemicals that may result from residue removal. This research should go beyond models and simulations to real world testing and monitoring of soil and water conditions under residue removal scenarios. ARS is developing crops that can thrive in variable and extreme environments to expand the options for ensuring that food, feed, fiber, and biofuels production can meet market demands despite the risks of climate change, and this important focus should be maintained. Research should also focus on developing mitigation strategies due to climate-driven pest outbreaks as well as ensuring the adequate availability of water quantity and quality under changing climatic conditions.

NASS Bioenergy Data Collection.—BERA requests that USDA increase its support for new data collection activities related to bioenergy crop production by NASS. Creating a baseline now will be critical to understanding our progress in using bioenergy, the impacts on soil and water, and the impacts on rural economies. It will also help us to more accurately predict the future potential of biomass as an energy resource, and the related impacts on crops for food and feed production. It will enable farmers to judge the feasibility of energy crops and have data available to select crops and operations based on experience. Specific areas to be researched should include: data on the production, stocks, and utilization of biomass materials and annual maps of county-level crop production with overlays of major transportation corridors, as well as current and proposed ethanol plants.

Continue Rural Development Programs to Support Bioenergy.—The 2010 budget requests $68 million in discretionary funding for the Rural Energy for America Program (REAP) that will support a program level of $246 million for loan guarantees and $34 million in grants, a substantial increase over 2009. This program is highly successful and historically over-subscribed, requiring additional investments. We advocate a substantial increase in funding to support the active interest in this program and renewable energy sources, including biofuels. This includes funding for biofuels under both REAP and the Biorefinery Assistance Program (BAP), more than the mandatory funding provided by the 2008 farm bill.

CONCLUSIONS

Expansion of the USDA programs as recommended by BERA enables a considerably higher probability of significantly increasing the contribution of biomass to primary U.S. energy demand through energy crops, encouraging sustainable energy crop production, improving the cost effectiveness and diversity of biomass resources for bioenergy, and providing opportunities for rural development.

BERA recommends that all aspects of the feedstock infrastructure—from sustainable production of high-yield crops to cost-effective delivery of those crops to the bioenergy customer—be developed with support from USDA, as outlined previously.

While grain crops are a viable solution for the near term for bioenergy, they do not provide a sustainable solution at the large volumes needed to really impact our energy use. Thus, BERA includes R&D recommendations to ensure the availability of a wide diversity of non-food cellulosic feedstocks for bioenergy, such as dedicated energy crops and agricultural residues, while considering the challenges of environmental and societal sustainability and maintaining the economic vitality of America's farmers.

PREPARED STATEMENT OF THE COOPERATIVE ALLIANCE FOR REFUGE ENHANCEMENT

Chairwoman Feinstein, Ranking Member Alexander, and members of the subcommittee: Thank you for the opportunity to offer comments on the fiscal year 2010 Interior, environment, and related agencies appropriations bill. The National Wildlife Refuge System (NWRS) stands alone as the only land and water conservation system with a mission that prioritizes wildlife and habitat conservation and wildlife-dependant recreation. Since 1995, the Cooperative Alliance for Refuge Enhancement (CARE) has worked to showcase the value of the Refuge System and to secure a strong congressional commitment for conserving these special places. Located in every U.S. State and territory, refuges conserve a diversity of America's environmentally sensitive and economically vital ecosystems, including oceans, coasts, wetlands, deserts, tundra, prairie or forests. We respectfully request a funding level of $514 million for the operations and maintenance accounts of the NWRS for fiscal year 2010.

This testimony is submitted on behalf of CARE's 22 member organizations, which represent more than 14 million Americans passionate about wildlife conservation and related recreational opportunities.

—American Birding Association
—American Fisheries Society
—American Sportfishing Association
—Association of Fish and Wildlife Agencies
—Congressional Sportsmen's Foundation
—Defenders of Wildlife
—Ducks Unlimited, Inc.
—Izaak Walton League of America
—Marine Conservation Biology Institute
—National Audubon Society
—National Rifle Association
—National Wildlife Federation
—National Wildlife Refuge Association
—Safari Club International
—The Corps Network
—The Nature Conservancy
—The Wilderness Society
—The Wildlife Society
—Trout Unlimited
—U.S. Sportsmen's Alliance
—Wildlife Forever
—Wildlife Management Institute

CARE deeply appreciates the subcommittee's vision and leadership regarding the funding increases realized in fiscal year 2008 and fiscal year 2009 and the 2009 American Recovery and Reinvestment Act (ARRA). While it does not reduce the annual needs of the Refuge System, the ARRA will provide a jolt to local economies by providing refuges across the country with the means to hire local contractors and purchase local materials for important infrastructure and habitat restoration projects. Following a period of essentially flat annual budgets, the recent increases in annual appropriations allowed for the suspension of workforce downsizing plans that called for an eventual 20 percent reduction in overall staffing levels. But with more than 10 percent of staff already eliminated since 2004, additional funding increases that build upon the last 2 years are essential if this valued system of conservation lands is to rebound to its full potential. With the goal of fulfilling the progressive conservation vision that President Theodore Roosevelt first espoused more than a century ago, CARE respectfully requests a fiscal year 2010 funding level of $514 million for the operations and maintenance accounts of the NWRS.

The $514 million for fiscal year 2010 is considered an essential next step on a long path toward adequate funding. CARE is currently re-assessing the budget and staffing needs of the NWRS and the analysis, to be explained in our upcoming 2009 CARE report, shows the need for at least $765 million and likely more by fiscal year

2013. This annual funding is needed to properly patrol and enforce laws on 150 million acres, provide nature programs to the public, complete habitat restoration projects, address scores of mothballed mission-critical projects, respond to the adverse impacts of climate change, and more.

An appropriation of $514 million in fiscal year 2010 would stabilize the workforce by keeping the workforce downsizing plans securely on the shelf and thereby reducing pressure on the U.S. Fish and Wildlife Service (FWS) to cut refuge staff below already insufficient levels. This funding level would enable FWS staff to return to what they do best: protecting, restoring, and enhancing America's wildlife and habitat, providing a haven for a growing list of threatened and endangered species, and guaranteeing a positive experience for more than 41 million annual visitors, whether hunting, fishing, watching wildlife, or learning from educational programs.

Prior to fiscal year 2008, several years of appropriations failed to even cover inflation for fixed costs. Simply to keep fuel in the trucks, pay for rising utilities and building rent, allow for salary adjustments and other fixed costs, the NWRS needs at least a $15 million annual increase.

While the appropriation for fiscal year 2008 and fiscal year 2009 helped immensely, too many visitors still show up to find roads and visitor centers closed, viewing platforms and hiking trails in disrepair, and habitat restoration and nature education programs eliminated. Many prior years of inadequate budgets ballooned the operations and maintenance backlog to $3.5 billion, where it hovers still, and forced many refuges to cut staff.

Today, more than 35 percent of America's wildlife refuges have no on-site staff; nobody to unlock the gates, teach the schoolchildren, administer the hunting programs, or control the invasive weeds, let alone recover endangered species or perform major habitat restoration projects. Nonnative, invasive plants have infested more than 2.3 million acres (only 14.6 percent of this acreage was treated in 2008). Further, a crippling deficiency of law enforcement officers has led to a rise in illegal activities such as drug cultivation, plant and wildlife poaching, smuggling through the southern border refuges and many types of natural resource violations. Currently, only 205 full-time law enforcement officers are tasked with responsibilities and risks that the International Association of Chiefs of Police suggests be tackled by a force of 845 professional officers.

When refuges are short-staffed, not only are activities inside refuge boundaries affected, but refuge employees are unable to devote sufficient attention to threats beyond refuge boundaries, such as water rights disputes, upstream contamination, or encroaching developments. Overworked staff cannot take advantage of land acquisition or easement opportunities and conservation opportunities often slip away. When staff levels are reduced to only one or a few people per refuge, opportunities to partner with other interested stakeholders are lost, dramatically and adversely affecting volunteer involvement and the leveraging of additional dollars. For example, consider that the relatively well-staffed San Luis Refuge Complex in central California is often able to triple its annual budget through creative partnerships. With this extra income, large-scale tree plantings are restoring wildlife habitat and vacuuming up atmospheric carbon, invasive species are being eradicated, waterfowl hunting programs are thriving, and staff can more closely monitor outside threats to resources such as water quantity and quality. This situation demonstrates how much is possible when a critical mass of staff is able to capitalize on funding and partnering opportunities, and just how much is now being lost at most wildlife refuges today.

In addition to their integral role in American wildlife conservation, refuges are critically important on local and regional scales. Visitors in 2006 generated more than $1.7 billion in sales to local economies, creating more than 27,000 U.S. jobs and $543 million in personal income. While these figures are undeniably significant, it is widely recognized that the NWRS's potential remains largely untapped and unquantified. In addition to being local economic engines, the sustainable use of natural resources on America's refuges provides innumerable environmental benefits to communities. For example, many refuges in urban or suburban settings filter storm water before it runs downstream to municipal water supplies and, in many areas, reduce flooding by capturing excess rainwater and attenuating coastal storm surges. The vegetation on America's refuges captures atmospheric carbon while natural filtration and sound water management promotes healthy fisheries within and beyond refuge boundaries.

Of increasing importance, national wildlife refuges provide a way for children to connect with the natural world. There is a refuge within an hour's drive of most metropolitan areas in the United States. As today's children spend more time inside on computers, watching television or playing video games, the need for a place to bring our younger generations to experience and explore the outdoors has never

been more important. Many refuges work with local volunteer organizations such as "Friends groups" to provide environmental education programs to local schools; but when budgets are tight, they are often the first programs to be curtailed.

In a Nation with ever-shrinking natural areas, we must act quickly to safeguard our unique natural heritage for the benefit of wildlife and millions of present and future Americans. It was President Theodore Roosevelt who reminded America that "our duty to the whole, including the unborn generations, bids us restrain an unprincipled present-day minority from wasting the heritage of these unborn generations." CARE agrees that 41 million annual visitors and all future generations deserve the opportunity to see and appreciate 150 million acres of the most visually stunning and biologically rich lands and waters in North America. Simply put, the way to ensure a future with clean water, thriving wildlife populations, and hunting and fishing opportunities is to increase the NWRS's fiscal year 2010 appropriation to $514 million and continue the restoration of America's commitment to healthy public lands.

On behalf of our more than 14 million members and supporters, CARE thanks the subcommittee for the opportunity to offer comments on the fiscal year 2010 Interior, environment, and related agencies appropriations bill and extends our sincere appreciation for the subcommittee's strong commitment to the NWRS.

PREPARED STATEMENT OF THE CENTRAL ARIZONA WATER CONSERVATION DISTRICT

The Central Arizona Water Conservation District (CAWCD) is pleased to present written testimony regarding the fiscal year 2010 proposed budget for the Bureau of Reclamation (BOR). Preparing testimony on the fiscal year 2010 budget is somewhat hampered by the fact that the President's complete budget request will not be delivered to Congress until late April or early May. Therefore, our testimony is based on past budget requests, the fiscal year 2009 omnibus appropriations bill, and the summary version of the fiscal year 2010 budget request. CAWCD may wish to add additional information or comments to this testimony after the final version of the complete budget has been released.

CAWCD is a political subdivision of the State of Arizona, governed by an elected 15-member board of directors. CAWCD was created in 1971 for the purpose of contracting with the United States to repay the reimbursable construction costs of the Central Arizona Project (CAP) authorized by the Colorado River Basin Project Act of 1968. CAWCD subsequently assumed the responsibility for operating and maintaining the CAP. CAWCD has and continues to meet its repayment responsibility. In addition to a $175 million upfront contribution from CAWCD, BOR has been paid about $820 million in principal and interest since repayment began in January 1994.

BOR

CAWCD generally supports BOR's budget request. However, we believe that there are opportunities in the Colorado River Basin to more effectively use the limited funds available. The Colorado River system is still feeling the effects of one of the most severe droughts in its recorded history. In December 2007 BOR adopted new guidelines for managing the Colorado River system reservoirs. The Guidelines include Lower Basin shortage declaration and shortage sharing criteria. As the largest junior water rights contractor in the Lower Basin, these shortage criteria are essential for CAWCD to plan its water future. But it is just as important that BOR act affirmatively to preserve, enhance and more efficiently manage the Colorado River water supply. Accordingly, it is imperative that BOR's Lower Colorado River Operations budget include sufficient funds for structures and programs to improve operational efficiency and augment supplies. We urge the subcommittee to reorder priorities in BOR's budget to emphasize these important strategies for the Lower Colorado River.

LOWER COLORADO RIVER WATER CONSERVATION

Specifically, we are concerned about the lack of concrete focus on preserving storage capacity in Lake Mead by undertaking activities that would augment water availability and improve system operational efficiency.

Congress is well aware of the huge impacts that a multi-year drought has imposed on this region, and of the significant drawdown of stored water in the river's reservoirs that has resulted from this drought. A significant amount of water has been released over these years from Hoover Dam that could have been retained if effective downstream strategies had been implemented.

One example of an effective strategy to save water is the construction of an off stream regulatory storage reservoir near Drop 2 of the All-American Canal. This reservoir was identified as capable of saving approximately 70,000 acre-feet of Colorado River water each year. Construction of this critical reservoir is well underway using contributed funds available from Southern Nevada Water Authority (SNWA), the CAWCD and the Metropolitan Water District of Southern California in exchange for a portion of the conserved water. The estimated cost is about $172 million.

YUMA DESALTING PLANT (YDP)

Another effective strategy to conserve additional water is the operation of the YDP. Unfortunately, we believe that BOR will not request the funds necessary to operate the YDP. Every year that the YDP remains idle results in the loss of more than 100,000 acre-feet of Colorado River water, enough water to supply the annual water needs of half a million people. BOR's budget justification concerning the YDP continues to be disingenuous. BOR continues to say that the plant is in "ready reserve" status, but also states it would take 4 years and adequate funding to have the YDP fully operational. Despite this admission, none of the funding necessary to make YDP operational is identified or requested. Decisions need to be made and resources need to be applied to bring the YDP into actual operation. The appropriations bill for fiscal year 2009 directed BOR to make the YDP operational at one-third capacity by June 30, 2009 and to report formally to Congress concerning the status of the YDP by September 30, 2009. At this late date in 2009, it is clear that BOR will not meet the directive of operation at one-third capacity in 2009. Lessons learned from the pilot operations in fiscal year 2007 identified what actions are needed to make the plant fully operational. We believe that the fiscal year 2010 budget request contains no requests for funds and no stated intention to operate the YDP in the future. The Lower Basin States, along with BOR, are developing alternate plans for one or all of the States to fund the rehabilitation and operation of the YDP at partial capacity. Nonetheless, it is the responsibility of the United States to operate the YDP at full capacity to satisfy the Mexican Treaty obligation without using additional system water. We urge the subcommittee to direct BOR to make the YDP operational at one-third capacity, to initiate regular operations as soon as possible, and to seriously explore other opportunities to enhance the Colorado River supply.

COLORADO RIVER AUGMENTATION

CAWCD would like to call the subcommittee's attention to the provisions of sections 201, 202 and 203 of title 1 of the Colorado River Basin Project Act of 1968 (Public Law 90–537). These provisions call for studies and actions to augment the supply of water available for distribution within the Colorado River Basin. These provisions specifically make satisfaction of the obligations of the 1944 Treaty with Mexico a national obligation and anticipate that such obligation will be met through augmentation of the Colorado River supply. The Seven Basin States (States) have completed a process, led and funded primarily by the SNWA, to review previous augmentation studies and evaluate new concepts. BOR participated in this process. A final report was completed in fiscal year 2008. The States, using funding from a variety of State and local organizations, are actively involved in cloud seeding and control of nonnative, water-wasting plants, such as salt cedar. At the very least, BOR needs to commit sufficient funds to support implementation of some of these programs beginning in fiscal year 2010. CAWCD recommends that at least $500,000 be committed from BOR's overall appropriations for such activities as general planning, research and development, or the Water for America Institute. CAWCD urges the subcommittee to direct BOR to take action and provide funding to fulfill the commitment Congress made 40 years ago to augment the water supply in the Colorado River Basin.

TUCSON RELIABILITY

We believe BOR has requested almost $3 million in fiscal year 2010 for "Tucson Reliability." We strongly support that request. The local Reclamation office is working with CAWCD and the Tucson-area CAP water users to identify the facilities necessary to provide those users the same degree of CAP reliability enjoyed by CAP users in the Phoenix area. We expect that the fiscal year 2010 funding will be sufficient for Reclamation to determine the cost and cost sharing requirements for a complete program. Once a complete program has been identified, CAWCD is willing to address the associated increase in our repayment obligation. It is time to determine what will be done concerning "Tucson Reliability" and allow the water providers to move ahead with their plans.

LOWER COLORADO RIVER OPERATIONS PROGRAM

BOR's fiscal year 2010 budget request for the Lower Colorado River Operations Program is anticipated to be about $20 million for the Lower Colorado River Multi-Species Conservation Program (MSCP), which includes just over $7 million from the non-Federal partners. The MSCP is a cost-shared program among Federal and non-Federal interests to conserve endangered species and their habitat along the Lower Colorado River from Lake Mead to Mexico. CAWCD is one of the cost-sharing partners. This program will provide habitat for threatened and endangered species and, at the same time, allow current water and power operations to continue. CAWCD supports BOR's budget request for the Lower Colorado River Operations Program. This funding level is necessary to support the MSCP effort as well as environmental measures necessary to fully implement the interim surplus criteria for the Lower Colorado River. These are critical programs upon which Lower Colorado River water and power users depend.

INCREASED SECURITY COSTS FOR BOR HYDRO POWER FACILITIES

We continue to oppose the funding of post-9/11 increased security costs for BOR facilities through hydropower rates. The increased costs are being incurred for national security reasons, not project maintenance or operation. Details of these costs must be kept secret and cannot be disclosed like other data in Power Marketing Administration rate cases, raising serious due process issues. Other project beneficiaries are not and, in some cases, cannot be charged a fair share of these costs. Congress should make these increased national security costs nonreimbursable. We acknowledge and appreciate efforts by Congress to cap these costs.

CONCLUSION

We have worked for more than three decades with the Congress and all the succeeding administrations to make the CAP a reality, as envisioned by Congress in the 1968 Act, and to ensure its contribution to the economic welfare of the State of Arizona. Improving the ability of the Lower Colorado River system to conserve and store precious Colorado River water supplies is central to our mission and, we believe, a core directive of the 1968 Act. The lengthy drought on the Colorado River has proven the need for the CAP and the wisdom of Congress in passing the 1968 Act. It is time to move forward to aggressively accomplish the additional tasks that have been identified. We look forward to working with the Congress, the BOR, the other Federal agencies and the Basin States to get this additional work done.

PREPARED STATEMENT OF THE CHILDREN'S ENVIRONMENTAL HEALTH NETWORK

The Children's Environmental Health Network (CEHN) appreciates this opportunity to comment on the fiscal year 2010 appropriations to the Departments of Health and Human Services and Education for activities that protect children from environmental hazards.

CEHN is seeking additional resources for the Office of Children's Health Protection (OCHP), the Children's Environmental Health Research Centers of Excellence, the Pediatric Environmental Health Specialty Units (PESHU), and full funding of the Environmental Protection Agency's (EPA) school environmental health programs as well as support for the National Children's Study (NSC) and for efforts to protect children in the child care setting.

CEHN appreciates the wide range of priorities that you must consider for funding at the EPA. We urge you to give priority to those EPA programs that directly protect and promote children's health. In so doing, you will protect all populations as well as our environment.

CEHN is a national organization whose mission is to promote a healthy environment and to protect the fetus and the child from environmental health hazards. CEHN's board and committee members include internationally recognized experts in children's environmental health science and policy who serve on key Federal advisory panels and scientific boards. We recognize that children, in our society, have unique moral standing. CEHN was created to promote the incorporation of basic pediatric facts such as these in policy and practice:

—Children's bodies and behaviors differ from adults. In general, they are more vulnerable than adults to toxic chemicals.

—Children are growing. Pound for pound, children eat more food, drink more water, and breathe more air than adults. Thus, they are likely to be more exposed to substances in their environment than are adults. Children have higher

metabolic rates than adults and are different from adults in how their bodies absorb, detoxify, and excrete toxicants.

—Children's systems, including their nervous, reproductive, digestive, respiratory and immune systems, are developing. This process of development creates periods of vulnerability when toxic exposures may result in irreversible damage when the same exposure to a mature system may result in little or no damage.

—Children behave differently than adults, leading to a different pattern of exposures to the world around them. For example, they exhibit hand-to-mouth behavior, ingesting whatever substances may be on their hands, toys, household items, and floors. Children play and live in a different space than do adults. For example, very young children spend hours close to the ground where there may be more exposure to toxicants in dust, soil, and carpets as well as low-lying vapors such as radon, mercury vapor, or pesticides.

—Children have a longer life expectancy than adults; thus they have more time to develop diseases with long latency periods that may be triggered by early environmental exposures, such as cancer or Parkinson's disease.

Clear, sound science underlies these principles. A solid consensus in the scientific community supports these concepts. The world in which today's children live has changed tremendously from that of previous generations. There has been a phenomenal increase in the substances to which children are exposed. According to the EPA, more than 83,000 industrial chemicals are currently produced or imported into the United States. Thousands of chemicals are ubiquitous in our environment worldwide. Traces of hundreds of chemicals are found in all humans and animals. Every day, children are exposed to a mix of chemicals, most of them untested for their effects on developing systems. Many of these chemicals are readily passed across the placenta to the fetus, to the infant via breast milk, or via food, toys and other children's products. Many of these chemicals are also ingested in food and water. Many also are absorbed by children through the lungs by respiration of contaminated air.

We urge the subcommittee to provide the necessary resources for the Federal programs and activities that help to protect children from environmental hazards. The key programs that are in your subcommittee's jurisdiction are listed below. We also urge the subcommittee to direct the EPA to assure that all of its activities and programs—including regulations, guidelines, assessments, and research—specifically consider children. Our traditional approaches have been to use a one-size-fits-all template, and that template is usually the healthy adult male. The EPA's work must always assure that children and other vulnerable subpopulations are protected, especially poor children, minority children, farmworker children, and others at risk.

OCHP

Since 1997, EPA's efforts to protect children from environmental hazards have been led by the OCHP, which was highly effective and well-regarded. Funding for OCHP has been level, at approximately $6 million since its creation. Even worse, over time the office's resources were further diluted by the addition of new and unrelated missions, without any increase in resources.

We strongly urge the subcommittee to provide additional resources dedicated to children's health protection for the office, and to restore a strong focus on children by the EPA.

CHILDREN'S ENVIRONMENTAL HEALTH RESEARCH CENTERS OF EXCELLENCE

The Children's Environmental Health Research Centers, funded by the EPA and the National Institute of Environmental Health Sciences (NIEHS), play a key role in providing the scientific basis for protecting children from environmental hazards. With budgets of $1 million per year per center (unchanged over more than 10 years), this program generates valuable research. A unique aspect of these centers is the requirement that each center actively involves its local community in a collaborative partnership, leading both to community-based participatory research projects and to the translation of research findings into child-protective programs and policies. Researchers have chosen to participate in the center funding mechanism because of the ability to do interdisciplinary research, to break ground in a relatively new field and to be involved in the community—all things that are not easy to do using other grant mechanisms. The scientific output of these centers has been outstanding. For example, four of the Centers had findings that clearly showed that prenatal exposure to a widely used pesticide affected developmental outcomes at birth and early childhood. This was important information to EPA's policy makers in their consideration of this pesticide. Another recent example is the finding

of a biomarker in newborns for childhood leukemia, firmly establishing the important role of prenatal environment factors in causation of this disease.

Unfortunately, almost all of the existing 12 centers are currently operating on no-cost extensions. We strongly support the center concept and the value of a network of centers. We also support current efforts by the EPA and the NIEHS to competitively renew and to expand this valuable program by adding four formative centers. However, only five of the existing centers are to be renewed. If centers are shuttered, we will lose access to valuable populations such as children with asthma or growing up with pesticide exposure in farm communities. We will lose the ability to learn about issues like early puberty concerns, exposures in school settings, and pre-adolescent and adolescent outcomes.

Thus, we urge the subcommittee to appropriate at least $15 million for EPA's share of funding to match the NIEHS contribution to assure that an adequate number of centers (old and new) will have funding in fiscal year 2010.

NSC

NSC is examining the effects of environmental influences on the health and development of more than 100,000 children across the United States, following them from before birth until age 21. This landmark longitudinal cohort study—involving a consortium of agencies including the EPA—will be one of the richest research efforts ever geared toward studying children's health and development and will form the basis of child health guidance, interventions, and policy for generations to come.

This study may be the only means that we will have to find answers to some key questions regarding links between exposures and health effects on children. CEHN urges the subcommittee to fund EPA at a level that provides the EPA with the resources it needs to participate in the NCS as a lead partner. Past funding to EPA for the NCS was $1 million.

PEHSUS

A key, but dramatically underfunded, program is the PEHSU network. Funded by the EPA and the Agency for Toxic Substances and Disease Registry, the PEHSUs form a network with a center in each of the U.S. Federal regions, plus one center in Canada and one in Mexico. PEHSU professionals provide quality medical consultation for health professionals, parents, caregivers, and patients. PEHSUs are also dedicated to increasing environmental medicine knowledge among healthcare professionals as well as providing information and resources to school and community groups to help increase the public's understanding of children's environmental health.

Last year, the entire program, covering the United States—10 centers— received less than $2 million. Each center received only $120,000, reduced from $132,000. These centers, all based in universities, have done tremendous work, covering large geographic areas, on these small budgets. As university budgets get tighter, the need for Federal support of this program has increased. We urge the subcommittee to restore EPA's funding for this vital program in fiscal year 2010 to at least $200,000 per center.

SCHOOL AND CHILD CARE ENVIRONMENTAL HEALTH

Each school day, about 54 million children and nearly 7 million adults—20 percent of the total U.S. population—spend a full week inside schools. Thirteen million preschoolers—60 percent of young children—are in child care. Unfortunately, many of the Nation's 121,000 public and private K–12 school facilities are shoddy or even "sick" buildings whose environmental conditions harm children's health and undermine attendance, achievement, and productivity. In 1996 the then General Accounting Office reported that more than 13 million children were compelled to be in schools that threatened their health and safety. No data exist on the conditions in child care centers.

We urge the subcommittee to appropriate the $10 million authorized for EPA under the healthy schools provisions of the High Performance Green Buildings Act. This statute authorizes EPA to create Federal guidelines on school siting and (advised by the Centers for Disease Control and Prevention) school environmental health programs. This statute also authorizes an important study of the impacts of green schools on the health of children and communities.

These programs are especially vital in light of the "stimulus" funds for school modernization or renovation. The stimulus bill does not require consideration of environmental health or children's health and safety. Yet, without specific consideration of health, steps to "green" a school—such as increasing insulation at a school

to improve energy efficiency—can have unintended harmful side effects, such as creating or exacerbating indoor air quality problems.

Millions of preschoolers—our youngest and most vulnerable population—enter care as early as 6 weeks of age and can be in care for more than 40 hours per week. Yet little is known about the environmental health status of our child care centers nor how to assure that they are protecting this important group of children. CEHN is working to correct these gaps.

We ask the subcommittee to direct the EPA to report on their activities to protect children from environmental hazards in child care settings as well as to assess the EPA's needs for assuring that children in these settings are protected from such hazards.

In conclusion, investments in programs that protect and promote children's health will be repaid by healthier children with brighter futures, an outcome we can all support. That is why CEHN asks you to give priority to these programs.

Thank you for the opportunity to testify on these critical issues.

PREPARED STATEMENT OF THE CENTER FOR PLANT CONSERVATION

We respectfully request increased appropriations to a total of $10 million for the Bureau of Land Management (BLM) Native Plant Materials Development Program (NPMD) and $5 million for the U.S. Forest Service (USFS) NPMD Program. In addition we request $5 million in increased funding for the endangered species program in the BLM to begin to address dramatically increasing plant conservation needs. Further, we request an increase of a minimum of $100 million in additional funding for the U.S. Fish and Wildlife Service (FWS) Recovery Program budget to help address the imbalance in funding for recovery plan development and implementation for plants. We also appeal to the subcommittee to revise the current definition of wildlife used in the State Wildlife Grant Program, which excludes plants. Current guidance does not allow these funds to be expended for projects whose main objective is recovery of declining plants, and has further aggravated the imbalance in plant conservation activities and availability of resources at the State level.

The Center for Plant Conservation (CPC) is a conservation organization whose mission is to conserve and restore the rare native plants of the United States. We are a coordinated, science-based network of 36 botanical institutions working for the recovery of our most imperiled native species on public and private lands nationwide. Our network represents a wealth of expertise and experience. Our organization works through professional staff in botanical institutions, hand-in-hand in productive partnerships for plant conservation and recovery. We have provided match resources of nearly $750,000 in our cooperative work with the BLM, USFS, and National Park Service in the last few years, and implement approximately $3 million in plant recovery research and restoration each year.

We rely on our public agencies as administrators of our public natural resource laws, and stewards of our public land plant trust resources. Public lands are instrumental in maintaining healthy environmental systems and serve as a primary source of the increasingly valuable natural resource plant biodiversity represents for the Nation.

NPMD PROGRAM

CPC regards the NPMD Program as one of the most significant public works projects of our times, and has been an active partner for 5 years. The NPMD Program works to collect, develop, and distribute native plant seed to agency partners and industry for increase and use in Federal land restoration efforts following fire and other disturbances. Expanding the variety and quantity of native plant materials will create new business opportunities for the private sector, reduce cost for Federal land restoration, and improve availability for public and private uses.

In 2001, Congress directed the BLM and the USFS, working through the Plant Conservation Alliance, to develop a long-term program to manage this effort. The program is funded through "burned area rehabilitation program funds" in both the Department of the Interior BLM appropriations and the Department of Agriculture USFS (NFN3 line item) in appropriations bills. Program success is contingent on consistent and increased funding.

While seed collection has moved forward well, more work is needed, as well as seed increase projects before seed can be released to the commercial sector. These projects require several more years of effort to reach target needs.

BLM developed a 10-year funding strategy, identifying a need for a relatively modest $120 million from 2003–2012. In spite of great progress, to date the BLM's NPMD Program has received only approximately $32 million. The BLM strategy

works with a nationwide collaboration of partners to secure seed, and has engaged many organizations. Positive collaborative partnerships for public lands have been fostered nationwide, and partners have invested more than $5 million of non-Federal match, making the program cost effective. CPC is one of the largest contributing partners in this important effort.

In addition to the fire rehabilitation program, other BLM programs will benefit from improved native plant materials (oil and gas, range, wildlife, and recreation) and current funding could be increased through their fiscal participation. We request an appropriation of $10 million for the BLM NPMD Program appropriation. In the President's budget $0 has been recommended for the USFS program. Abandonment of this USFS program which has made significant progress in developing new stocks for public and private benefit is fiscally wasteful. We request continued funding for the USFS NPMD Program (line item NFN3 in their budget) as well, in the amount of $5 million.

BLM PLANT CONSERVATION PROGRAM NEEDS

The President's energy plan will increase significant disturbance of large areas of BLM lands for energy development. Challenges to the integrity and productivity of BLM lands from invasive species and global climate change have also increased potential impacts to significant numbers of federally listed and BLM special status plant species.

The BLM is one of our largest Federal landholders, and therefore one of our most significant agencies in conserving plant biodiversity. The CPC recognizes the leadership of the BLM in establishing a Plant Conservation Program to take an integrated approach to these significant issues. This agency needs increased funding to evaluate impacts, secure wild populations, and plan and implement restoration and management practices to preserve valuable plant biodiversity on the 262 million acres of BLM lands.

Additional botanists are needed for BLM field offices, as well as funds to support planning and implementation of identified program needs. We request an increase of $5 million in BLM Endangered Species Program funds (approximately 2 cents an acre) to help address these emerging needs, and recommend these funds be administered through the Plant Conservation Program.

Given the extensive land holdings of BLM, they have a large responsibility for plant biodiversity in the United States. Their Plant Conservation Program has provided integrated programmatic leadership and support for the rehabilitation and management of plant biodiversity. This program would benefit from a dedicated sub-activity within BLM appropriations for this valuable and innovative approach. A dedicated sub-activity would provide stability for the program and greater certainty for investing partners seeking long-term benefits. This would increase the effectiveness of the program for management of trust plant resources through increasing partnerships and resources.

FWS RECOVERY PROGRAM

Our federally listed plants are historically underfunded and underserved in recovery programs. While 57 percent of the federally listed species under the Endangered Species Act (ESA) are plants, they historically receive only 3–5 percent of Federal agency expenditures for listed species recovery.

Our research has demonstrated that approximately 75 percent of our federally listed plant species have fewer than 100 individuals remaining in the majority of remaining sites, and are at a high risk of extinction within 20–25 years unless intervention is initiated quickly. We have also shown that 87 percent of federally listed plant species are very closely related to agronomically important species. Given the high natural resource value of our wild plants for healthy air and water, mediating global climate change, the raw material for plant breeding in support of sustainable agriculture, and potential medically and economically significant products, this imbalance presents a real threat to the future economic well-being of our Nation. More botanists and more dollars for recovery actions are needed.

As noted above, CPC renders tremendously valuable public benefits in recovery efforts for our most imperiled plants, but we cannot garner the resources to solve this problem for the Nation solely through private efforts. The backlog of work needed to properly respond to recovery needs for all federally listed species has been estimated to be well more than $300 million.

An increase in the USFWS recovery program budget is needed to begin to address the most critically imperiled plant and animal species. We are requesting an increase of $100 million in the USFWS recovery program budget. Further, we believe $80 million should be dedicated to implementation of recovery activities for priority

listed plant species, which have been so long neglected. At least $20 million of this appropriation should be designated for recovery for Hawaiian plant species, as Hawaii has long been documented as our greatest national treasure for plant biodiversity.

Thank you for the opportunity to present testimony regarding the proposed Department of the Interior appropriations. We hope you will be able to respond to these urgent needs for these valuable national resources.

PREPARED STATEMENT OF THE COLORADO RIVER BOARD OF CALIFORNIA

This testimony is in support of fiscal year 2010 funding for he Bureau of Land Management (BLM) for the subactivity that assists title II of the Colorado River Basin Salinity Control Act (Public Law 92–500). This successful and cost-effective program is carried out pursuant to the Colorado River Basin Salinity Control Act and the Clean Water Act (Public Law 92–500).

The Colorado River Board of California (Colorado River Board) is the State agency charged with protecting California's interests and rights in the water and power resources of the Colorado River system. In this capacity, California and the other six Basin States through the Colorado River Basin Salinity Control Forum (Forum), the interstate organization responsible for coordinating the Basin States' salinity control efforts, established numeric criteria in June 1975, for salinity concentrations in the River. These criteria were established to lessen the future damages in the Lower Basin States, as well as, assist the United States in delivering water of adequate quality to Mexico in accordance with Minute 242 of the International Boundary and Water Commission. California's Colorado River water users are presently suffering economic damages in the hundreds of million of dollars per year due to the river's salinity.

The BLM's budget justification document has stated that the BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation (USBR) and the U.S. Department of Agriculture (USDA), and report salt retaining measures in order to further the Plan of Implementation of Federal Salinity Control Program in the Colorado River Basin. The BLM budget, as proposed by the administration in the BLM budget justification document, calls for five principal program priorities within the soil, water, and air management Program. One of the priorities is reducing saline runoff in the Colorado River Basin to meet the interstate, Federal, and international agreements to control salinity of the Colorado River.

As you are aware, BLM is the largest landowner in the Colorado River Basin. Due to geological conditions, much of the lands that are controlled and managed by the BLM are heavily laden with salt. Past management practices have led to human-induced and -accelerated erosion processes from which soil and rocks, heavily laden with salt have been deposited in various stream beds or flood plains. As a result, salts are dissolved into the Colorado River system causing water quality problems downstream.

Congress has charged Federal agencies, including the BLM, to proceed with programs to control the salinity of the Colorado River. BLM's rangeland improvement programs can lead to some of the most cost-effective salinity control measures available. These measures significantly complement programs and activities being considered for implementation by the Bureau of Reclamation (Reclamation) through its Basin-wide Program and by the U.S. Department of Agriculture through its on-farm Environmental Quality Incentives Program.

In keeping with the congressional mandate to maximize the cost-effectiveness of the salinity control program, the Forum at its meeting in October 2008 in San Diego, California, recommended that Congress appropriate $5,900,000 to BLM in fiscal year 2010 for activities that help control salt contributions from BLM-managed lands in the Colorado River Basin. In the past, BLM has used $800,000 of this funding for proposals submitted by BLM staff to the BLM's salinity control coordinator for projects that focus on salinity control. The Colorado River Basin Salinity Control Advisory Council report states that the BLM has now identified projects that in fiscal year 2010 could use $1.5 million. The Colorado River Board requests that Congress appropriate $5,900,000 to BLM in fiscal year 2010. The Colorado River Board urges the subcommittee to specifically designate $1,500,000 for the Colorado River Basin Salinity Control Program as has been the direction to BLM from the subcommittee in past years.

Since the congressional mandates of more than two decades ago, much has been learned about the impact of salts in the Colorado River system. Reclamation estimates that the quantified economic impacts and damages to water users in the

United States alone is about $376 million per year. However significant unquantified damages also occur. For example, damages can be incurred related to the following activities:

—A reduction in the yield of salt-sensitive crops and increased water use for leaching in the agricultural sector;
—A reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water and water softeners in the household sector;
—An increase in the use of water for cooling, and the cost of water softening, and a decrease in equipment service life in the commercial sector;
—An increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector;
—A decrease in the life of treatment facilities and pipelines in the utility sector;
—Difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins, and fewer opportunities for recycling and reuse of the water due to groundwater quality deterioration;
—Increased use of imported water for leaching and the cost of desalination and brine disposal for recycled water.

For every 30 milligram per liter increase in salinity concentrations, there are an additional $75 million damages within the United States. In addition, the Federal Government has made significant commitments to the Republic of Mexico and to the seven Colorado River Basin States with regard to the delivery of quality water to Mexico. In order for those commitments to be honored, it is essential that in fiscal year 2010, and in future fiscal years, that the Congress provides adequate funds to BLM for its activities related to salinity control in the Colorado River Basin.

The Colorado River is, and will continue to be, a major and vital water resource to the 18 million residents of southern California, including municipal, industrial, and agricultural water users in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties. Preservation and improvement of Colorado River water quality through an effective salinity control program will avoid the additional economic damages to users in California and the other States that rely on Colorado River water resources.

PREPARED STATEMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL FORUM

In support of $5,900,000 to assist in Colorado River Salinity Control, title II from the soil, water, and air management effort, and with support for the President's request for that activity. Also, a request that $1,500,000 be spent on identified salinity control related projects and studies.

This testimony is in support of funding for the Bureau of Land Management (BLM) for the subactivity that assists the Colorado River Basin Salinity Control Program authorized by the Congress. The BLM budget, as proposed by the administration in the BLM budget justification document, calls for five principal program priorities within the soil, water, and air management program. One of these priorities is reducing saline runoff to meet the interstate, Federal and international agreements to control salinity of the Colorado River.

The BLM's budget justification documents have stated that the BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation (USBR) and the U.S. Department of Agriculture (USDA), and report salt-retaining measures in order to further the Plan of Implementation of the Federal Salinity Control Program in the Colorado River Basin. The Colorado River Basin Salinity Control Forum (Forum) believes that fiscal year 2010 funds appropriated by the Congress for the soil, water, and air management program should be used, in part, for reducing saline runoff in the Colorado River Basin.

The seven Colorado River Basin States, through the Forum, have engaged the BLM in a partnership with the Basin States as has been done previously with the two other Federal agencies implementing salinity control in the Basin. The Forum has requested and the BLM has selected a salinity control coordinator for this basinwide effort. This person now serves with the two full-time coordinators in place for the USBR and the USDA efforts. This enhanced working relationship has taken advantage of the availability of Basin States' cost-sharing monies to leverage Federal funds. The Forum is encouraged by the words in the BLM budget document. The Forum supports the funding request for the soil, water, and air management subactivity. As 1 of the 5 principal soil, water, and air program priorities, the Forum believes that the BLM needs to specifically target $5,900,000 to activities that help

control salt contributions from BLM managed lands in the Colorado River Basin. In the past, the BLM has used $800,000 of the soil, water and air program funding for proposals submitted by BLM staff to the BLM's salinity control coordinator for projects that focus on salinity control. The Colorado River Basin Salinity Control Advisory Council has recognized that the BLM has now identified projects that in fiscal year 2010 could use $1.5 million. For years, Congress has dedicated $800,000 on the effort and now the Forum believes $1.5 million should be so designated.

The success of the BLM in controlling erosion and, hence, salt contributions to the Colorado River and its tributaries is essential to the success of the Colorado River Basin Salinity Control Program, including adherence to the water quality standards adopted by the seven Colorado River Basin States and approved by the U.S. Environmental Protection Agency (EPA). Inadequate BLM salinity control efforts will result in very significant additional economic damages to water users downstream. The Forum submits this testimony in support of adequate funding so that the BLM program can move ahead at a pace that is needed to sustain these water quality standards.

OVERVIEW

This testimony is in support of funding for a portion of the title II program. The Colorado River Basin Salinity Control Program was authorized by the Congress in 1974. The title I portion of the Colorado River Basin Salinity Control Act responded to commitments that the United States made, through a minute of the International Boundary & Water Commission, to Mexico specific to the quality of water being delivered to Mexico at the international boundary. Title II of the act established a program to respond to salinity control needs of Colorado River water users in the United States and to comply with the mandates of the then newly enacted Clean Water Act. Initially, the Secretary of the Interior and the USBR were given the lead Federal role by the Congress.

After a decade of investigative and implementation efforts, the Basin States concluded that the Salinity Control Act needed to be amended. In response to the Basin States' requests, the Congress revised the act in 1984 to give new salinity control responsibilities to the USDA and to the BLM. That revision, while leaving implementation of the salinity control policy with the Secretary of the Interior, gave new salinity control responsibilities to the USDA and to the BLM. The Congress has charged the administration with implementing the most cost-effective program practicable (measured in dollars per ton of salt removed). The Basin States are strongly supportive of that concept and have proceeded to implement salinity control activities for which they are responsible in the Colorado River Basin.

Since the congressional mandates of over two decades ago, much has been learned about the impact of salts in the Colorado River system. The USBR estimates that the quantified economic impacts and damages to United States' water users alone is about $353 million per year and there are very significant additional damages yet to be quantified. Damages occur from:

—a reduction in the yield of salt sensitive crops and increased water use for leaching in the agricultural sector;

—a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers, and dishwashers, and increased use of bottled water, and water softeners in the household sector;

—an increase in the use of water for cooling, and the cost of water softening, and a decrease in equipment service life in the commercial sector;

—an increase in the use of water and the cost of water treatment, and an increase in sewer fees in the industrial sector;

—a decrease in the life of treatment facilities and pipelines in the utility sector;

—difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, an increase in desalination and brine disposal costs due to accumulation of salts in groundwater basins, and fewer opportunities for recycling due to groundwater quality deterioration;

—increased use of imported water for leaching and the cost of desalination and brine disposal for recycled water.

The Forum is composed of gubernatorial appointees from Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. The Forum has become the seven State coordinating body for interfacing with Federal agencies and the Congress in support of the implementation of the Salinity Control Program. In close cooperation with the EPA and pursuant to requirements of the Clean Water Act, every 3 years the Forum prepares a formal report analyzing the salinity of the Colorado River, anticipated future salinity, and the program elements necessary to keep the

salinities at or below the concentrations in the river system in 1972 at Imperial Dam, and below Parker and Hoover Dams.

In setting water quality standards for the Colorado River system, the salinity concentrations at these three locations have been identified as the numeric criteria. The plan necessary for controlling salinity and reducing downstream damages has been captioned the "Plan of Implementation." The 2008 review of water quality standards includes an updated Plan of Implementation. The level of appropriation requested in this testimony is in keeping with the agreed-upon plan. If adequate funds are not appropriated, significant damages from the higher salt concentrations in the water will be more widespread in the United States and Mexico.

JUSTIFICATION

The BLM is, by far and away, the largest land manager in the Colorado River Basin. Much of the land that is controlled and managed by the BLM is heavily laden with salt. Past management practices, which include the use of lands for recreation; for road building and transportation; and for oil, gas, and mineral exploration have led to man-induced and accelerated erosional processes. When soil and rocks heavily laden with salt erode, the silt is carried along for some distance and ultimately settles in the streambed or flood plain. The salts, however, are dissolved and remain in the river system causing water quality problems downstream.

The Forum believes that the Federal Government has a major and important responsibility with respect to controlling salt contributions from public lands. The Congress has explicitly directed specific Federal agencies, including the BLM, to proceed with measures to control the salinity of the Colorado River, with a strong mandate to seek out the most cost-effective options. It has been determined that rangeland improvements can lead to some of the most cost-effective salinity control measures available. These salinity control measures may be more cost-effective than some now being considered for implementation by the USBR and by the USDA. They are very environmentally acceptable as they will prevent erosion, enhance wildlife habitat, increase dependable stream flows, and increase grazing opportunities.

Through studying hundreds of watersheds in the States of Utah, Colorado and Wyoming, consortiums of Federal and State agencies, including the BLM, have selected several watersheds where very cost-effective salinity control efforts could be implemented immediately. In keeping with the congressional mandate to maximize the cost-effectiveness of salinity control, the Forum is requesting that the Congress appropriate and the Administration allocate adequate funds to support the BLM's portion of the Colorado River Salinity Control Program as set forth in the Forum's adopted Plan of Implementation.

PREPARED STATEMENT OF THE COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

Dear Madam Chair and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission (CRITFC) is pleased to share its view on the Department of Interior, Bureau of Indian Affairs' (BIA) fiscal year 2010 budget and has specifically identified two funding needs:

—$7,712,000 (an increase of $4,500,000 more than fiscal year 2009) for Columbia River Fisheries Management under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation areas to restore base program funding to the Commission and the fisheries programs of its member tribes to meet management obligations, including efforts for species listed under the Endangered Species Act, and;

—$,4,800,000 (an increase of $2,530,000 more than the fiscal year 2009) for United States/Canada Pacific Salmon Treaty under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation areas to restore base program funding and to implement new obligations under the recent agreement adopted by the United States and Canada under the Treaty.

CRITFC was founded in 1977 by the four Columbia River treaty tribes: Confederated Tribes of the Umatilla Indian Reservation, Confederated Tribes of the Warm Springs Reservation of Oregon, Confederated Tribes and Bands of the Yakama Nation, and Nez Perce Tribe. CRITFC provides coordination and technical assistance to the tribes in regional, national, and international efforts to protect and restore our shared salmon resource and the habitat upon which it depends. The collective ancestral homeland of the four tribes covers nearly one-third of the entire Columbia River Basin in the United States.

In 1855, the United States entered into treaties with the four tribes[1] whereupon we ceded millions of acres of our homelands to the United States. In return, the United States pledged to honor our ancestral rights, including the right to fish. Unfortunately, a perilous history brought the salmon resource to the edge of extinction with 12 salmon and steelhead populations in the Columbia Basin listed under the Endangered Species Act (ESA).

Today, the CRITFC tribes' are leaders in fish restoration efforts and work with State, Federal, and private entities. CRITFC's member tribes are principles in the region's efforts to halt the decline of salmon, lamprey, and sturgeon populations and rebuild them to levels that support ceremonial, subsistence, and commercial harvests. To achieve these objectives, the tribes' actions emphasize supplementation of natural stocks, healthy watersheds, and collaborative efforts.

The programs in this testimony are carried out pursuant to the Indian Self-Determination and Assistance Act. We have successfully secured other funds to support our efforts, including funds from the Bonneville Power Administration, the Pacific Coastal Salmon Recovery Fund, and the Southern Fund of the Pacific Salmon Treaty, to name a few. Our programs are integrated as much as possible with State and Federal salmon management and restoration efforts. Following several years of court-supervised collaboration our member tribes have successfully forged three key 10-year agreements including a coordinated plan for salmon restoration to meet the objectives for the Biological Opinion on the Federal Columbia River Power System, while ensuring protection of our treaty reserved rights.

Columbia River Fisheries Management Program Needs Under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation.—Tribal natural resource funding is not keeping pace with inflation. Funding shortfalls are undermining efforts to fulfill tribal self-determination goals for fisheries management, ESA recovery efforts, protecting nonlisted species, conservation enforcement, and treaty fishing access site maintenance. Since fiscal year 2003, our funding has decreased under the weight of inflation and rising operation costs. We are seeking an increase of $4,500,000 more than fiscal year 2009 for a new program base of $7,712,000 for Columbia River Fisheries Management as explained below:

Restore Base Program and Meet Unfunded Program Needs.—The BIA's Columbia River Fisheries Management line item is the base funding that supports the fishery program efforts of CRITFC and the four member tribes. Unlike State fish and game agencies, the tribes do not have access to Dingell-Johnson/Pittman-Robertson or Wallop-Breaux funding. Three million, six hundred thousand dollars of the increase will be directed to support the core functions of the fisheries management programs of the Commission's member tribes.

In 2008, CRITFC and its member tribes successfully concluded lengthy negotiations resulting in three landmark agreements: (1) a Columbia Basin Fish Accords with Federal action agencies overseeing the Federal hydro system in the Columbia Basin; (2) a Ten-Year Fisheries Management Plan with Federal, tribal, and State parties under *United States* v. *Oregon*; and (3) a new Chinook Chapter of the Pacific Salmon Treaty. These agreements establish regional and international commitments on harvest and fish production efforts, commitments to critical investments in habitat restoration, and resolving contentious issues by seeking balance of the many demands within the Columbia River basin. While the Accords commit substantial Federal resources to on-the-ground actions, the responsibilities of the tribal programs to fully implement the trio of agreements has grown significantly, but without commensurate increases in base funding capacity.

The funding provided through the BIA to support tribal fishery programs is crucial to the tribes' and CRITFC's ability to successfully carry out these agreements by providing sound technical, scientific, and policy products to diverse public and private forums. Lost buying power through rising costs, inflation, and lack of pay-cost adjustments to tribal funding has further challenged us to deliver these essential services.

Compounding the challenges in successfully implementing these agreements are the impacts that climate change will have on the interior Columbia Basin and the tribe's treaty resources. The University of Washington Climate Impact Group predicts new challenges to salmon management due primarily to thermal effects and runoff timing changes. The CRITFC is being asked to develop mitigation and adaptation strategies on behalf of our member tribes. CRITFC and its member tribes currently have insufficient funds to do the technical work and allow policy-level participation in the co-management arena.

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[1] Treaty with the Yakama Tribe, June 9, 1855, 12 Stat. 951; Treaty with the Tribes of Middle Oregon, June 25, 1855, 12 Stat. 963; Treaty with the Umatilla Tribe, June 9, 1855, 12 Stat. 945; Treaty with the Nez Perce Tribe, June 11, 1855, 12 Stat. 957.

Public safety continues to be a high priority for CRITFC and the four tribes. Unfortunately, in 2008 three tribal fishermen were lost while exercising their treaty fishing rights. CRITFC conservation officers were the cornerstone of the search and rescue, and subsequently recovery, efforts. In the popular and heavily used Columbia Gorge they provide the most continuous on-river presence for both the tribal and nontribal community who depend on the river for commercial, cultural, and recreational opportunities.

The Columbia River in lieu and treaty fishing access sites were authorized by Congress to fulfill the promises beginning in 1939 when the U.S. Government built the first of four Federal dams that flooded traditional fishing sites and villages on the lower Columbia River. After nearly 70 years, 29 sites are in place with one and perhaps two more sites remaining to fulfill the Government's pledge. Eighteen of the sites are along the Washington shores of the Columbia River between Bonneville and McNary Dams. Tribal fishers from the four tribes use the sites to support their harvest for ceremonial, subsistence and commercial purposes. The sites vary with improvements including boat launches, fish drying sheds, fish cleaning stations, and camping facilities. The funding will assure that there will be sufficient support for operation and maintenance of the sites through 2045.

United States/Canada Pacific Salmon Treaty Under the Other Recurring Programs, Wildlife and Parks, Rights Protection Implementation.—For tribal participants in the Pacific Salmon Treaty, the U.S. section has identified a program need of $4,800,000 through the BIA.

The United States and Canada entered into the Pacific Salmon Treaty in 1985 to conserve and rebuild salmon stocks, provide for optimum production, and control salmon interceptions. The treaty established the Pacific Salmon Commission (PSC) as a forum to collaborate on intermingled salmon stocks. The U.S. section of the PSC annually develops a coordinated budget for tribal, State, and Federal programs to ensure cost and program efficiencies. Congress increased funding in 2000 in order to implement the 1999 agreement, but funding has significantly eroded since then, As of December 2008, the United States and Canada have adopted a new long-term Treaty agreement after nearly 3 years of negotiations. Both parties agreed to significant new management research and monitoring activities to ensure the conservation and rebuilding of the shared salmon resource

The $4,800,000 provides for direct tribal participation with the Commission, panels, and technical committees. The funding enables the tribes to assist in Treaty implementation and facilitates management coordination to protect trust resources. This funding maintains tribal resource assessment and research programs structured to fulfill required Treaty implementation activities. Reductions of $1,772,000 in the fiscal year 2009 BIA base funding for Pacific Salmon Treaty implementation is causing the tribes to limit participation in the Pacific Salmon Treaty processes. We are currently seeking to restore this capacity through reprogramming existing BIA funds in a manner consistent with policy and law. The fiscal year 2010 recommended level for this program is an increase of $686,000 more than the fiscal year 2008 enacted level and includes pay cost adjustments and brings the program back in line with previous levels of participation.

Pacific Salmon Treaty obligations add significantly to the tribes' administrative management, and research responsibilities. To effectively implement the treaty, tribal representatives must meet frequently to review technical information and develop informed policy input for use by the tribes' Pacific Salmon Commission representatives. These treaty-mandated responsibilities result in additional expenses for the tribes. Because each of the 25 tribes covered by this funding source is a separate government and manages its own fisheries, these obligations require direct tribal involvement.

The tribal management programs provide needed and beneficial and technical support to the U.S. section. The Pacific Salmon Commission relies heavily on the various technical committees established by the Treaty. The work of these committees is integral to the task of implementing fishing regimes consistent with the Treaty and the goals of the Parties. Numerous tribal staff appointed to these committees and all of the tribal programs generate data and research to support their efforts. For example, indicator stock tagging and escapement monitoring provides key information for estimating the parties' annual harvest rates on individual stocks, evaluating impacts of management regimes established under the Treaty, and monitoring progress toward the Chinook rebuilding program started in 1984. Select Chinook stocks from major regions have been selected as "indicator" stocks to represent all stocks that are the focus of the rebuilding program. Tribal hatchery facilities are the source of several of these indicator stocks and this funding provides support for this work.

In summary, through combined efforts of the four tribes supported by a staff of experts, we are proven natural resource managers. Our activities benefit the region while also essential to the U.S. obligation under treaties, Federal trust responsibility, Federal statutes, and court orders. We ask for your continued support of our efforts. We are prepared to provide additional information you may require on the Department of the Interior's BIA budget.

PREPARED STATEMENT OF THE CHUGACH REGIONAL RESOURCES COMMISSION

The Chugach Regional Resources Commission (CRRC) requests that the subcommittee restore $350,000 in recurring base funding in the Bureau of Indian Affairs (BIA) Trust-Natural Resources budget. CRRC also seeks an additional $150,000 to support the Alutiiq Pride Shellfish Hatchery.

CRRC is an Alaska Native nonprofit organization created by the seven Villages of the Chugach Region (Tatitlek Village IRA Council, Chenega IRA Council, Port Graham Village Council, Nanwalek IRA Council, Native Village of Eyak, Qutekcak Native Tribe, and Valdez Native Tribe) to address environmental and natural resource issues and to develop culturally sensitive economic projects within our communities that support the sustainable development of Alaska's natural resources. The mission of CRRC is to work with our seven-member villages to promote and develop sound economic resource-based projects and to work collectively to address any natural resource- and environment-related issues that affect the Native people of the Chugach Region.

The CRRC has received contractually obligated funding for its base operations through a self-determination contract with the Department of the Interior (DOI) since 1993. However, beginning in fiscal year 2003, the BIA has repeatedly withheld or cut funding to CRRC, despite its contractual obligations. The program was restored each year with the help of Congress. However, the BIA attempted to discontinue CRRC's contract in fiscal year 2008, forcing CRRC to begin litigation against the BIA. While the BIA signed a legally binding agreement with CRRC to comply with its contractual obligations, we fear we will be forced to sue the BIA every year to obtain our legally obligated funding.

Funding History.—CRRC receives its base funding through a self-determination contract with Interior. The Indian Self-Determination and Education Assistance Act (Act), Public Law 93–638, authorizes the Secretary of the Interior to enter into contracts with Indian tribes and tribal organizations to deliver services that would otherwise have been delivered by the BIA. CRRC entered into its original 3-year contract in 1993, and that contract has been renewed by the Secretary every 3 years since.

The act requires DOI to provide at least the amount the "appropriate Secretary would have otherwise provided for the operation of the programs" supported by the contract (the so-called "Secretarial Amount") plus additional contract support costs. 25 U.S.C. § 450j–1(a)(1)–(2). The act further specifies that DOI generally cannot reduce the contract funding amount from one year to the next. Despite this legal obligation to provide consistent annual funding to CRRC through the contract, the BIA has repeatedly tried to avoid its obligation by failing to request funding for CRRC in its budget. The BIA has done so even after it signed a legally binding agreement with the CRRC to restore it's funding under the contract. If the BIA does not request this funding, it must take the funds from its other programs to fulfill its legally obligated duty to the CRRC, which would take money from other BIA programs. We ask Congress to restore this funding to assist the BIA in meeting its legal obligation without negatively impacting other BIA programs.

CRRC received funding as part of the BIA's base budget from fiscal year 1994 through fiscal year 2002. Beginning in fiscal year 2003, CRRC was not included in the BIA budget (despite its contractual obligations), but the program was restored each year with the help of Congress.

In fiscal year 2007, Congress again provided $300,000 for CRRC, but the BIA seized on the absence of associated earmark language to redirect CRRC's funding elsewhere in its budget.

In fiscal year 2008, the BIA not only sought to withhold all funding, but in fact tried to terminate CRRC's contract. This is illegal under the Self-Determination Act. CRRC filed suit to obtain an agreement with the BIA that it will supply CRRC's legally-obligated funding for fiscal year 2007 and fiscal year 2008. The BIA resolved this lawsuit and agreed it would continue to provide funding to CRRC. We ask Congress to add an additional $500,000 to the Natural Resource Programs to ensure that other programs do not suffer because of the BIA's obligation to CRRC.

Community Projects.—Over the past 16 years, CRRC funding has supported the development and operation of many programs that have not only assisted our communities in providing meaningful employment opportunities, but also providing valuable services and products to the State of Alaska, including:

—*Alutiiq Pride Shellfish Hatchery*.—CRRC operates the only shellfish hatchery in the State of Alaska, the Alutiiq Pride Shellfish Hatchery. The 20,000 sq. ft. shellfish hatchery, located in Seward, Alaska, houses shellfish seed, brood stock, and algae production facilities and employs three individuals. Alutiiq Pride is undertaking hatchery, nursery, and grow-out operations research to adapt mariculture techniques for the Alaskan shellfish industry. The hatchery has also been successful in culturing geoduck and razor clam species, and is working to develop techniques to raise sea cucumbers.

—*King Crab Research*.—Recently, CRRC staff have begun conducting scientific research on blue king crab and red king crab. This research is part of a larger federally sponsored program, and Alutiiq has led the way in culturing blue and red king crab as part of the Alaska King Crab Rehabilitation Biology Project. Because Alutiiq Pride is the only shellfish hatchery in the State, CRRC is the only organization in Alaska that can carry out this research.

—*Natural Resource Curriculum Development*.—Partnering with the University of Alaska, Fairbanks, and the National Oceanic and Atmospheric Administration, CRRC is developing and implementing a model curriculum in natural resource management for Alaska Native students, integrating traditional knowledge and Western science. The goal of the program is to encourage more Native students to pursue careers in the sciences. So far, there are 15 students enrolled in the program who have earned a total of nine university credits each that can be applied toward a certificate in natural resource management.

—*Alaska Migratory Bird Co-management Council*.—CRRC is a member of the Council responsible for setting regulations governing the spring harvest of migratory birds for Alaska Natives.

Hatchery Operations Funding.—CRRC also seeks annual funding of $150,000 for hatchery operating expenses and research and development funding to develop new shellfish species until we are self-sustaining. Once the hatchery is self-sustaining, CRRC plans to expand its production so that it can support some of CRRC's base operating costs. Alutiiq Pride has been successful in culturing geoduck and razor clam species but additional research and development funding is needed to assist in the nursery, growth and marketing stages. In 2007, Alutiiq Pride produced 4 million oyster seed. Production increased to 8 million oyster seed the following year. Revenue from such sales, however, is quite modest ($35,000). By comparison, the geoduck shellfish farming industry is expected to grow rapidly and will produce more revenue. If Alutiiq Pride can sell geoducks and razor clam seeds, the production potential from only 2 million seed sales can approach $400,000—a tenfold revenue increase.

The shellfish industry in Alaska has not yet grown to the point where seed sales cover the cost of operations. Oyster sales have matured and geoduck seed sales will coincide with the expected growth of that industry. Until the hatchery is self-sufficient, expected in 2–4 years, it requires operations, research and development funds if it is to meet the State's growing demand for shellfish seed.

Budget.—CRRC's base operating funding supports the continued operation of these community projects. The total operating budget for CRRC, Alutiiq Pride, and all of our community projects is close to $2 million. Specific projects receive independent funding from sources such as the Administration for Native Americans, Environmental Protection Agency, NOAA, and the FWS. However, base operating funding is essential to continue work on these projects. CRRC has been immensely successful building several community programs and partnerships by building on this base budget.

Our base budget is as follows:

	Projected cost
Chugach Region Shellfish Mariculture Development	$75,000
Oyster grow-out operations in Tatitlek	
Oyster marketing	
Nanwalek Sockeye Salmon Development Project	20,000
Seek funds for disease-free water engineering study	
Operate smolt out-migration weir	
Port Graham Pink Salmon Hatchery	75,000

	Projected cost
Broodstock development	
Sockeye and pink salmon fry production	
Training and education for hatchery crew	
Program Development/Regional Office Operations	180,000
One staff person/supplies/quarterly board meetings	
Biological Professional Assistance	
Project Development and Planning	
GIS Mapping	
Resource Evaluation and Management	
Total direct costs	350,000
Indirect cost (27.7 percent)	96,950
Total projected base budget	446,950
Alutiiq Pride Shellfish Hatchery Operations	150,000
Total	596,950

We humbly request $500,000.

PREPARED STATEMENT OF THE CONFEDERATED TRIBES OF SILETZ INDIANS

My name is Delores Pigsley. I am the Tribal Council Chairman for the Confederated Tribes of Siletz Indians. The Siletz Tribe is an active participant in the National Congress of American Indians (NCAI) and we fully support the NCAI's fiscal year 2010 budget request. My remarks highlight specific budget areas critical to our tribe's goal to move from surviving and toward thriving as a tribal nation. To help you understand this, I need to impart some history.

There was a time when our tribal ancestors knew only a life of interconnectedness. They understood the cycle of life, they moved with the seasons. Tribal values were embodied in ceremonies, songs, and culture. Our people lived healthy, balanced lives. With the coming of explorers and settlers this changed. Most of you are familiar with the failed Federal policies of broken treaties, removal, assimilation, and termination.

Tribes suffered great losses during these times—of people, land, language, culture, religion, family structure, and self-governance—our entire way of life. Tribal life was disrupted by so many traumas. People often responded with unhealthy coping mechanisms: self-medicating with alcohol and drugs, denial, depression, helplessness, or violence. Over time these responses created intergenerational trauma in tribal families. That trauma shows up today in rates for unemployment, alcoholism, domestic violence, mental illness, infant mortality, diabetes, heart disease, foster care, poverty, and other socioeconomic risk factors that are higher than those found in other minority populations and the general American population. For the Siletz Tribe, the termination of our status as a federally recognized tribe in 1955 further amplified these impacts. For 22 years, we had no land base, no government. We were not even officially allowed to call ourselves "Indian." Against the odds, we retained our ties to one another and to our original reservation and ancestral lands, and we fought hard to reverse termination.

We won restoration of our status as a federally recognized tribe in 1977 and we have been working diligently ever since then to build an effective tribal government and administration with programs that respond to our people's many needs. I relate this history to you to show you the enormity of the challenges facing tribes. We have 250 years of historic and recent trauma to overcome. The path to a "thriving" tribe will be guided by those cultural values that protected us and allowed the tribe to survive through every challenge.

Supporting Tribal Governments.—Today, as a self-governance tribe, under the authority of the Indian Self-Determination and Education Assistance Act (ISDEAA), the Siletz Tribe compacts with the Federal Government to administer trust programs to benefit our members. However, Interior has never fully funded the contract support cost (CSC) needed for personnel administration, financial management, and procurement related to implementing programs. Instead, we cope with CSC shortfalls by reducing direct service spending, using limited tribal dollars, or sometimes we must forego compacting a program. It is essential that the Bureau of indian Affairs (BIA) and Indian Health Services (IHS) fully fund these costs for tribes to administer quality services to tribal members.

Indian Child Welfare.—Historically, child welfare and human services programs have been under-funded and tribal children have been over-represented in the child dependency systems. The Siletz Tribe's Indian Child Welfare (ICW) program is piecemeal funded, using seven Federal and State funding streams, which means increased administrative costs with different reporting requirements for each funding agency. The ICW director and one case manager share 45 cases, while the State of Oregon's standard is 16 cases per worker. Our ICW staff is in travel status nearly every week to conduct home visits, appear in court, and attend family decision meetings throughout Oregon, with additional cases in California, Washington, and Idaho. We need at least one more caseworker now, just to keep pace with the current caseload. The tribe supports increasing ICW funding by $45 million so tribes can provide adequate services to ensure safe and positive outcomes for our children.

DHHS Behavioral Health Services.—Native youth and adult rates for alcohol and substance abuse and mental illness are higher than the national average. Yet DHHS's Behavioral Health Services has not funded the Substance Abuse and Mental Health Services Administration (SAMHSA) grant programs that cover alcohol and substance abuse prevention and treatment and for mental health and treatment of mental illness. Tribal clients compete with non-Indians for scarce State and county treatment funding. Our alcohol and drug program clients are often on treatment waiting lists for 4 to 6 months; on average, we have eight clients on the waiting list at any given time. Like many States, Oregon is cutting treatment services. Our tribe has one mental health worker to provide services to adults and youth and he doubles as the tribe's youth correctional liaison. The Siletz Tribe asks Congress to appropriate $15 million for SAMHSA Behavioral Health Services grants.

Juvenile Justice.—The tribe receives no on-going funds for youth crime prevention or diversion services. Tribal youth must compete with nontribal youth for access to State and county prevention programs. Due to a $3.3 billion shortfall for the 2009–2011 budget, Oregon is cutting back on open and closed custody detention beds. While the tribe's preference is for prevention and treatment, we know that sometimes detention is the only option. That being the case, we see the need for culturally relevant regional tribal facilities. The Siletz Tribe supports increasing the DOJ's Tribal Youth Program to $36,000,000 with a 10 percent tribal set-aside and separate construction funds for regional tribal juvenile facilities.

Public Safety.—Tribal law enforcement is terribly under-funded, even though reservations experience high rates of violent crime. Underfunding is worsened by the disparities in law enforcement funding between non-Public Law 280 tribes and Public Law 280 tribes like Siletz. The UCLA School of Law's National Native Law and Policy Center has found that while Public Law 280 tribes constitute 8.2 percent of the reservation-based Indian population, they received only 1.6 percent of BIA law enforcement funds. This translated as $101.13 per capita for non-Public Law 280 tribes and $19.40 for tribes whose lands were wholly within a Public Law 280 State. State police services do not make up the difference. The report concluded that Public Law 280 jurisdictions do not receive sufficient support to operate their own police systems, even though reservation residents report they are more satisfied with services from tribal agencies.

This report validates the Siletz Tribe's experience. For a number of years the tribe operated our own police department, using COPs grant, Indian Housing Development Block Grant, and BIA Self-governance funding. However, time-limited COPs funds ended and remaining funds were insufficient to cover operations. In 2006 the tribe began contracting with a nearby city police department to provide 120 hours of coverage a week. While community members have expressed gratitude for even this limited contract law enforcement presence, we would prefer to have our own full-time tribal police department. The tribe supports a 10 percent increase in BIA tribal law enforcement funding, with continued increases until tribal programs are fully supported and can offer decent public safety for all tribal people.

Endangered Species.—Siletz tribal lands currently support habitat for three species listed as threatened under the Endangered Species Act: marbled murrelet, northern spotted owl, and Oregon Coast coho salmon. Before any ground disturbing activities can occur on Tribal trust land, the tribe must conduct and evaluate surveys for each of these species. We must then consult with either U.S. Fish and Wildlife Service for the murrelet and owl or National Marine Fisheries Service for the coho—and both agencies require extensive information prior to consultation and ongoing monitoring. The tribe does not receive any money from the Federal wildlife agencies or the BIA to carry out these tasks. Yet we are not allowed to harvest timber, build houses or conduct any other major ground disturbing activities on tribal trust lands without performing those functions. This unfunded mandate directly impacts our ability to govern our own affairs. The total annual cost to employ a tribal biologist to carry out the needed endangered species functions and to conduct other

required surveys is $115,000. In 2002, the budget contained $3,000,000 for all of the required national endangered species work; funding began a steady decline to just $1,228,000 in 2008. The Siletz Tribe recommends a return to 2002 level of $3,000,000.

Natural Resources.—The tribe currently receives approximately $23,000 a year in BIA forest development funds. This money must be used for timber stand improvement activities like reforestation and pre-commercial thinning, but it only covers about 80 acres of treatment annually. Unfortunately, our current backlog of pre-commercial thinning needs exceeds 1,000 acres. Failure to complete these projects puts forest health and future timber revenues in jeopardy due to overcrowding, insect attack vulnerability, and fire hazard. This has a direct impact on Tribal self-sufficiency, because the Siletz Tribe, like other Northwest tribes, relies heavily on our timber revenue. Despite attempts to include funding for these types of projects in the economic stimulus packages, no additional money has been allocated to the BIA or to tribes to address the backlog. The Siletz Tribe needs at least $250,000 to erase our current pre-commercial thinning backlog. Nationally, tribal management/development should be funded at $50,000,000 to support tribes in managing our resource responsibilities.

Education.—The Siletz Tribe does everything we can to support lifelong learning. Beginning with our smallest members, the Siletz Tribe operates four Head Start Classrooms located in cities with major tribal populations—one near the reservation and the others located 100 to 150 miles from the reservation where significant numbers of tribal families live. Head Start funding has declined every year for 14 years and the tribe has subsidized increasing administration costs each of those years, budgeting $90,000 in tribal funds for 2009. Our program has a waiting list every year. We recommend that you appropriate $10,000,000 for Head Start. As for our older children, we note that a 2007 National Indian Education study found that fourth and eighth grade Native students scored significantly lower than their peers for reading and math. Yet Johnson-O'Malley (JOM) funding has been frozen at 1995 levels, which translates to $83,000 a year for the Siletz Tribe. This does not cover staff time and services for our tribal children who are located throughout an 11-county service area; the funds are used to offer limited tutoring services. The tribe recommends that JOM be funded at $24.3 million to address student needs. The tribe received $175,000 in BIA funding for Higher Education for 2009 and supplemented this with $600,000 of tribal revenues, yet these resources do not meet the estimated need of $925,000. We strongly recommend $32,000,000 for title III funding under the Higher Education Act.

Housing.—The tribe receives funding through an Indian Housing Block Grant from HUD. Over the past 20 years, those funds have provided for construction of 52 low rent and 83 home ownership units on reservation land. Because many of our members reside off the reservation, we also provide a housing voucher program for 80 tribal families. Despite these accomplishments, we have 100 families on our low rent waiting list, 82 on the voucher list, and 31 on the home ownership list. The IHBG program addresses an essential need for tribal families. We urge continued funding of $854,000,000 for this critically needed program.

Health Services.—The Siletz Tribe manages our health programs under a Public Law 93–638 Compact with DHHS. Our Contract Health Services program struggles every week to determine the appropriate level of care given the lack of resources to cover medically necessary requests. Implementation of Medicare-Like Rates in 2007 gave us more ability to cover priority-level care, but expansion of MLR to outpatient services would benefit our CHS program even more. The Siletz Tribe has committed more than $4 million of its own resources to a new health facility. Adequate staffing and equipment dollars in the amount of $3 million would enable the expansion of health services and alleviate the reductions that were necessary due to inadequate inflationary adjustments to our recurring budgets. IHS sustained $711 million in lost purchasing power during the past administration. The Siletz Tribe recommends that Congress provide at least $469,781 to fund mandatory costs associated with maintaining current services, and that it restore the appropriation by providing adequate increases over the next 2 fiscal years. We also recommend that you exempt the IHS budget from "across the board" cuts. Finally, it is imperative to preserve the basic health program funded in fiscal year 2010 by providing an increase of at least $470 million to the IHS budget. This recommendation is based on true inflationary rates developed using the CPI's medical components. Anything less than $470 million will leave IHS and tribal programs with no alternative but to cut health services to Indian people. There simply is no other way for tribes to absorb these mandatory costs.

In closing, I urge the subcommittee to give thoughtful review to the NCAI Indian country fiscal year 2010 budget request, which would provide tribes the resources

needed to rebuild our tribal communities. Thank you for your time; I would be happy to answer any questions.

PREPARED STATEMENT OF THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION OF OREGON

SUMMARY

Madam Chairman, I am Ron Suppah, Chairman of the Confederated Tribes of the Warm Springs Reservation of Oregon. I hereby present the following requests for the fiscal year 2010 Bureau of Indian Affairs (BIA) and Indian Health Services (IHS) appropriations:

—In BIA forestry, significantly increase the BIA basic Tribal Priority Allocations (TPA) forestry budget.
—In BIA forestry projects, restore the $1 million cut to the Timber Harvest Initiative (THI) and add $5 million for forest development.
—In BIA, provide $5 million for endangered species funding, including $2.3 million for Northern Spotted Owl and marbled murrelet surveys.
—In BIA law enforcement, provide $750,000 for Warm Springs more than fiscal year 2008 amounts.
—In BIA, fund Johnson O'Malley (JOM) at $25 million, Housing Improvement Program (HIP) at $20 million, and welfare assistance at $80 million.
—In IHS, increase contract healthcare funding by $110 million.
—In IHS, require that contract support cost (CSC) appropriations for new contracts be used for those purposes, and increase CSCs by $143.3 million.
—In BIA forestry, significantly increase the BIA basic TPA forestry budget.

Madam Chairman, members of the subcommittee, BIA's basic TPA forestry budget has steadily and seriously eroded. The administration's BIA forestry requests over the past many years have failed to even keep pace with inflation, so that today, this key trust program, which has a long history of insufficient funding, is only falling further and further behind.

In 2003, a blue ribbon independent review of Indian forests and forestry, the 2003 Report of the Indian Forest Management Assessment Team (IFMAT report), found that Indian forestry per-acre funding is only one-third of that provided for the U.S. Forest Service's (USFS) National Forest System (NFS). That represents no improvement over the first IFMAT report, mandated by statute, issued in 1993, and presented to Congress, which found the same level of disparity.

Over the past 5 years, inflation has increased 14.1 percent. Over the same period, funding for BIA TPA forestry, which is supposed to fund basic on-going timber harvest and forest administration, has only increased 3.8 percent. BIA personnel continue to receive cost of living increases, but those mandatory costs are not fully funded and eat up more and more of the forestry program.

At Warm Springs, where the BIA directly administers our forest, that has real and increasingly serious consequences. Eleven of the BIA's 27 full-time forestry positions for Warm Springs are now, essentially, permanently unfunded and, if the BIA forestry budget continues on its now well-established trend of significantly lagging mandatory cost increases, that will only grow worse. Fewer people are being required to do more and more, and as they get spread thin, the BIA's ability to sufficiently manage our forest has been declining. The BIA's hands are full just trying to administer our forest on a day-to-day basis, and there is no time or personnel to engage in the longer-term planning that forests, particularly commercial forests, require.

The 2003 IFMAT 2 report identified an annual $120 million increase as necessary to bring Indian forestry to parity with comparable USFS activity. That is a large number. But I urge the subcommittee to review the report and evaluate the differences between BIA forestry funding and that for the NFS, and, working with the tribes and the BIA, fashion a plan to correct the glaring and insupportable deficiency in BIA forestry funding.

—In BIA forestry projects, restore $1 million cut to the THI and add $5 million for forest development.

In fiscal year 2008 and fiscal year 2009, the administration cut $1 million from the BIA's $1.8 million THI Program, and the funds have not been restored. The THI, carried in BIA forestry projects, in intended as flexible funding to supplement timber harvest budgets and manpower at tribal locations with harvest backlogs to provide a needed short-term boost to eliminate the backlog and bring the reservation's forest back into compliance with its management plan. But with the BIA regular forestry budget lagging ever further behind, it is likely more forested reserva-

tions will be unable to process their harvest and will try to turn to the THI to try to make up some of the difference. Even if basic BIA TPA forestry funding receives the substantial increase it requires, the THI will still be needed at its previous full funding of $1.8 million to address backlogs and expedite sales, particularly when the timber market recovers.

Also in forestry projects, we agree with the Intertribal Timber Council that the forest development budget be increased by $5 million to initiate a program to eliminate the million acre national forest development backlog. The increase, along with the $1 million requested for the THI, will begin the needed restoration of the forestry projects line item, which has fallen from $17.8 million in fiscal year 2004 to $17.6 million in fiscal year 2009, while inflation has increased by 14.1 percent.

The Forest Development Program is a national program to thin and replant the 1 million acre backlog of Indian trust commercial timber land in need of these activities. At Warm Springs, BIA has not been able to reduce our forest development backlog of 60,000 acres due to flat funding over the past 8 years. These functions are essential if our timber stands are to be productive and healthy in the future. Moreover, thinning is particularly needed if we are to avoid catastrophic wildfire. Much of the Warm Springs' 440,000 acre forest, including our 250,000-acre commercial forest, is overcrowded, loaded with fuels and dead and dying trees. Current forest development funding, in combination with BIA fuels reduction funds, falls woefully short of being able to significantly reduce the wildland fire threat that could devastate our principal economic resource. Finally, the woody biomass produced by thinning operations will help provide fuel to the 20 megawatt biomass electric generation facility we are developing at our sawmill. So, for the current health of our forest and to foster its future productivity, to help avoid a devastating wildfire and contribute toward fulfilling the Federal trust responsibility, and even to contribute to our local generation of renewable electricity, we urge the addition of $5 million to the forest development budget starting in fiscal year 2009.

—In BIA, provide $5 million for endangered species funding, including $2.3 million for Northern Spotted Owl and marbled murrelet surveys.

The Endangered Species budget item is the only BIA funding for tribal Endangered Species Act (ESA) compliance for the Northern Spotted Owl and marbled murrelet in tribal forests. Funding for this mandate was initiated in fiscal year 1993 by this subcommittee. Fourteen years ago in fiscal year 1995, Congress provided $1.83 million for tribes affected by the Northern Spotted Owl and the marbled murrelet. In fiscal year 2002, Congress provided a total of $3 million for the BIA's national Endangered Species program. Since then, the administration has succeeded in driving the appropriation down to the point that, in fiscal year 2007, there was zero funding directed to reservation-level ESA work anywhere in the United States.

For fiscal year 2008 and fiscal year 2009, Warm Springs deeply appreciates the work of this subcommittee to restore $1 million for the BIA's ESA program. We understand the BIA distributes that funding to more than 31 locations nationwide, of which Warm Springs received $45,000. Regretfully, that amount can only address a fraction of our ESA needs, and is less than one-half of what we were receiving for the Northern Spotted Owl back more than 12 years ago, without factoring in inflationary adjustments.

For fiscal year 2010, we do not know what the administration may be requesting for BIA endangered species mandates on Indian land, but Warm Springs requests that the subcommittee provide at least $5 million for the BIA Endangered Species budget nationwide, and that at least $2.3 million of that be designated for Northern Spotted Owl and marbled murrelet surveys on affected reservations. These species are still listed and ESA compliance is required for our forest management and our timber harvest. I must also note that our reservation is affected by listed spring Chinook and summer steelhead. Currently on our reservation, these are pure unfunded mandates, and compliance either goes lacking or other desperately needed services for our community must be reduced. To correct this on a nationwide basis, we roughly estimate that Indian country easily needs a total of $5 million in fiscal year 2010 for ESA activities, with $2.3 million denoted for the Northern Spotted Owl and the marbled murrelet.

—In BIA law enforcement, provide $750,000 for Warm Springs more than fiscal year 2008 amounts.

Madam Chairman, the Warm Springs Tribe welcomes the $24 million and $25.5 million increases this subcommittee has made to BIA law enforcement for fiscal years 2008 and 2009, and we look forward to the details on the law enforcement portion of the administration's announced $100 million fiscal year 2010 increase for BIA law enforcement and education. A wide array of criminal activity is unfortunately rampant throughout Indian Country, and that includes Warm Springs, where

gangs, meth labs, and marijuana farms are a large and persistent problem on our lightly patrolled reservation.

Beginning in the early 1960s, BIA shifted most of its law enforcement support away from Warm Springs as our tribe began to assert more jurisdiction and authority over reservation law enforcement. But in more recently years, our diminishing tribal budget is sharply reducing our ability to meet our reservation law enforcement requirements. Warm Springs law enforcement needs are severe. Our tribal police force is overextended. We desperately need assistance from BIA. Unfortunately, we received little relief in fiscal year 2008's $24 million increase, and while we would like to remain optimistic about more substantial participation in fiscal year 2009's omnibus increase and the fiscal year 2010 increase, to assure we receive the increase necessary to improve our basic law enforcement patrol and infrastructure, we ask the subcommittee to direct that, for fiscal year 2010, Warm Springs BIA law enforcement be at least $750,000 more than that provided our tribe for fiscal year 2008. This will adjust for whatever further assistance we might receive for fiscal year 2009, and make certain that, in fiscal year 2010, the BIA will be moving toward adequate law enforcement service on our reservation.

—In BIA, fund JOM at $25 million, the HIP at $20 million, and welfare assistance at $80 million.

Madam Chairman, we do not expect this administration to request the elimination of funding for BIA's JOM education program, HIP, and Welfare Assistance Program. We very much appreciate this subcommittee's willingness to rebuff those past year proposals and restore those funds. For fiscal year 2010, we urge that you fund JOM with at least $25 million. These are the only BIA elementary and secondary education funds available to the great majority of tribes, including those in the Northwest, and they also are the only education funds subject to tribal direction for tribal students in local public schools. The $25 million will make up for the past administration's reluctance to fund JOM and address the growth in the number of Indian school age children.

Warm Springs also urges that the BIA HIP be funded at least at $20 million and that Welfare Assistance be provided $80 million.

—In IHS, increase Contract Health Services (CHS) funding by $110 million.

The Warm Springs Tribe applauds the subcommittee for adding $46 million to IHS CHS for fiscal year 2009. Unfortunately, the program is in such dire need that we ask in fiscal year 2010 for a further addition of at least $110 million, as recommended by the National Indian Health Board. With no IHS hospital in the Northwest, tribes in our region are particularly dependant on CHS funding for at least minimum healthcare. While we understand the new administration is to request a substantial increase for IHS fiscal year 2010 funding, we do not know any details, and so urge the subcommittee to add $110 million to CHS for fiscal year 2010 in any event, to assure the reduction of CHS healthcare rationing.

—In IHS, require that CSC for new contracts be used for those purposes, and increase CSC by $143.3 million.

For years, IHS has declined a new 638 proposal from our tribe because, they say, they have no contract support funds for new contracts. Congress has appropriated funds for new contracts, but IHS cites ambiguous language to thwart our request. So, we ask two things: First, that IHS appropriations language be changed from "may" to "shall" to mandate that appropriations for new or expanded CSCs "shall"—not "may"—be used for new or expanded contracts. Second, we ask that fiscal year 2010 IHS CSC be increased by $143.3 million, as recommended by the National Indian Health Board, to allow ourselves and other tribes to fully participate in the benefits of the Public Law 93–638.

Thank you.

PREPARED STATEMENT OF THE CLOSE UP FOUNDATION

Mr. Chairman, my name is Timothy S. Davis, President and CEO of the Close Up Foundation and I submit this testimony in support our $1.4 million appropriations request for the Close Up Insular Areas Program that is funded through a grant from the Department of the Interior, Office of Insular Affairs Technical Assistance account.

Close Up Foundation is a nonprofit, nonpartisan educational organization dedicated to the idea that, within a democracy, informed, active citizens are essential to a responsive Government. Close Up works to include students from underserved communities to motivate them to become active citizens through experiential learning activities.

The Close Up Insular Areas Program allows students and educators from American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, the Federated States of Micronesia, the Republic of the Marshall Islands, the Republic of Palau, and the United States Virgin Islands to participate on Close Up's Washington civic education programs. Additionally, the program provides for Close Up staff to work with these communities in funding local civic education programs, providing educational materials, conducting workshops and attending educational conferences on the Islands.

For more than two decades, the Close Up Foundation has worked with the Department of the Interior, Office of Insular Affairs to address the civic education needs of insular area communities. Close Up is proud of the work that has been accomplished in the Pacific and the U.S. Virgin Islands where the name "Close Up" is synonymous with civic education and government studies.

The goals of the Close Up's Insular Areas Program for students and teachers are to:

—demonstrate how the United States' model of democracy functions and to foster the interest, knowledge, and skills needed to effectively participate in a democracy;

—address the academic needs of the insular areas and to provide training and materials to improve teacher civic education skills; and

—increase mutual understanding between the United States' diverse citizenry with a special emphasis on public policy concerns and culture.

The principal components of the Close Up Insular Areas Program are:

—participation of students from the islands under the jurisdiction of the Department of the Interior, Office of Insular Affairs in Close Up Washington High School Programs;

—participation of teachers from these jurisdictions in a parallel Close Up Washington Program for Educators;

—participation of students and teachers in local-based civic education programs; and,

—participation of students in a Close Up Student Civic Education Forum at the annual Pacific Resources for Education and Learning's Pacific Education Conference to be held this year in July in Guam.

The program has had a significant effect on the education and world experience of its thousands of participants and has had a significant multiplier effect on the islands' education systems and populaces. These areas suffer from geographic isolation and a depressed economy. Close Up's civic education programs, in Washington and in the Island communities, have helped thousands gain knowledge of governmental processes and become active in improving the lives of their families and their communities.

Recent Close Up surveys indicate that among Close Up Insular Areas Washington Program student participants there was a 19 percent increase in those who stated that they understood their islands' relationship to the United States Government and a 23 percent increase in those with an ability to explain their islands' political status.

Many Close Up Insular Affairs Washington Program students participants continue their civic involvement back home. For instance, the Guam Southern H.S. Close Up Club has organized numerous park clean-ups and tree plantings and has worked with local branches of the Salvation Army and Habitat for Humanity.

Each year since fiscal year 1988 Congress has appropriated funds for the Close Up Insular Areas Program. During those two decades Close Up Foundation has worked with the Department of the Interior, Office of Insular Affairs to bring almost 4,000 students and teachers to Washington as well as reaching countless thousands through our local efforts.

Close Up Foundation respectfully requests an appropriation of $1.4 million for the fiscal year 2010 Close Up Insular Areas Program. Close Up appreciated language inserted into the fiscal year 2009 omnibus report requesting an increase of $200,000 for Insular student educational travel. Due to this support from Congress, the Interior Department increased the Close Up grant from $800,000 in fiscal year 2008 to $900,000 in fiscal year 2009. The increased funding is allowing Close Up to provide the opportunity to participate in this program to a greater number of students.

Unfortunately, the costs of conducting this valuable program have skyrocketed as rising airfare, local transportation, food, and hotel costs raise the costs of conducting the program. In recent years, Close Up was able to conduct a fall Washington program that provided an addition and an alternative to our traditional spring Insular Areas programs. However, rising costs have made it impossible for Close Up to conduct a fall program this year within the budget of the fiscal year 2008 grant and may render it impossible again with the fiscal year 2009 funding. Simply put, a

level funded grant results in a decrease in the number of students that can participate on the program.

The requested increase will be used to offset the skyrocketing costs of conducting the program—especially in the areas of airfare, food, accommodations and local transportation—and to expand the program to meet the tremendous demand in the insular areas for greater participation levels.

In order to combat rising travel costs Close Up is working to increase its reach with local programming. While local programming cannot replace the educational value or experience of the Washington program it does provide a prudent way of using limited grant funds to reach a greater number of students. Close Up is working with its island partners to increase participation in its summer Student Forum and the number of local "mini-Close Up" programs conducted by the various Departments of Education.

Close Up asks that the Appropriations Committee be explicit in the amount of funding to be provided to the Foundation from the Office of Insular Affairs technical assistance account. This would add certainty to the process and greatly lengthen the planning and fundraising process for these civic education programs.

Close Up asks the Appropriations Committee to consider placing this program on a forward-funded basis by doubling the grant amount for 1 year. The lengthened Federal budget process of recent years and the accompanying later grant award dates has made it increasingly difficult for the Foundation to secure airline seats and hotel accommodations on a time- and cost-effective basis. Additionally, as Close Up delays in announcing program dates to the islands communities it makes it impossible for those communities to organize and raise funds—leveraging the Federal grant—that would otherwise increase the level of participation of students and their teachers.

For instance, prior to the passage of the fiscal year 2009 omnibus appropriations bill Close Up was operating under a partial grant of $333,333 from the Department of the Interior representing the prorated share under the Continuing Resolution of the expected full grant amount. To maintain its schedule, Close Up conducted Insular Areas programs in February and March, prior to receiving the full grant amount, in essence lending the funds in anticipation of a later award. Close Up is now conducting an additional program in June as a result of the $100,000 in increased funding provided in the final grant amount. The timing of appropriations legislation and the Department's grant process forces the Foundation to either move forward without the guarantee of a Federal grant or delay programming.

Close Up is very proud of our long-standing involvement with the Insular Areas and the impact that our two decades of work has made on the civic life of these communities. Close Up is grateful to Congress for its continued support of these programs and look forward to continuing this program into the future.

PREPARED STATEMENT OF THE CIVIL WAR PRESERVATION TRUST

INTRODUCTION

Mr. Chairman and members of the subcommittee, thank you for the opportunity to provide written testimony. My name is James Lighthizer, and I am the president of the Civil War Preservation Trust (CWPT). I am writing to respectfully request that the Senate Appropriations Subcommittee for Interior, Environment, and Related Agencies fully fund the Civil War Battlefield Preservation Program (CWBPP), financed through the Land and Water Conservation Fund in the Department of the Interior, at its authorized amount of $10 million.

I would like to start by providing a little information about our organization. CWPT is a 55,000-member nonprofit organization—the only national one of its kind—dedicated to preserving America's remaining Civil War battlefields. To date, CWPT has permanently protected more than 25,000 acres of hallowed ground in 19 States, most of it outside National Park Service (NPS) boundaries.

I am writing to you about the small, but highly effective Federal land conservation program that has made much of our success possible: CWBPP. This matching grants program encourages cooperative partnerships between State and local governments and the private sector to preserve targeted, high-priority Civil War battlegrounds. Since it was first funded in fiscal year 1999, the program has been used to protect more than 15,300 acres of hallowed ground nationwide.

Time is running out for our remaining Civil War battlefields. We estimate that even in this depressed economy, 30 acres of battlefield land are lost every day. If we are to save these sites so that future generations may visit them and learn from

them, the time to act is now. We estimate that in the next 5 to 10 years the fate of many of these battlefields will be determined.

ORIGINS OF THE PROGRAM

In 1990, Congress created the Civil War Sites Advisory Commission (CWSAC), a blue-ribbon panel composed of lawmakers, historians and preservationists. Its goal: determine how to protect America's remaining Civil War battlefields. In 1993, CWSAC released a study entitled "Report on the Nation's Civil War Battlefields." The report identified the 384 most historically important Civil War battlegrounds and further prioritized them according to preservation status and historic significance. Sixteen years later, this landmark report remains our guide for determining which battlefields should be preserved.

In addition to creating a prioritized list of battlefield preservation targets, CWSAC also recommended that Congress establish an "emergency" $10 million-a-year Federal matching grant program for acquisition of battlefield land outside NPS boundaries. The intent of the matching grants formula was to encourage private sector and State and local government involvement in battlefield acquisition. CWSAC's proposal for an emergency Federal matching grant program was the genesis of the CWBPP.

CONGRESSIONAL FUNDING AND FIRST SUCCESSES

Five years after the "Report on the Nation's Civil War Battlefields" was released, Congress acted upon CWSAC's recommendation by setting aside $8 million from the Land and Water Conservation Fund for Civil War preservation matching grants. This first appropriation for the program was made available over 3 years, and required a 2 to 1 non-Federal/Federal match. Grants were competitively awarded through the American Battlefield Protection Program (ABPP), an arm of NPS. Funding was solely for acquisition of properties outside NPS boundaries at battlefields identified in the 1993 report. Land could be purchased from willing sellers only; there was—and there remains—no eminent domain authority.

Thanks to the new program, there began an unprecedented and almost-immediate surge in Civil War battlefield preservation. The $8 million appropriation generated $24 million for land acquisition by encouraging State and private investment in battlefield land protection. The program inspired the Virginia and Mississippi legislatures to appropriate $3.4 million and $2.8 million, respectively, to meet the Federal match. CWPT alone contributed $4 million in private sector funds to meet the match.

As a result of the non-Federal funds generated by the program, battlefields like Virginia's Brandy Station and Manassas received a new lease on life. In addition, other sites such as Prairie Grove in Arkansas, Champion Hill in Mississippi, and Bentonville in North Carolina—just to name a few—were substantially enhanced. Largely because of the success of those first 3 years, Congress appropriated an additional $11 million for the program in fiscal year 2002, this time with a more attractive 1 to 1 non-Federal/Federal match requirement.

AUTHORIZATION OF THE CWBPP

After approval of the fiscal year 2002 appropriation, authorization of the CWBPP seemed the next logical step. Supporters on Capitol Hill felt that authorization of the program would convey to the Department of the Interior congressional intent regarding the program's goals and objectives. Further, authorization would provide funding predictability for the program's non-Federal partners, encouraging them to continue their involvement in battlefield preservation.

The authorization bill, entitled the Civil War Battlefield Preservation Act of 2002, was introduced in the House and Senate in the summer of 2002. The bipartisan bill formally tied the program to the 1993 CWSAC report, creating a Federal conservation program with a highly focused, prioritized list of acquisition targets. It also provided for an annual appropriation of up to $10 million per year—the level originally recommended by CWSAC in 1993. The Civil War Battlefield Preservation Act was passed with the unanimous consent of both the House and Senate in the fall of 2002, and was signed into law by President Bush on December 17, 2002 (Public Law 107–359).

ADDITIONAL SUCCESSES AND REAUTHORIZATION LEGISLATION

Since the program was first funded in fiscal year 1999, CWBPP grants have been used to protect 15,300 acres of hallowed ground in 14 States. Among the many battlefields that have benefited from this program are: Antietam, Maryland;

Averasboro, North Carolina; Chancellorsville, Virginia; Chattanooga, Tennessee; Corinth, Mississippi; Harpers Ferry, West Virginia; and Perryville, Kentucky.

One of the program's most notable successes occurred in 2006, when the Department of the Interior awarded a $2 million grant to help save the Slaughter Pen Farm on the Fredericksburg Battlefield in Virginia. This property, soaked with the blood of 5,000 men in blue and gray, was nearly lost to industrial development. Five Medals of Honor were earned by Union soldiers for heroism on that field.

Anticipating the expiration of the CWBPP's original authorization on September 30, 2008, legislation reauthorizing the program was introduced in June 2007. This legislation was nearly identical to the original authorization bill, calling again for $10 million per year for 5 years. The bipartisan, noncontroversial reauthorization bill was received very favorably on Capitol Hill—the legislation was ultimately cosponsored by 108 Members of Congress and 33 Senators, including 8 members of the Senate Appropriations Committee.

CURRENT STATUS OF THE PROGRAM

Unfortunately, after nearly a decade of successes as a historic preservation tool, the CWBPP hit an unanticipated snag in the past year. Although the House passed the reauthorizing legislation (H.R. 2933) before the end of the fiscal year, the Senate was unable to do so for reasons unrelated to the popularity of the program. As a result, the CWBPP temporarily expired on September 30, 2008.

Due to the lapse in the program's authorization, and a sunset provision that had been included in the original authorization legislation, all monies unobligated when the program temporarily expired, a total of $5.1 million, reverted back to the Treasury Department. However, it is important to note that these monies were only technically unobligated—in fact, grant applications for that amount were in the pipeline when the program expired. In some cases, these applications were within weeks of being obligated by the Interior Department, and were held up because of technicalities.

There is currently $12.5 million worth of grant applications either before ABPP or waiting to be submitted for consideration. Of these, 14 applications for $3.98 million in grants will consume entirely the recently approved fiscal year 2009 appropriation for the program. The remaining $8.5 million in land deals will have to be funded in fiscal year 2010 or beyond.

It is important to note that these grant applications represent actual land acquisition deals that are nearly all closed or under contract by nonprofit organizations like CWPT. These are real deals that would result in the preservation of more than 3,279 acres of hallowed ground in Arkansas, Georgia, Kentucky, Minnesota, Mississippi, North Carolina, Tennessee, and Virginia.

The good news is that, earlier this year, Congress acted to officially reauthorize the CWBPP. The program's reauthorization was included in the Omnibus Public Land Management Act of 2009 (H.R. 146) which passed the Senate on March 19 by a vote of 77–20 and the House on March 25 by a vote of 285–140. It was signed into law by President Obama on March 30, 2009 (Public Law 111–11).

FISCAL YEAR 2010 AND FISCAL YEAR 2011 APPROPRIATIONS REQUEST

We respectfully ask the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies to fully fund the CWBPP at its authorized amount of $10 million. Please note that a letter signed by 16 Senators was delivered to both the subcommittee and full Committee. The Member letter requested that the program be fully funded at its authorized amount of $10 million in fiscal year 2010.

However, we recognize that in these difficult economic times the subcommittee may not be able to fully fund the program at its authorized amount. Under these circumstances, we would ask the subcommittee to consider alternate scenarios designed to help the program recoup the technically unobligated but very-much-committed monies lost when the program temporarily expired in the fall of 2008. An ideal solution would be to appropriate at least $9 million for the CWBPP in fiscal year 2010, which represents an additional $5 million on top of the program's baseline $4 million average annual funding. However, if such an appropriation in a single fiscal year is not possible, we would ask the subcommittee to consider replacing the money over a 2-year period, in fiscal year 2010 and fiscal year 2011. Such a solution would result in annual appropriation of $6.5 million in each of the next 2 fiscal years ($2.5 million a year more than the $4 million the program usually receives on average).

We feel this is a sensible approach since the $5.1 million that reverted back to the Treasury was lost due to circumstances beyond the control of the nonprofit sector. Further, reauthorization of the program last month underscores that it was

never the intent of Congress to allow the program to lapse and lose the $5.1 million noted previously. Please note that President Obama also requested funding for the program in his fiscal year 2010 budget for the Department of the Interior.

CONCLUSION

There is no question that the Civil War was a defining moment in our country's history. For 4 long years, North and South clashed in hundreds of battles that reunited our Nation and sounded the death knell for slavery. More than 625,000 soldiers and 50,000 civilians perished as a result of the war.

Preserved battlefields not only honor the memory of our Civil War ancestors, but all of our Nation's brave men and women in uniform. Further, preserved battlefields serve as outdoor classrooms to teach new generations of Americans about the significance of the Civil War—and remind them that the freedoms we enjoy today often came at a terrific price.

I sincerely hope this subcommittee will consider our request to at least fund the CWBPP at its annual average level of $4 million plus replace the $5 million lost last year as the result of a technicality. This is especially important as the Nation begins to prepare for the upcoming sesquicentennial commemoration of the Civil War, beginning in 2011. The commemoration is expected to stimulate renewed interest in the conflict and generate unprecedented visitation to preserved Civil War battlegrounds. We look forward to working with this subcommittee on battlefield protection and other historic preservation issues. Thank you for the opportunity to provide testimony.

PREPARED STATEMENT OF DEFENDERS OF WILDLIFE

Madam Chairman, Ranking Member, and members of the subcommittee, thank you for the opportunity to submit testimony for the record. Founded in 1947, Defenders of Wildlife has more than 1 million members and activists across the Nation and is dedicated to the protection and restoration of wild animals and plants in their natural communities.

We continue to be deeply grateful for the subcommittee's leadership on climate change, and we ask that you maintain your excellent leadership on this critically important issue. We thank the subcommittee for the significant increase provided to the U.S. Geological Survey (USGS) National Climate Change and Wildlife Science Center in the final fiscal year 2009 bill and ask that funding be increased by $10 million to $20 million for fiscal year 2010, and gradually raised to $50 million annually by fiscal year 2013. The new Center is developing well and will be a critical front in the battle to help wildlife adapt to climate change, supporting research needs of both Federal and State agencies in dealing with a threat in which we have no analogous experience. Defenders also very much appreciates the direction given to the Secretary of the Interior in the fiscal year 2009 bill "to initiate development of a national strategy to assist fish, wildlife, plants and associated ecological processes in becoming more resilient, adapting to, and surviving the impacts of climate change" in consultation with other Federal agencies, States, tribes, and other stakeholders and with the assistance of a science advisory board. We urge the subcommittee to exert its oversight authority to monitor this effort, to continue the direction in the fiscal year 2010 bill, and to provide $5 million to ensure that the Secretary has the resources to effectively work with other agencies and stakeholders to achieve this critically important mission. Finally, while we still await the details of the President's budget, we were very pleased that funding for adaptation of fish, wildlife, and habitats to climate change was among the priorities for the Department of the Interior, and we support the requested $130 million increase.

Defenders thanks the subcommittee for its efforts to restore the operational capacities of the natural resource management and science agencies that were decimated for a number of years and to fully fund fixed costs which typically increase by 3–5 percent yearly, and we urge you to continue this progress. Robust operational accounts for the agencies will become increasingly important as our Nation fights to protect wildlife from the ravages of climate change. Our primary concerns are with the programs of the U.S. Fish and Wildlife Service (FWS), our Nation's premier agency for the conservation of wildlife and habitat, and wildlife-related programs in the other natural resource management and science agencies as detailed below. We know that the subcommittee must operate within the constraints of its 302(b) allocation, but we ask you to do as much as possible.

We urge the subcommittee to continue to rebuild the FWS which has suffered substantial losses in both staffing, an 8 percent reduction from 2004–2007, and capability to carry out important projects. We are particularly concerned about the

loss of biological capacity and research grade scientists in the FWS. We urge the subcommittee to provide the following increases:

—To address the needs of our Nation's most vulnerable plants and animals, a total of $217 million for the endangered species operating accounts, an increase of $59 million more than fiscal year 2009, allocated as follows: $15 million for candidate conservation, an increase of $4.3 million; $32 million for listing, an increase of $12.7 million; $95 million for recovery, an increase of $20.4 million; and $75 million for consultation, an increase of $21.5 million. These amounts will help FWS to make progress on listing the 252 candidates awaiting protection under the Endangered Species Act (ESA), overseeing recovery of listed species, adequately addressing the workload of consultations, and effectively monitoring hundreds of Habitat Conservation Plans covering millions of acres and Federal projects subject to section 7 consultation. We further ask the subcommittee to work with the new administration to develop a schedule for determinations on the current candidate list.

—To continue efforts to restore the integrity of the National Wildlife Refuge System (NWRS), a total of $514 million, an increase of $51.1 million more than fiscal year 2009. The recommended level for fiscal year 2010 will allow incremental progress toward a yearly level of at least $765 million needed to allow the NWRS to achieve the mission set forth in the landmark 1997 National Wildlife Refuge System Improvement Act, as recommended by the diverse coalition of 23 national conservation, sporting, and scientific organizations in the Cooperative Alliance for Refuge Enhancement.

—To restore the "Thin Green Line" held by the Office of Law Enforcement (OLE) between federally and internationally protected animals and plants and the ruthless poachers and smugglers who traffic in them, a total of $72.8 million, an increase of $10.1 million, to support hiring, training and equipping 24 special agents, 10 additional port inspectors, 12 critically needed scientists for the forensics laboratory and to support recent amendments to the Lacey Act to ban international imports of illegally sourced timber and plant products. The special agent force plunged to a 30-year low in 2008. Continued attention must be paid to this issue since, on average, 14 agents are lost yearly through attrition—even with the addition of a new class of 24 every 2 years, the force still would suffer a net loss of 4 agents over that same time period.

—To build the international affairs program, a total of $21 million, an increase of $7.8 million, that will support boosts to the regional Wildlife Without Borders programs, implementation of treaties for which the program currently receives little funding, listing, and permitting actions to address a backlog of foreign species awaiting ESA protection, and replacement of key personnel. We are pleased with the subcommittee action in the fiscal year 2009 bill to move international affairs out of general operations and establish it as a separate subactivity under the same activity as migratory bird management and the OLE.

—To support the Migratory Bird Management program in halting the decline of migratory birds, a total of $61.2 million, an increase of $15.3 million, that will allow for implementation of completed plans for focal species and continued development of plans for the rest of the 139 focal species, enhanced inventory and monitoring including increased costs for operations of survey planes, "Urban Conservation Treaties" that aid participating cities in reducing migration hazards and conserving birds, increased permitting demands under the Bald and Golden Eagle Protection Act, and the Joint Venture program.

—To provide for critical FWS grant programs, a total of $85 million for the State and Tribal Wildlife Grant program (STWGP), an increase of $10 million; $110 million for the Cooperative Endangered Species Fund, an increase of $34.5 million; $6.5 million for the Neotropical Migratory Bird Conservation Fund, an increase of $1.7 million; and $15 million for the Multinational Species Conservation Fund, an increase of $5 million. The STWGP was established to serve the Federal interest by conserving species before they decline to the point where they need ESA protection. As always, we appreciate the subcommittee's strong oversight of the implementation of the action plans created through STWGP and ask that it be continued.

The multiple-use lands of the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) are becoming increasingly crucial to the conservation of wildlife and habitat in the United States. Yet these agencies lack the resources and adequate tools to fulfill this important aspect of their multiple use missions. Staff of the BLM and USFS declined 9 percent and 35 percent, respectively, under the prior administration. In particular, given the recent order by the Secretary of the Interior to promote development of renewable energy on public lands, the availability of resources to ensure ability to maintain sustainable wildlife populations as this effort

proceeds is absolutely crucial. To begin to fill this gap, we urge the subcommittee to provide the following amounts:

—For BLM Wildlife and Fisheries Management, a total of $66.1 million, an increase of $17.6 million more than fiscal year 2009 and for BLM Threatened and Endangered Species Management, a total of $33.2 million, an increase of $11.5 million. These increases would support needed recovery efforts for threatened and endangered species on BLM lands; additional staff; monitoring and habitat restoration for species at risk; restoration of fish passage; inventory and improvements for wetlands, lakes, and streams; and other critical needs. Defenders understands that the practice of diverting 30 to 50 percent of program resources to pay for compliance activities of BLM's energy, grazing, and other nonwildlife-related programs continues despite efforts by the subcommittee to correct it. We appreciate the subcommittee's work on this issue and ask that efforts to address this harmful practice be redoubled, including consideration of a review by the Government Accounting Office.

—For the BLM Challenge Cost Share (CCS) program, a total of $29.3 million, an increase of 19.8 million, with the entire increase directed to wildlife. Given the diversion of resources in the other programs, CCS is the primary means through which proactive wildlife conservation work is accomplished.

—For BLM plant conservation, a total of $26 million, an increase of $21.4 million. Defenders appreciates the decision by the subcommittee to transfer the funding for the native plant materials development program out of wildland fire management and into the wildlife account in the fiscal year 2009 bill. We ask that this move be a first step in establishing a separate plant conservation activity or subactivity that would encompass both a program to conserve sensitive plants on BLM lands and the Native Plant Materials Development program. The amounts recommended above would provide $5 million for the Plant Conservation program, $15 million for the Native Plant Development program, and one time construction funding of $6 million for seed storage facilities.

—For BLM resource management planning, a total of $52.5 million, an increase of $4.4 million more than fiscal year 2009; for USFS land management planning, a total of $58.8 million, an increase of $10 million; and for USFS inventory and monitoring a total of $175 million, an increase of $7.4 million. Science-based planning, including targeted monitoring and state-of-the-art analysis, is fundamental to effectively conserve fish and wildlife on BLM and USFS lands. We ask the subcommittee to consider directing or encouraging the two agencies to cooperatively link species and ecosystem data collection, analysis, planning, and decisionmaking processes in meaningful and cost-efficient manners.

—For BLM Landscape Scale Habitat Conservation/"Healthy Lands," a total of $30 million, an increase of $25 million to support the BLM in addressing large-scale regional planning and conservation efforts at the landscape level. Related to the item previously mentioned, this funding potentially could be targeted for interagency efforts to incentivize needed cross-cutting work across levels of government and land ownerships.

—For USFS forest and rangeland research R&D programs, $260.8 million, an increase of $25.2 million that includes $30.3 million for Global Change Research and $35.5 million for Fish and Wildlife R&D. These amounts are needed to provide on-the-ground forest managers with decision support tools that enable effective and efficient fish and wildlife management, and assist them in understanding the impacts of climate change on forests, and identifying adaptive management strategies that help forests and wildlife survive increasing stresses.

—For USFS wildlife and fisheries habitat management, a total of $197.4 million, an increase of $58 million. With the exception of the increase provided in the fiscal year 2009 bill, this program was flat funded for 7 years, falling far behind.

The core of scientific expertise regarding fish, wildlife and plants within the Department of the Interior is found within the Biological Research Discipline (BRD) of USGS. BRD scientists are responsible for research, development of analytical tools, and sharing of information needed to manage and conserve these biological resources. However, support to carry out these activities and to ensure adequate scientific staff and expertise has steadily eroded over the last 8 years. Restoring funding to these programs is essential so that BRD can provide the natural resource management agencies with the scientific expertise, analysis and information necessary for conservation of fisheries and wildlife populations and habitat. To meet these needs, we urge the following increases:

—For the BRD Research and Monitoring Program, a total of $155 million, an increase of $8.6 million more than the fiscal year 2009 level. Over the last decade,

this program has declined 12 percent when adjusted for inflation and increases are needed to (1) identify factors that contribute to or limit conservation and recovery efforts for terrestrial plant and wildlife species-at-risk; (2) institute an adaptive science approach to support the management of terrestrial plants and wildlife and; (3) provide technical assistance to natural resource managers.

—For the BRD Cooperative Fish and Wildlife Research Units (CFWRUs), a total of $20 million, an increase of $3.1 million. Approximately one-fifth of all CFWRU scientist positions are vacant, and these amounts are needed to restore this true Federal/State/university/private partnership that leverages more than $3 for every appropriated $1.

We urge the subcommittee to continue restoration of the Land and Water Conservation Fund (LWCF) and urge a total of $450 million for fiscal year 2010, $325 million for Federal LWCF and $125 million for stateside. We were extremely pleased to see the increases proposed for LWCF in the President's budget and strongly support their proposal to fully fund the LWCF by 2014.

Finally, we deeply appreciate the subcommittee's continued attention to the impacts of illegal immigration and related enforcement on sensitive land and wildlife resources along the Southwest border, and we urge continued oversight and funding increases. Funding is needed through the natural resource management agency budgets to address ongoing damage, including tons of trash, hundreds of miles of illegal trails and roads, hundreds of abandoned vehicles, fouled water sources, vandalized and stolen facilities and equipment, and degraded habitat across the landscape. In addition, we urge the subcommittee to work with the DHS appropriations subcommittee to ensure that any construction or installation of border security infrastructure is carried out with the proper environmental safeguards and that DHS provides funding to mitigate for any impacts, including following up with its commitment to provide up to $50 million to the Department of the Interior to mitigate for adverse impacts on federally listed threatened and endangered species from wall and road construction.

PREPARED STATEMENT OF THE "DING" DARLING WILDLIFE SOCIETY

I represent the "Ding" Darling Wildlife Society, an all-volunteer group with more than 2,000 members whose mission is to support the JN "Ding" Darling National Wildlife Refuge complex. Our organization is greatly concerned about the major funding deficit for operations and maintenance (O&M) facing the National Wildlife Refuge System (NWRS), and the severe impact this is having on JN "Ding Darling National Wildlife Refuge complex and other refuges in the NWRS. Our request is that O&M funding be increased to $514 million in fiscal year 2010.

We do thank the subcommittee for your support over the past 2 fiscal years in recommending increases in funding for the NWRS. Those increases have helped stabilize a critical funding deficit which resulted in major losses of personnel and significant loss of capability to manage refuges. While the increases have provided some relief, major funding problems still exist and sizeable annual increases in O&M funding must be forthcoming if the NWRS is ever to even approach its full potential.

Past inadequate funding has severely hampered the ability of the U.S. Fish and Wildlife Service (FWS) to effectively manage refuges. The current backlog of approximately $3.5 billion in operations and maintenance needs is a direct result of many decades of neglect in the budgetary arena. This backlog must be addressed in an aggressive manner.

On our local level, inadequate funding has resulted in staff reductions. Recent funding increases have allowed stabilizing the employees but at an inadequate level. We simply don't have the manpower needed to do an acceptable job of refuge management. Of major concern is the lack adequate law enforcement to address violations of refuge regulations and a second biologist.

The role refuges can play in helping to alleviate current economic problems should not be overlooked. There are major economic factors associated with the management of refuges. NWRS attracts 41 million visitors annually who generate more than $1.7 billion for local economies, including 27,000 jobs and $185 million in tax revenues. Further, according to the 2007 report, Banking on Nature, on the average refuges return $4 of economic activity for each $1 appropriated for their operation. Continued underfunding of refuges will result in negative impacts on local economies—something to consider during the tough economic times facing our country.

Invasive species are a major continuing problem facing refuge managers. Despite added emphasis on identification and control, valuable wildlife habitat continues to

be lost. We urge the subcommittee to continue its strong support for the control of invasive species

We urge the subcommittee to support an allocation of $100 million in the FWS budget for land acquisition through the Land and Water Conservation Fund (LWCF). The acquisition of important habitat for endangered species and other fish and wildlife has been severely reduced in recent years due to very low allocations and this situation must be addressed.

The inequitable distribution of resource management dollars among the four Federal land managing agencies remains to be a serious concern. On a per-acre basis, funding to manage units of the NWRS is significantly lower than that allocated to manage national forests, national parks, and Bureau of Land Management lands. For example, when including the recently added 54 million acres of national monuments, the NWRS receives slightly more than $3 per acre, by far the lowest of the four agencies. I am not suggesting that the funding level should be the same far all, as the missions vary; however, the current disparity defies reason. I request that the subcommittee and the Congress should provide some reasonable level of equity as it contemplates future allocations.

In summary, the NWRS is facing a severe funding deficit which must be addressed. I ask that the subcommittee support increased O&M funding for the NWRS to $514 million in fiscal year 2010. Further, I ask that that the subcommittee supports the goal of reaching an O&M funding level of $765 million by fiscal year 2010. And finally, we urge the subcommittee to support an allocation of $100 million from the LWCF for refuge land acquisition in fiscal year 2010.

PREPARED STATEMENT OF THE DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL OF THE NAVAJO NATION

Greetings from Dzilth-Na-O-Dith-Hle Community Grant School (DCGS) on the Navajo Reservation in Bloomfield, New Mexico. Our testimony will focus on three areas of the Bureau of Indian Education (BIE) funding which negatively impact our efforts in helping our students achieve Adequate Yearly Progress (AYP), and practice sound management principles in school operations. These areas are—

—an ever-increasing shortfall in Administrative Cost Grants (ACG), requiring at least $58.6 million to achieve full funding;

—the low student transportation dollars per mile rate, which should be funded at a minimum of $3.15/mile; and

—inadequate funding for facilities operation, maintenance, and repairs, which requires a good deal more than the fiscal year 2009 $84.9 million in order to address the significant BIE-wide backlog and meet the rising costs of utilities.

Our school offers both academic programs serving grades K–8 and residential programs for students in grades 1–12. The residential students in grades 9–12, however, attend the local public school. Currently, 205 students are enrolled in our academic program, and 56 students are housed in the campus dormitories. Our all-Navajo Board operates the DCGS through a Grant issued by the BIE under the Tribally Controlled Schools Act. Our mission at DCGS is to make a difference in the educational progress of our students and we believe that all our students are capable of achieving academic success.

To say the new administration's fiscal year 2010 BIE budget request is a disappointment is an understatement. We had hoped it would provide desperately needed funding increases for critical programs to overcome the barriers that have for years impeded our ability to fully meet our school mission and our ability to successfully operate our program under the Indian Self-Determination policy. Most unfortunately, our hopes were not fulfilled. Thus, we must look to Congress to recognize that this chronic underfunding places our school system in jeopardy, and to ask you to take steps to fulfill the United States' obligation to the tribes who operate schools and the Indian children who attend them.

ACGs

The ACGs provided for tribally operated schools is supposed to provide funding for the administrative costs incurred in the operation of school programs. Unfortunately, for the last several fiscal years, past administrations have not requested any increases for the ACG funding; despite the fact BIE knew there was already a funding shortfall. It is very disappointing that, even with the new administration, the fiscal year 2010 budget request for ACG will once again be flat funded at the fiscal year 2003 level of $43.3 million.

It is even more disheartening that tribally operated schools are being forced to absorb millions in shortfalls when the administration is proposing an fiscal year

2010 increase of $5.5 million in order to pay BIA contract support costs (CSC) at 77.4 percent, and requests an additional $2 million for the Indian Self-Determination Fund to pay CSC of new contractors. For IHS contract support costs, the administration seeks a staggering $107 million increase.

In comparison, for school year 2007–2008, the BIE provided only 65.75 percent of ACG need, and in school year 2008–2009 the rate was a paltry 62.36 percent. The level of need for each school is determined by the statutorily mandated formula for calculation of ACGs. Yet, with each passing year, the tribally operated schools have had to re-direct more and more funds from our classroom budgets to cover essential services such as insurance, fiscal management, audits, and other overhead services. The failure to seek additional ACG funds will further reduce funding provided to existing tribally operated schools.

At our school some of the increased costs we've had to absorb are $15,000 for audit costs; $38,000 for liability, property, vehicle and employee bonding insurances; and $5,200 for background checks on potential hires that would have direct contact with the students. We have had to scale back on publishing vacancy notices (thereby limiting the applicant pool) and increased the duties of the limited school administration and management staff. Lack of funding has meant having less people to complete the myriad compliance requirements such as shepherding the background checks, equipment inventory, financial accountability, and Federal program requirements. Our ability to maintain prudent internal controls and checks-and-balances is compromised. Cutting corners on school administration and having to let go or over-extend valued employees is not how DCGS wants to operate, but it is a necessity in order to minimize the amount of school program funds that have to be redirected to cover our ACG shortfall.

If Congress accepts the proposed fiscal year 2010 ACG amount, it would most likely drop the percentage paid below 60 percent. We urge that this Congress take a new direction and finally meet the terms of the ACG statute by providing the full amount of AC Grants need (estimated at $58.6 million).

Student Transportation

We appreciate the $2.7 million increase in student transportation funds provided for school year 2009–2010 in the fiscal year 2009 Omnibus Appropriations Act. The increases produced a $2.91/mile rate for school year 2008–2009. This is at best a slightly more than the per gallon rate for fuel in our area. We are disappointed the fiscal year 2010 budget request does not seek a programmatic increase in order to continue the efforts to provide a reasonable per mile rate in order that our students are afforded a safe transportation system.

As you know, our student transportation funds are used to cover not just the fuel costs, but also the GSA rental/lease fees for school vehicles, vehicle maintenance and repair, and bus driver salaries. Here again our costs are ever increasing, to the point that we have had no choice, but to use our school program funds to make up the shortfall. Last year we paid $107,000 to GSA alone, and we had to increase our pay scale for CDL-qualified bus drivers in order to attract qualified bus drivers to work in the remote area where our school is located. As you can imagine, our unpaved roads, which are turned into "wash boards" by mud and snow, take a tremendous toll on our buses, resulting in greater maintenance and repair costs.

Despite the small increases Congress has provided in fiscal year 2008 and fiscal year 2009, we anticipate a continued shortfall in transportation funding so we will institute yet another cost savings measure by reducing our bus routes from five to three. While this may not outwardly appear to be significant, it will mean even longer bus rides for our students. This will undoubtedly adversely impact student learning since they will be weary from the longer ride to get to school-even in the best of weather, much less in winter or during storms. Sadly, this cost-cutting measure must be instituted at a time when our students have met AYP in all areas except Math.

We ask for Congress's help in getting our Indian students to school so that they too are able to receive the type of education that prepares them for success in higher education and participation in the global economy as envisioned by the new administration. To assure that BIE schools do not have to "dip" into the education budget to provide basic transportation services, please fund Student Transportation at a level that will result in at least $3.15/mile.

Facilities Operation and Maintenance

The DCGS has been in operation more than 40 years, which means our facilities are also more than 40 years old and showing their age. The meager facilities operations and maintenance funding has not been enough to even "keep up appearances," much less address the serious deficiencies that come with aging electrical,

heating, cooling and plumbing systems. Last year we talked about our inadequate electrical system that can't support the educational technology necessary for today's students. This year we regret that due to insufficient funds, we could not alleviate the classroom climate problems resulting from outdated, unreliable heating and cooling systems. Nor could we address the even more worrisome problem of leaking sewer lines.

The heating and cooling system problems have resulted in some parts of the school being very hot while other classrooms are very cold. As you can imagine, not only are students and staff uncomfortable, there are many more getting sick due to the frequent temperature changes. The more serious issue is the leaks in the cast iron sewer lines—which run under the school and the residential building. The smells alone are making students and staff ill, and the growing mold compounds the problem. Due to the funding shortage, we are not able to remediate these issues and, since we have had to institute a facilities personnel cut-back, temporary repairs take even longer to institute.

Nearly all of our facilities operations funds must be used to pay basic utility costs. For the past 20 years, this budget category has not been fully funded. In fact, in school year 2007–2008, we were provided only 51.9 percent of our need amount. Since utility costs continue to rise, we can expect our "need" amount will be even greater. For example, in the last school year we spent nearly $200,000 for electricity and natural gas combined, and the utility companies are vying to increase their rates.

Congress appropriated $450 million in Bureau of indian Affiars construction funds under the American Economic Recovery and Reinvestment Act (Public Law 111–05), with $143.1 million allocated for school improvement and repairs. With so many of the BIE-funded schools having backlogs of necessary facility repairs, we are sure the need will be greater than the amount apportioned to the BIE school system. Therefore, we urge that Congress provide more than the $2 million increase requested in the fiscal year 2010 budget proposed for facilities operations and maintenance—to a level that will enable us to not only bring these facilities to a safe and healthy level, but to begin preventive maintenance initiatives.

Conclusion

It is our hope that under the leadership of the Obama administration and this Congress, there will be a change for the better for BIE-funded schools. Change that enables our school system to provide the type of education and services that will help our Indian students reach their potential. Our children's needs have been overlooked for far too long. We look forward to working with you on the fiscal year 2010 budget for the BIE.

PREPARED STATEMENT OF THE EVANSVILLE AUDUBON SOCIETY, FRIENDS OF THE PATOKA RIVER NATIONAL WILDLIFE REFUGE, HOOSIER ENVIRONMENTAL COUNCIL, INDIANA DIVISION IZAAK WALTON LEAGUE, INDIANA WILDLIFE FEDERATION, KNOX COUNTY QUAIL UNLIMITED, AND PIKE GIBSON CITIZENS FOR A QUALITY ENVIRONMENT

The undersigned organizations urge you to appropriate $1.5 million for land acquisition for the Patoka River National Wildlife Refuge (U.S. Fish and Wildlife Service) in southwestern Indiana. Appropriations for the Patoka refuge have been supported in past requests by Senator Richard Lugar, Senator Evan Bayh, and Congressman Brad Ellsworth.

This funding would be used to acquire a 1,150-acre Peabody Coal Co. parcel adjacent to Snakey Point Marsh, a large and diverse wetland area that is part of the Patoka River National Wildlife Refuge. This land would be a very valuable addition to the Patoka refuge.

The biological importance of the Patoka River National Wildlife Refuge is well documented. Established in 1994 with the purpose to restore bottomland hardwood forest habitats, the refuge's purchase boundary covers 22,472 acres, including 30 miles of the Patoka River, and at least 7,000 acres of bottomland forested wetlands, the most imperiled wetland type in Indiana and the American Midwest. To date, 6,149 acres have been purchased for the refuge. Willing sellers are plentiful, but there has been no congressional appropriation for land acquisition for the Patoka since fiscal year 2005. The Peabody land has been available for several years, but the company has recently announced plans to find another buyer in fall 2009 if the U.S. Fish and Wildlife Service is unable to commit to its purchase by then.

The Patoka River National Wildlife Refuge is truly one of Indiana's natural treasures, as well as an essential component of our national system of conservation

lands. We believe that funding for its completion should be a high priority for the U.S. Congress. Please include an appropriation of $1.5 million in the fiscal year 2009 and/or fiscal year 2010 Interior, Environent, and Related Agencies appropriations bill.

PREPARED STATEMENT OF THE ENVIRONMENTAL COUNCIL OF THE STATES

The Environmental Council of the States (States) are integral partners and co-regulators with the Environmental Protection Agency (EPA) in the implementation of the Nation's environmental laws. States in fact conduct on EPA's behalf most of the permitting, enforcement, inspections, monitoring, and data collection required by those laws. In this document, the States respectfully submit their budget proposal for the categorical grants portion of the EPA's budget that supports State, tribal, and local governments, known as the State and Tribal Assistance Grants (STAG).

For 2010, the States request $1.992 billion for 25 categorical program grants for State and tribal governments.

We present a summary of our budget justifications for the amounts requested. These are based on the workload that EPA has indicated it will expect of the States in fiscal 2010. This budget is a joint product of the Environmental Council of the States, the Association of State and Interstate Water Pollution Control Administrations, the Association of State Drinking Water Administrators, the Association of State and Territorial Solid Waste Management Officials, The Association of American Pesticide Control Officials, and the National Association of Clean Air Agencies.

Clean Air Programs

EPA has delegated authority for primary implementation of the programs authorized in the Clean Air Act to all 50 States. Recent annual appropriations have been approximately $200 million to $220 million, rather than the $600 million that is needed to support these important programs. While significant funding increases are warranted, we recognize not only the many competing priorities for Federal assistance, but also the state of the current economic climate means that full funding is not viable at this time. Therefore, for fiscal year 2010, the States ask for a more modest increase in Federal grants to State and local clean air agencies under sections 103 and 105, to $270 million ($53 million more than fiscal year 2008 levels). Additionally, the States recommend that particulate matter and lead monitoring programs be funded under section 103 authority.

In addition to the ongoing activities for which funding is inadequate, including monitoring emissions, developing emissions inventories, conducting sophisticated modeling of emissions impacts, inspecting sources of pollution, conducting oversight and enforcement, providing technical assistance to regulated sources and responding to citizens' complaints, State and local agencies will face additional responsibilities related to the development of State Implementation Plans (SIPs) for the 2006 $PM_{2.5}$ revise SIPs to include a new interstate transport rule if the EPA replaces CAIR, designate lead nonattainment areas, prepare for future GHG regulation, address emissions of hazardous air pollutants from small, or "area" sources, necessitating significant effort and resources to address emissions and issue permits, as needed, for literally thousands of sources, and prepare for and adjust to the new MACT standard that the EPA will use to replace the vacated Industrial Boiler standard in the summer of 2010

Clean Water Programs

Section 106.—Section 106 of the Clean Water Act authorizes funding to the States and Interstate Commissions to assist them in preventing, reducing, and eliminating pollution of the Nation's waters, including enforcement. In a very direct way, inadequate funding adversely impacts the quality of the Nation's waters. EPA has not requested the increased funding needed for section 106 in the Federal budget process. In fact, the only limited requests that EPA made to increase funding over the past several years have been for specific new EPA initiatives. In addition, the critical funding shortage is more exacerbated when EPA is inflexible about how certain funding can be used.

Section 319.—Nationally, Clean Water Act (CWA) § 319 funds are used for protection and restoration efforts for water bodies primarily impaired by nonpoint sources. In the last 5 years, the annual appropriation for CWA § 319 has not been sufficient to run a comprehensive nonpoint source program. For example, States in the Northeast have reported that they could utilize 100 percent to 500 percent more § 319 funding than is currently allocated to them. The projections are likely much larger for Midwestern States.

Drinking Water Programs

The categorical grant for Public Water System Supervision (PWSS) is the principal source of Federal funding for State drinking water programs to administer all of the 90+ Federal rules and requirements. All but one State (Wyoming) has taken on "primacy" obligations to implement the Federal rules.

A survey of all 50 States conducted in 2004 estimated a nationwide gap of $360 million between the funds needed to administer their clean water programs and available funds.

In addition to the ongoing need to adequately fund existing responsibilities and obligations, several new "risk-based" Federal rules have been promulgated in the past few years. In other words, the actual on-the-ground implementation of the rule needs to be tailored to the health risk posed at individual drinking water utilities. State drinking water programs are the entities that must undertake this work. The new lead and copper rule and the Disinfection By-Products/Microbial Contaminants Phase 2 Rules are the most prominent of the new requirements mandated by Federal Government.

In order to implement these new requirements the States will need $40.7 million in addition to the fiscal year 2009 State request of $124.3 million. Furthermore, the States will also require $25 million for PWSS program activities not specifically covered by new rule estimates and not already addressed—these include: Small System Support Mechanisms, Data Management Support, and Integrating Security into Water Programs. With these additional costs, the total PWSS annual financial need of the States is $200 million.

Waste and Related RCRA Programs

In 2006, the States conducted a pilot program to determine the cost to States for implementing a complete and adequate RCRA Subtitle C Program (hereafter referred to as "RCRA C" or "RCRA"). The report entitled State RCRA Subtitle C Core Hazardous Waste Management Program Implementation Costs—Final Report (January 2007) revealed that the cost to States of implementing a complete and adequate RCRA Program in 2006 was approximately $255 million.

A data collection project by the States shows that, for fiscal year 2006, States contributed approximately $25 million more than the required cost share toward the RCRA Subtitle C Program in their efforts to ensure program effectiveness. Clearly, additional resources are needed to fully fund the RCRA C program. However, the RCRA C STAG appropriations have continued to fall far short of the needed level. Furthermore, the currently available Federal and State resources provide only about 74 percent of what is needed to run an effective and adequate RCRA C Core Program. This doesn't consider important new initiatives such as Sustainability and the Resource Conservation Challenge, and implementation of the new "definition of solid waste rules." At a minimum, $367 million in State and Federal funding is needed to run State RCRA C programs (100 percent funding rather than the current 74 percent that was being spent by States in 2006 which was $255 million or $273 million in 2008 dollars). The State share should be at least $92 million, which is half of what the States spent in fiscal year 2006. In order to enable States to implement effective RCRA C programs, States request that $275 million be appropriated for State Hazardous Waste Financial Assistance grants.

The Energy Policy Act of 2005 Public Law 109–58 (EPAct) imposed several significant new underground storage tank regulatory requirements on the States. It requires States to inspect all regulated underground storage tanks (USTs) every 3 years. In addition to the new 3-year inspection cycle, EPAct also requires that States: (1) require operator training; (2) implement a delivery prohibition for noncomplying facilities; and (3) require secondary containment or financial responsibility for tank manufacturers and installers. All of these requirements impose significant fiscal burdens on the States. The amount appropriated for EPAct requirements is about half of what is needed for the 3-year inspection cycle alone. For that reason, the States request that a total of $63.1 million be appropriated for State UST programs. An increase of $29.4 million is for the Federal share of the 3-year inspection cycle (State share is $9.8 million) and the remaining $33.7 million will fund other State UST and EPAct requirements. Most of these funds are currently appropriated from the Leaking Underground Storage Tank Trust Fund, not STAG.

Flexibility To Implement LEAN Programs

State environmental agencies are very excited about the utility of LEAN exercises in reducing costs and improving service delivery. A LEAN process entails the review of processes for specific permitting or other programs that States and the EPA implement. Some States have been able to implement this review process to reduce the cost of implementing environmental programs, improve service to the public, im-

provement State-Federal relations, and even improve staff morale. ECOS and EPA strongly support the use of LEAN to help us meet our missions in a cost-effective manner. States are highly interested in this process, but have difficulties in finding funds to conduct these intensive sessions.

In this budget request, we ask Congress' approval to allow States to use up to 1 percent of their categorical grant award for 2010 to conduct these efforts.

A STAG CATEGORICAL GRANTS BUDGET TO MEET INCREASING REQUIREMENTS—STATE AND TRIBAL ASSISTANCE GRANTS

[Dollars in thousands]

Programs	Fiscal year 2009 enacted	States' proposal 2010	Percentage change (2009 enacted to 2010 proposal)
Categorical Grants:			
State and Local Air Quality Management	$224,080	$270,300	+20.6
Public Water System Supervision [PWSS]	99,100	200,000	+101.8
Brownfields CG	49,495	50,000	+1
Hazardous Waste Financial Assistance	101,346	275,000	+171.3
Underground Storage Tanks (Note 1)	2,500	2,550	+2
Nonpoint Source (Sec. 319)	200,857	408,000	+103.1
Pollution Control (Sec. 106)	218,495	540,000	+147.1
Pesticides Enforcement	18,711	22,103	+18.1
Pesticides Program Implementation	12,970	15,321	+18.1
Environmental Information	10,000	10,000	.....
Beaches Protection	9,900	9,900	.....
Homeland Security	4,950	4,950	.....
Lead	13,564	29,370	+116.5
Toxics Substances Compliance	5,099	5,099	.....
Pollution Prevention	4,940	4,940	.....
Radon	8,074	8,074	.....
Tribal Air Quality Management	13,300	13,300	.....
Tribal General Assistance Program	57,925	57,925	.....
Underground Injection Control [UIC]	10,891	10,891	.....
Water Quality Cooperative Agreements	.....	9,844	.....
Wetlands Program Development	16,830	32,000	+90.1
Wastewater Operator Training	.....	2,000	.....
Sector Program	1,828	.....	−100
Targeted Watersheds	.....	.....	.....
Local Government Climate Change	10,000	10.000	.....
Subtotal, Categorical Grants	1,094,855	1,991,567	+81.9

Note: In the 2008 budget, a substantial amount of the funding for this program was shifted to the LUST Trust Fund. We recommend retaining that approach with $63.1 million in the UST fund for UST Grants. These are actual-year dollars, not adjusted.

Prepared Statement of the Emissions Control Technology Association

Thank you for the opportunity to submit written testimony to the subcommittee. My name is Tim Regan and I am the president of the Emissions Control Technology Association (ECTA) and an executive with Corning Incorporated. ECTA is a trade association that promotes public policies to improve air quality by reducing mobile source emissions through the use of advanced technologies. ECTA represents the companies that have been at the cutting edge of mobile source emissions control technology for three-and-a-half decades. Our members invented and developed the core, specifically the substrate and the catalyst, of the catalytic converter.

I appreciate the opportunity to discuss funding for the Diesel Emission Reduction Act (DERA) and to personally thank you for the commitment this subcommittee has repeatedly shown to funding diesel emission reduction programs. We are incredibly grateful for the $300 million in funding that you included in the American Recovery and Reinvestment Act of 2009 (ARRA) as well as the $75 million that you included in the fiscal year 2009 budget for diesel emission reductions.

The $300 million that you included in the ARRA bill will not only assist in cleaning the air and protecting public health, but it is also presents a unique opportunity to stimulate the economy in a timely and targeted manner.

The Environmental Protection Agency (EPA) is already well on its way to ensuring that this funding is distributed both quickly and efficiently to maximize the eco-

nomic benefits. Since mid-January, EPA has engaged in extensive outreach and communication activities including holding more than 50 meetings, webinars, workshops, and conference calls in locations across the country, which included briefing more than 2,000 potential grantees and providing guidance on how to apply for ARRA DERA funding. On March 19, EPA released its Request for Application (RFA) for the National Grant program, the Emerging Technology program and the Smartway Financing program. Applications for the National Grant program and the Smartway Financing Program were due on Tuesday, April 28, while the Emerging Technology program applications were due a week later on May 5.

Just over $88 million of these ARRA funds were set aside directly for the States. All 50 States and the District of Columbia requested these funds and each was told in early March that it would be receiving just more than $1.7 million for reducing diesel emissions. EPA has already begun awarding these grants.

As you can see, excellent progress has been made by EPA to ensure that these funds are prudently managed, while also being awarded expeditiously. As an industry, we are grateful for the sense of urgency expressed both by Congress in appropriating the funds and by EPA in administering the DERA grants.

The Challenge

Thirty years ago, when the catalytic converter was first introduced, our industry was faced with the challenge of reducing nitrogen oxides from the transportation sector. Today, the challenge is to reduce the black smoke and smell from diesel exhaust. Once again, our industry has risen to the challenge by developing a full range of devices, commonly known as "after-treatment" technology, that remove fine particulate matter and other pollutants in diesel exhaust.

Our technology is required equipment on all new on-road heavy duty vehicles entered into service after January 1, 2007. This will make a significant contribution toward cleaner air and better health. In fact, EPA estimated at the time the so-called 2007 Highway Rule was promulgated that the technology would generate $66 billion in economic and health benefits annually when the new vehicles significantly penetrated the fleet after the year 2020.[1]

Obviously, there is a cost associated with installing this equipment on new vehicles, but the payoff is significant. EPA estimates that for every $1 spent on the technology, $16 of economic benefit will be generated.[2]

The challenge that we continue to face is how to retrofit this new technology onto existing vehicles and engines that are being used today. These vehicles and engines do not have the emissions control technology that is required for new vehicles. Consequently, they are the "dirtiest" diesel devices in use, and there are a lot of them.

EPA estimates there are currently more than 11 million heavy duty diesel engines in use today; the so-called "legacy fleet." Because diesel engines are so durable, the existing equipment in the fleet will not be fully replaced until the year 2030.[3] The best way to clean up the legacy fleet is to retrofit it with the same kind of technology that is being installed in new ones. This retrofit equipment could include after-treatment devices, such as a diesel particulate filter or a diesel oxidization catalyst. It also could include vehicle replacement, engine replacement, engine rebuilds, and engine repair.

Unfortunately, the cost of purchasing and installing diesel retrofits oftentimes does not introduce enough operational efficiency to generate a return on the investment. So, equipment owners are understandably reluctant to invest in a retrofit unless they are given some form of financial assistance to help defray the cost. And, it makes sense for the public to help finance retrofits because they generate benefits in the form of cleaner air for all of society.

Congressional Action

To the credit of Congress, it has acted to provide the necessary financial assistance to promote the deployment of diesel retrofits. As you know, this subcommittee started addressing this problem as far back as fiscal year 2003. At that time, $5 million was appropriated to provide the original funding for the Clean School Bus USA program.

Based on the positive experience with the Clean School Bus USA program, Congress took another big step in 2005 to advance the deployment of diesel retrofits. Specifically, as part of the Energy Policy Act, Congress proposed and passed DERA.

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[1] *See* Environmental Protection Agency (July 7, 2005), "2007 Heavy-Duty Highway Final Rule," i.e., http://www.epa.gov/OMSWWW/diesel.htm.

[2] *Ibid*.

[3] *See* Senator Voinovich Press Release (June 16, 2005), http://voinovich.senate.gov/news_center/record.cfm?id=238996&

This provision of law authorized the expenditure of $1 billion over 5 years to finance diesel retrofits through grants and revolving loans. The authorization calls for the appropriation of $200 million per year for fiscal year 2007 through fiscal year 2011.

This subcommittee has done a valiant job in trying to find the resources to fund DERA. These are difficult financial times. All Federal accounts are under stress, especially those under the jurisdiction of this subcommittee. But under Chairman Feinstein's leadership, this subcommittee has continued to approve funding for this extremely important and cost-effective program. We appreciate the subcommittee's efforts.

The Problem

Unfortunately, the resources available to fund diesel retrofits far exceeds the demand, even with the $300 million of funding included in the fiscal stimulus package. Despite increased funding in recent years, the DERA program continues to be oversubscribed. For the fiscal year 2008 National Program grants, EPA received more than 230 proposals, requesting a total of more than $140 million. With $27.6 million available for this component of DERA, that's $5 requested for every available $1.

This is not new. The DERA program has always been oversubscribed. The best example of this is what has happened with the Clean School Bus USA program. During the first 3 years of the program, 292 grant applications for a total of $106 million were submitted to EPA. Because of funding constraints, only 72 awards were made from the 292 applications, a 25 percent grant rate. In terms of funding, only $17.3 million was awarded from the $106 million requested, a 16 percent success rate.

Our Request and Rationale

In light of this strong demand for funding, we respectfully request that the subcommittee fully fund DERA at the authorized level of $200 million for fiscal year 2010. We believe that this proposed increased level of funding is reasonable and appropriate for several reasons.

First, the money will be well spent because diesel retrofits have been proven to be one of the most cost-effective emission reduction strategies. Studies have shown that emission reduction strategies which involve the use of diesel retrofit technology can, in almost every case analyzed, achieve lowest cost-per-ton of emissions reduced compared to a long list to other strategies for reducing emissions from the transportation sector.[4] For example, installing a diesel particulate filter on a Class 7 heavy duty truck is 15 times more cost-effective than replacing a conventional bus and 46 times more cost-effective than building an HOV lane.[5]

Second, DERA represents a unique opportunity to stimulate the U.S. economy. DERA funding targets industries undergoing significant dislocation and layoffs. In particular, as a study by Keybridge Research notes, "the economic impact is likely to be the greatest in auto parts manufacturing and heavy-duty truck (e.g., school bus) manufacturing sectors, which have sustained job losses at nearly 9-times and 7-times the national rate." Employing a methodology based on the use of standard economic multipliers provided by the Bureau of Economic Analysis's RIMS II model, Keybridge Research concluded that DERA is likely to generate approximately $6 of increased economic output for every $1 of Federal expenditures.

Third, spending on diesel retrofits generates a substantial return on an investment of 13-to-1. When DERA was enacted, EPA estimated that, if fully implemented, the program would generate $20 billion of economic and health benefit for $1.5 billion of cost. In other words, for every $1 of Government money spent, $13 of economic and health benefit would be generated.[6]

Fourth, because DERA sets aside 30 percent of its funds for a State Grant Program, it can be used to help States bring their air quality in to conformity with Federal standards for particulate matter. Moreover, by providing additional Federal monies to States that match the DERA funds, the DERA State Grant program provides incentives to States to more proactively address diesel emissions in their region.

Finally, DERA has a very broad base of support. From the beginning, DERA enjoyed strong support from both sides of the aisle in Congress and from the entire

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[4] *See* ECTA comments (February 20, 2007) in Federal Highway Administration Docket No. FHWA–2006–26383, http://dmses.dot.gov/docimages/p89/454896.pdf, http://dmses.dot.gov/docimages/p89/454899.pdf

[5] *Ibid*, Table 4, p. 10, http://dmses.dot.gov/docimages/p89/454896.pdf

[6] *See* Supra, Note 4. The 13 to 1 is for the Diesel Emission Reduction Act (DERA) while the 16 to 1 cited earlier was for new 2007 engine technology. It is likely that the differences in these numbers relates to the remaining useful life of the equipment, which will logically be shorter for a retrofitted vehicle.

range of private interests and nonprofit public interest groups. As evidence of this, more than 300 businesses, trade associations, and environmental groups cosigned a letter asking for $1.5 billion for DERA in the stimulus package.[7] Few environmental programs enjoy such widespread support.

STATE AND LOCAL AIR QUALITY GRANTS (STAG)

ECTA would also like to endorse the request for increased funding to support State and local air quality grants that is being requested by the National Association of Clean Air Agencies (NACAA) in their written testimony submitted to the subcommittee. State and local governments hold primary responsibility for preventing and controlling air pollution and they rely on grants to carry out their core obligations under the Clean Air Act. For fiscal year 2010, NACAA recommends that grants within the STAG program for State and local air pollution control agencies under sections 103 and 105 of the Clean Air Act be $270 million, which is $46 million more than the fiscal year 2009 appropriation. We support NACAA in this request.

CONCLUSION

Thank you again for the opportunity to submit written testimony to the subcommittee. In closing, we urge you to fully fund DERA at $200 million for fiscal year 2010 because it will result in the most cost-effective use of Federal funds to achieve emission reductions from the transportation sector.

PREPARED STATEMENT OF THE EASTERN FOREST PARTNERSHIP

Mr. Chairman, and distinguished members of this subcommittee, we are grateful for the opportunity to submit testimony today on behalf of the member organizations of the Eastern Forest Partnership (EFP).

The EFP is a coalition of 20 national, regional, and local organizations working to advance permanent protection of forests in the Eastern United States. The partnership seeks to raise awareness about the value and importance of these forests and to promote sound public policy in order to conserve these lands.

We are encouraged by the proposed increases for the Land and Water Conservation Fund (LWCF) and the Forest Legacy Program (FLP) in the fiscal year 2010 budget, as well as the Obama administration's commitment to reach full funding for the LWCF in the next 5 years.

However, we are concerned about the President's proposed fiscal year 2010 budget and its deep cuts in the U.S. Forest Service (USFS) LWCF program. This severe reduction will greatly hamper the program and reduce its capacity at a time when the opportunities and challenges are at their greatest.

Protection of our natural resources has reached a critical point. Four decades of suburban sprawl have changed our natural landscapes and reduced our open spaces. We are now beginning to clearly witness the negative repercussions of wholesale land use changes. In 2005, the USFS released a report, Forests on the Edge, which predicts that 44 million acres of private forest nationwide will be converted to nonforest uses by 2030. Today less than twenty per cent of eastern forests are permanently protected for future generations. Without a robust investment of both private and public funding, these forests will very likely be developed and lost forever.

In every state in the nation, LWCF and FLP funds have ensured that all Americans have access to lands where they can hunt, fish, play ball, hike, bird watch, paddle, ride a bike, and picnic or take photos. Working only with landowners who are willing sellers, Federal, State, and local agencies are attempting to protect the best of what remains so that future generations can also reap the benefits of access to outdoor recreation, America's unique historic and cultural sites and protected wildlife.

LWCF

Established in 1965, the LWCF has served the national interest as the primary source of Federal land conservation efforts. Through this fund, States throughout the country have preserved critically important lands including national forests, wilderness areas, historic and cultural sites, significant battlefields, trails, and recreation areas. In addition, the stateside portion of this program accounts for the cre-

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[7] *See* DERA Coalition Letter to Senate dated January 16, 2009 available at http://www.ectausa.com/documents/CoalitionLettertoSenateonERecwithadd.pdf

ation of thousands of local park and recreation projects such as ball fields and community parks.

The LWCF also provides funds to the Highlands Conservation Act (HCA). The HCA became law in 2004 and authorizes $10 million in land acquisition and $1 million technical assistance to the States of Pennsylvania, New Jersey, New York, and Connecticut. Traversing more than 3 million acres the Highlands provide clean drinking water, local food, and close-to-home recreation to the more than 25 million residents living within an hour's drive of this nationally significant landscape.

In addition, our protected Federal lands and waterways provide an opportunity to address the unprecedented challenges that climate change poses to our forests, fish and wildlife, and riparian resources. These natural areas also store carbon, buffer flooding, conserve water, and support healthy fisheries and wildlife populations.

FLP

Established in the 1990 farm bill, the FLP is a partnership program that "protects 'working forests' . . . those that protect water quality, provide habitat, forest products, opportunities for recreation and other public benefits." To date, this program has protected more than 1.7 million acres in 36 States and Puerto Rico. Every Federal dollar invested in this program is matched 1:1 by private or non-Federal Government funding, making it a sound use of public resources.

Land conservation programs such as the LWCF and FLP are needed now more than ever. Without these programs the widespread loss of forests and open spaces to development, especially in the East, will continue. As forests and other natural areas are cleared for development, significant amounts of carbon are released into the atmosphere and future carbon sequestration potential is lost, contributing to global warming. Additional investment in public land is also essential to protect habitat and migration corridors necessary for wildlife to adapt to climate change.

We are pleased that the President's budget includes funding for the new Community Forest and Open Space land protection program; authorized as part of the 2008 Farm Bill, this new grant program will give communities matching funds to purchase critical forestland tracts and provide technical assistance through State forestry agencies for outstanding forest management. However, we are concerned that the proposed new funding appears to be coming from the FLP. While both programs are aimed at conserving forestland, they are distinct in their approach and eligibility requirements, and are intended as complimentary, not overlapping. We urge you to ensure that funding for the Community Forest and Open Space Program is not made available at the expense of funding for the FLP.

As the subcommittee works to consider and establish funding levels for fiscal year 2010, please keep the myriad benefits of these two programs in mind. The LWCF and FLP have historically been the most significant Federal sources of funding to support land conservation, and park and recreation projects. These programs protect America's natural heritage and increase the health and quality of life for all Americans. We urge you to consider funding these programs at levels sufficient to meet the demand and therefore recommend increasing the funding of the Federal LWCF to $325 million, stateside LWCF to $125 million, $125 million for the FLP, and $11 million to the HCA.

Below is a list of specific projects recommended by our member organizations that we believe merit funding through these programs.

LWCF Projects

—CT—Stewart B. McKinney NWR ($11 million)
—FL—Timucuan Ecological & Historic Preserve Seaton Creek I ($3 million)
—GA—Chattahoochee and Oconee NF ($4 million)
—GA—Chattahoochee River NRA ($3.1 million)
—MD—Blackwater National Wildlife Refuge ($2 million)
—ME—Rachel Carson NWR ($3.5 million)
—ME—Maine Coastal Islands NWR ($1.65 million)
—NC—Uwarrie National Forest ($1 million)
—NC—Catawba Falls Access ($750,000)
—NH—Mahoosuc Gateway I ($1.375 million)
—NH–ME—Umbagog NWR ($4.5 million)
—NH–VT–CT–MA—Silvio O.Conte NWR ($2.965 million)
—NH—Lake Umbagog National Wildlife Refuge ($5 million)
—NJ—Great Swamp NWR ($2.4 million)
—NJ—Wallkill River NWR ($2.8 million)
—SC—Congaree National Park ($2.7 million)
—TN—Rocky Fork ($13.5 million)

—VT—Green Mountain NF ($2.25 million)
—VT—Chateauguay—No Town ($1.25 million)
—WV—Monongahela NF ($985,000)

HCA Projects

—CT—Ethel Walker, Naugatuck, and Scoville ($2.5 million)
—NY—Greater Sterling Forest ($2.5 million)
—NJ—Northern Highlands ($2.5 million)
—PA—Texter Mountain ($2.5 million)
—All States—Technical Assistance ($1 million)

FLP Projects

—AL—Cumberland Mountains Preserve ($637,500)
—AR—Maumelle Water Excellence ($3.58 million)
—CT—Tulmeadow Farm ($1.4 million)
—CT—Wolf Hill ($600,000)
—FL—St. Vincent Sound-to-Lake Wimico Ecosystem ($5 million)
—FL—Northeast Florida Timberlands ($2.65 million)
—FL—Osceola NF buffer ($1.87 million)
—GA—Murff tract-Rayonier Forest ($4.5 million)
—GA—Ft. Stewart ACUB 1 ($805,300)
—MA—Monson Forest Lands ($2.3 million)
—MA—Southern Monadnock Plateau Phase II ($3.3 million)
—MA—Metacoment-Monadnock Forest ($1.6 million)
—ME—Katahdin Forest Expansion ($3.7 million)
—ME—Rangeley High Peaks ($3.5 million)
—NH—Cardigan Highlands ($3.8 million)
—NH—Mahoosuc Gateway II ($5 million)
—NJ—Musconetcong and Rockaway Rivers Watersheds ($7 million)
—NY—Follensby Pond ($7 million)
—PA—Little Bushkill Headwaters Forest Reserve ($3.5 million)
—PA—Greystone Forest ($355,000)
—SC—Belfast ($2 million)
—TN—North Cumberland Conservation Area ($9 million)
—VT—Eden Forest ($2.2 million)
—VT—Adams Pond ($1.6 million)
—VA—Chowan River Headwaters ($2.24 million)
—VA—New River Corridor ($520,000)
—WV—Sleepy Creek ($755,000)

Thank you for the opportunity to submit this testimony for your consideration.

MEMBER ORGANIZATIONS OF THE EASTERN FOREST PARTNERSHIP

American Forests; Appalachian Mountain Club; Appalachian Trail Conservancy; Carolina Mountain Land Conservancy; Environmental Defense; Highlands Coalition Land Trust Alliance; Land Trust of Central North Carolina.

Natural Lands Trust; National Wildlife Federation; Northern Forests Alliance; North Carolina Coastal Land Trust; Pinchot Institute; South Carolina Coastal Conservation League.

Southern Appalachian Forest Coalition; Southern Environmental Law Center; The Wilderness Society; Tennessee Parks and Greenways Foundation; Trust for Public Land; Western Pennsylvania Conservancy.

PREPARED STATEMENT OF THE ENDANGERED SPECIES COALITION

The Endangered Species Coalition—the national network of more than 400 conservation, scientific, religious, sporting, outdoor recreation, business, and community organizations—urges you to fully fund programs of the Endangered Species Act in fiscal year 2010. We are calling for a total appropriation of $391.2 million for the Fish and Wildlife Service (FWS) and Bureau of Land Management (BLM), as detailed in the text and table below.

The Endangered Species Act (ESA) is a safety net for wildlife, plants and fish that are on the brink of extinction. The act has been successful in preventing the extinction of many of our Nation's species, including Bald Eagles, Peregrine Falcons, wolves, grizzly bears, and wild salmon. In today's era of global warming, it is needed more than ever. However, for years the ESA has been underfunded, making it increasingly difficult for Federal experts to carry out their responsibilities under the ESA. We appreciate your efforts in the fiscal year 2009 omnibus bill to begin to re-

verse this trend and we are calling for the funding crisis to be completed addressed over the next 4 years. The funding levels detailed below are designed to be the next step in addressing this problem. Each succeeding year should have a steadily increasing budget to reach the fiscal year 2013 funding levels detailed in the chart that will allow the endangered species programs to be appropriately implemented and managed.

CORE ENDANGERED SPECIES PROTECTIONS

Four FWS endangered species operating accounts are key to effective implementation of the ESA. All four program areas have reportedly experienced a 30 percent staffing shortage in recent years due to budget constraints, an unacceptable vacancy rate. To adequately implement the endangered species program, a total of at least $305.9 million is needed for the four main accounts by 2013, an increase of $148 million more than fiscal year 2009.

Listing.—This account funds protections by identifying new plants and animals in need of protection under the ESA, as well as identifying habitat critical for recovery. Currently, more than 250 species sit on the candidate list waiting for protection, creating an estimated backlog of more than $160 million. Candidate species wait an average of 19 years to be listed and since 1975, 64 have gone extinct while waiting—7 times the number that have disappeared under the full protection of the ESA. To eliminate this backlog over the next 4 years, we request a $12.7 million increase this year for a fiscal year 2010 appropriation of $32 million.

Recovery.—While the ESA has been extremely successful at preventing wildlife from going extinct, the purpose of the act is to protect and recover endangered and threatened fish, plants, and wildlife. It is difficult to estimate the true needs for the recovery program—current estimates place it at approximately $100 million per year. Our coalition would like to see the recovery program funded at no less than $121.6 million by 2013 (the increased level over $100 million accounts for fixed costs increases needed over that time period) therefore, we request recovery be funded at $95 million for fiscal year 2010, an increase of $20.4 million.

Consultation.—The consultation program is an important part of the checks and balances system to ensure that endangered fish, wildlife, and plants are protected on the ground. There has been a dramatic increase in demand for consultations recently, jumping from 40,000 in 1999 to 67,000 in 2006. Shortage of personnel in this program area causes delays of project reviews thus creating conflicts between agencies. The consultation budget also funds FWS's work with non-Federal entities for permitting and development of Habitat Conservation Plans. Lack of funding prevents FWS from ensuring that these plans are properly developed, implemented, and monitored. To adequately implement the consultation program would require an overall program budget of $122.4 million by 2013. We request $75 million for fiscal year 2010 , an increase of $21.5 million.

Candidate Conservation.—This program protects species before they are actually listed, thus, in theory, averting the need to ever list them at all. As mentioned above though, fish, plants, and wildlife on the candidate list go extinct at a much higher rate than those with full protection—in part because of severe understaffing for this program. A doubling of this program's staff is justified to ensure adequate implementation. This would require $25.4 million annually. Our coalition again requests this increase be accomplished over the next 4 years and, therefore, we request the program be funded at $15 million for fiscal year 2010, an increase of $4.3 million over fiscal year 2009 levels.

ADDITIONAL ENDANGERED SPECIES PROTECTIONS

Cooperative Endangered Species Fund.—This fund provides grants to States for wildlife and habitat conservation activities on non-Federal lands for listed and candidate species. At least 65 percent of federally listed species are found on non-Federal land. Without the proposed increases States will fall further behind in their ability to independently work to protect at-risk species. Crucial conservation activities funded by these grants include: research, species status surveys, habitat restoration, captive propagation and reintroduction, planning assistance, and land acquisition by States for Habitat Conservation Plans and recovery. To adequately fund State endangered species conservation activities a total of at least $160 million is needed by 2013. We therefore request an increase of $34.5 million this year for a total appropriation of $110 million in fiscal year 2010.

Landowner Incentive and Private Stewardship Grants.—These grants provide funding for voluntary conservation actions taken by landowners to conserve at-risk plants and animals on private lands, which benefits us all. The Landowner Incentive Program awards competitive grants to State and tribal conservation agencies

for their work with private landowners and tribal lands, while the Private Stewardship Program provides funding directly to individuals and groups implementing private land conservation actions. In 2007, funding was awarded to efforts in 46 States. Regrettably, neither program was funded in the fiscal year 2008 Interior appropriations bill due to budget constraints; these important programs should be restarted in fiscal year 2010. The demonstrated need for these programs has far outstripped available funding in the past—the amount requested for worthy projects totaled two to three times the yearly available funding. To support private landowners in their voluntary conservation efforts, a gradual increase to $77 million is needed by fiscal year 2013 in these two incentive programs. We request that these programs be restored to their fiscal year 2007 levels of $23.7 million for the private landowner and tribal lands grants and $7.3 million for the stewardship grants. However, while these voluntary incentives programs are important for the recovery of our Nation's imperiled species, they should not be funded at the expense of the FWS's core endangered species programs.

BLM-threatened and Endangered Species Management.—BLM controls habitat that supports more than 300 federally listed or candidate species. This program, along with their fisheries and wildlife management program, funds inventory and monitoring, habitat restoration, endangered species recovery, and other proactive conservation activities vital to maintaining healthy, functioning ecosystems and fish, wildlife, and plant populations. Recently, an average of 30 percent of these funds have been used to pay for the compliance activities of the BLM's energy, grazing, and other nonwildlife-related programs. Traditionally, funding for compliance work has come from benefiting programs. In addition, the programs are substantially understaffed. For example, the BLM has only one biologist per 591,000 acres of land, and more than $60 million is needed annually just to implement actions assigned to BLM in recovery plans for listed species. In addition to restoring the funds diverted to benefit other program areas, we request an increase of $12.6 million to begin meeting this program's needs, for a total appropriation of $33.2 million in fiscal year 2010.

The ESA is a broadly supported law and has been very successful in preventing extinctions. But without the necessary funding, the act's true goal of restoring endangered species to healthy populations will be much more difficult to accomplish. We ask you, as members of the Appropriations Committee, to fully fund ESA programs this year. Thank you.

ENDANGERED SPECIES-RELATED FUNDING

[In thousands of dollars]

	Fiscal year 2009 omnibus level	Fiscal year 2010 President's budget	Fiscal year 2013 funding need	Budget request fiscal year 2010 [1]	Green budget compared to fiscal year 2009
Fish and Wildlife Service candidate conservation:					
Candidate conservation	10,670	10,592	25,400	15,000	4,330
Listing	19,266	20,103	36,500	32,000	12,734
Consultation	53,462	56,863	22,400	75,000	21,538
Recovery	74,575	76,599	121,600	95,000	20,425
Eco services total	157,973	164,157	305,900	217,000	59,027
Cooperative endangered species fund	75,501	100,000	160,000	110,000	34,499
Landowner incentive grants	.....	.....	50,000	23,700	([2])
Private stewardship grants	.....	.....	27,000	7,300	([2])
BLM: Threatened and endangered species management	20,582	26,000	.....	33,200	12,618

[1] These requests match those in the Green Budget, which is endorsed by 27 conservation and environmental organizations.
[2] Equal to fiscal year 2007 levels.

Prepared Statement of the Environmental Service Research Institute

Summary

We respectfully request the subcommittee's support for a multi-year, Government-wide effort to build a national Geospatial Information System (GIS), led by the Secretary of the Interior through his role as chairman of the Federal Geographic Data Committee (FGDC) under OMB circular A–16, and the United States Geological Survey (USGS). The total cost of the program, as detailed below, is expected to be

approximately $1.2 billion spread over 3 years. For fiscal 2010, we urge the subcommittee to provide $210.5 million for the portions of this project within your jurisdiction.

Proposal

The stimulus plan recently approved by Congress and the incoming Obama administration is an enormous undertaking to revive the American economy. Potentially, it will involve thousands of infrastructure and other projects intended to create jobs and restart economic growth while producing things of lasting value to American taxpayers. The challenge to properly manage and execute this effort will be daunting, requiring unprecedented access to data and information at all levels of government and the private sector.

This is the moment for America to build a national GIS, that is, a unified, up-to-date, publiclyaccessible national digital map, enriched with data from all available sources, and supported by GIS technology. This system can be built quickly, immediately creating high-tech jobs, and will serve as a public resource for project planners to support transportation infrastructure, alternative energy research, and project siting. It will also provide a foundation for monitoring the U.S. economic recovery across our communities, allowing activities to get underway as soon as possible and leaving a legacy for the future.

The benefits of a national GIS are universal. The Western Governor's Association declared GIS a key component of our national critical infrastructure. The National Geospatial Advisory Committee (NGAC) adopted a set of transition recommendations that represent a broad consensus among the key public and private stakeholders in the geospatial technology field and form a principal basis for this proposal.

Why a National GIS Should Be Completed

Agencies have been laying the foundation for national GIS for years. It falls within umbrella names like Imagery for the Nation, The National Map, the National Spatial Data Infrastructure, and the pioneering work of by the USGS, the Department of Commerce (DOC) Census Bureau and the National Oceanic and Atmospheric Administration and the Departments of Homeland Security, Agriculture, and the Interior, among others. It is supported by technical studies from the NGAC, the National Research Council, the FGDC, and the National States Geographic Information Council (NSGIC). Now is the time to pull them together.

GIS technology is uniquely capable of providing unity both to the complex new stimulus plan as well as other ongoing initiatives. GIS can integrate data from agencies across all levels of government, providing decisionmakers a powerful tool to marshal knowledge on items as diverse as personnel, finance, economics, infrastructure, and resources, all organized within maps or images showing geographic basics such as topography, roads, parcels, buildings, utility networks, landmarks, soil types, and political and physical land divisions. It brings together all key national datasets to support action—which is why it is considered a must for emergency response organizations across the country. A national GIS will place at our fingertips a comprehensive description of our Nation's assets, resources and operations, all linked geographically. Once completed, it will be a priceless national resource and an indispensable tool for planners and business alike.

A national GIS can be built immediately, engaging hundreds of private firms. It will speed the start of job-rich infrastructure projects. Its biggest impact will be on projects critical to energy development, homeland security, defense, climate change, healthcare delivery, telecommunications, transportation, and the environment. Without national GIS as a management tool, efforts will be haphazard and project planners will be hamstrung. A national GIS must be a cornerstone program funded by the stimulus plan, a fulcrum to wring the greatest result for each $1 spent.

Technical Fundamentals of a National GIS

A GIS system integrates information from many sources and authors using standardized protocols so that information can be harmonized and incorporated into a consistent framework to support multiple missions at all levels of government and private business. It can be built and maintained largely using on-going business processes such as The National Map initiative of Interior Department's USGS, and it can rely heavily on existing software, hardware, and networks, integrated by a lead organization setting standards and protocols. Existing modern GIS server technology, together with open standards and Services Oriented Architecture (SOA), can provide enabling components for a national GIS immediately. This architecture maximizes collaboration among government and private entities. Guarantees of privacy, confidentiality, protection of proprietary financial data, and similar concerns

can be built in at the foundation and at every level. This national system will result in the following:

—A series of standard geographic datasets (framework layers described below);
—A series of workflows that transactionally maintain (update) these datasets;
—A system for data management responsibility (FGDC governance);
—A suite of tailored applications;
—A designated Federal entity to oversee the effort; and
—The necessary technology to support a national GIS system.

Leadership and Cost for a National GIS

Both the NGAC and the Department of the Interior have developed detailed recommendations on how to build a national GIS. A key first step is to implement fully the Imagery for the Nation initiative, an intergovernmental plan to create a full Federal-level GIS based on nationwide aerial imaging and mapping, participation by agencies across the Federal landscape, and technological consistency.

Next, a comprehensive national updating of mapping and topographical information is essential to create a complete current portrait of America—what is referred to as The National Map. This step, along with outreach to incorporate key additional databases maintained by State and local governments and the private sector, and elements such as parcels, transportation, hydro, elevation, critical habitat and boundaries, will be needed to make the system most effective for project decision-makers and infrastructure planners. We anticipate the total cost to be approximately $1.2 billion, spread over 3 years. We can provide detailed cost breakdowns upon request.

Interagency plans, contracts, and management systems are already in place today to implement this initiative. Overall management could be provided by the Secretary of the Interior, who chairs the FGDC, with significant involvement from USDA, DOC, and DHS/FEMA. In addition, program funding can be leveraged through cooperative efforts with partners in State and local government and the private sector. The NGAC can provide ongoing strategic and recommendations program design and implementation.

A NATIONAL GIS: KEY FRAMEWORK DATA AND SYSTEM TECHNOLOGY

We propose focusing on the development of five key digital layers or initiatives as initial steps toward a national GIS: imagery, parcel data, elevation, and wildlife habitat, and Recovery.gov.

Imagery

Imagery for the Nation (IFTN) is an intergovernmental initiative to address the Nation's basic business needs for aerial images. Imagery is used for countless applications in all levels of government and the private sector, embraced by the public through online tools such as Google Earth and Microsoft Virtual Earth. Partnerships between levels of government to acquire imagery data have lowered costs, reduced duplication, and allowed greater data standardization. IFTN will maximize the impact of taxpayer investments through a coordinated national acquisition program. The IFTN initiative was originated by the National States Geographic Information Council, been endorsed by the FGDC and the NGAC, and involves a heavy investment from the U.S. Department of Agriculture. The approximate 3-year total cost for this activity is $140 million, equally split between the Departments of the Interior and Agriculture. For fiscal year 2010, we urge the subcommittee to provide $23.4 million for Interior's component.

Parcel Data

Based on the National Academies of Science, National Research Council (NRC) recent report "National Land Parcel Data: A Vision for the Future," the land parcel data layer (also known as cadastral data) is used by governments to make decisions on land development, business activities, regulatory compliance, emergency response, and law enforcement. The NRC report concludes that nationallyintegrated land parcel data is necessary, feasible, and affordable. Development of a national land parcel system would also provide an invaluable analytical tool to help manage the mortgage crisis. The NGAC endorsed the recommendations in the NRC report in October. The approximate 3-year total cost for this activity is $200 million for the Department of the Interior. For fiscal year 2010, we urge the subcommittee to provide $67 million for Interior's component.

Elevation

Today, high-density digital elevation models are produced by a technology called LiDAR and IfSAR, an aerial mapping technology that provides highly accurate map-

ping of ground elevations. FEMA currently uses LiDAR data for flood mapping whenever such data are available. LiDAR data are also being utilized extensively in natural resource management, and new uses are being demonstrated for emergency response and homeland security purposes. An investment in a national elevation initiative would produce consistent elevation dataset encompassing the entire country. The approximate 3-year total cost for this activity is $300 million, equally split between the Department of the Interior and the National Oceanic and Atmospheric Administration. For fiscal year 2010, we urge the subcommittee to provide $50 million for Interior's component.

Wildlife Corridor/Crucial Habitat

The pressure for rapid economic development and increased energy production threatens our natural resources. The Western Governors' Association has recommended a Wildlife Corridor and Crucial Habitat Decision Support System. This system will support informed decisions on community growth, alternative energy expansion, biodiversity preservation, and resolving water resource issues. This effort will produce a consistent nationwide wildlife map and GIS management system. The approximate 3-year total cost for this activity is $110 million for the Department of the Interior. For fiscal year 2010, we urge the subcommittee to provide $36.7 million for Interior's component.

System Technology/National Base Map

In order to create a national GIS it is necessary to update and integrate the many currently existing individual agency map layers into a consistent, integrated whole. USGS would lead this effort and combine information into a consistent geospatial foundation. This component will, over the next 3 years, require an additional $450 million spread over a variety of Federal Departments and agencies, including the Departments of the Interior ($100 million), Agriculture ($50 million), Commerce ($50 million), Homeland Security ($50 million), and others ($200 million). For fiscal year 2010, we urge the subcommittee to provide $33.4 million for Interior's component.

A GIS-based recovery.gov

Finally, President Obama has insisted that stimulus spending be subject to maximum transparency and accountability, enabling citizens to understand how their funds are being spent and how their communities will be affected. Recovery.gov, the Web-based tool being launched by the Office of Management and Budget for this purpose, must provide complete, understandable, authoritative and actionable information and analysis to elected and appointed officials, and to ordinary citizens. We propose that Recovery.gov be equipped with interactive maps and geospatial analytic tools that will substantially improve understanding and effectiveness of Recovery Act execution. An interactive map provides an intuitive foundation to understand, integrate, and interrogate this disparate and overwhelming amount of information, and to support better and timelier analysis and decisions. The application of GIS technology would allow public users to access and view Recovery Act spending patterns against established goals and underlying local and national conditions. In this way, it will allow the public to evaluate whether the Government is making the right choices on where money is spent, and whether spending is yielding the right results. The approximate 3-year total cost for this activity is $10 million.

CONCLUSION

The key step is to get it done now. America's financial crisis today, the worst since the end of World War II, will force difficult actions and decisions. Large expenditures of taxpayer money must be designed to yield products of long-term benefit to the country. America has an information economy, and a robust geospatial infrastructure (system of digital maps and tools) is just as vital to its continued development as was the physical infrastructure to the industrial economy. A national GIS, properly designed and effectively implemented, providing public access and using best technologies, will speed economic recovery by producing jobs and putting shovels in the ground more quickly. It will also leave the country with a public utility, a modern geospatial information system, that itself can become a foundation for new generations of industries and technologies in the future.

PREPARED STATEMENT OF THE ENEWETAK/UJELANG LOCAL GOVERNMENT

Madam Chairman and distinguished members of this subcommittee: Thank you for providing us this opportunity to the people of Enewetak to describe issues that

relate to our ability to live on our homeland of Enewetak Atoll, which was used as a nuclear test site by the United States from 1947 to 1958.

As the only people ever resettled on a nuclear test site, we face many challenges. Life on Enewetak Atoll is made possible through support provided by the congressionally funded Enewetak Food and Agriculture Program. That program provides funding for imported food, an agriculture rehabilitation program, and the operation of a vessel. We request that funding for that program for fiscal year 2010 be increased by the amount of $500,000, the same amount of increase as provided by Congress in fiscal year 2009. Also, we hope that this subcommittee will support continued funding of the health program for the four nuclear affected atolls of which we are one, and funding for the environmental monitoring by the Department of Energy of the Runit Island nuclear waste site which is on our atoll.

Before we discuss the particulars of this request, we would first like to thank you, Madam Chairman, and members of this subcommittee, on behalf of the Enewetak people, for your support in funding the food and agriculture program for my people in the Compact of Free Association. We also thank you for your past support in assuring that the Enewetak Food and Agriculture Program is adequately funded, particularly your support for the $500,000 increase for fiscal year 2009 and your approval of our request to purchase a replacement vessel during fiscal year 2008 from previously appropriated program funds.

As you know, Enewetak Atoll was the site of 43 of the 67 nuclear tests the United States conducted in the Marshall Islands. We were removed from our land by the U.S. Government to make that testing possible. We were exiled from our land for a period of more than 33 years—a period in which we suffered near starvation, poor health, and lack of education.

In 1980, after a significant cleanup, soil rehabilitation, and resettlement effort undertaken by the United States, we were able to return and live on only a part of our land. A large part of our land and environment remain contaminated making it impossible for us to rely on our natural food resources and preventing us from developing a fishing or tourist economy.

We now live on a former nuclear test site. In fact, we are the only people ever resettled on a nuclear test site. The Enewetak Food and Agriculture Program makes life on Enewetak possible. And that is why we are so thankful to you for assuring funding in the minimum amount of $1.3 million for the program in the Compact.

However, the program was funded at a level of approximately $1.8 million in fiscal year 2009 and close to that amount for the past several years. That funding level needs to continue to maintain the minimum components of the program which include a soil and agriculture rehabilitation program, the importation of food, and the operation of a vessel. Therefore, we request your support for the additional $500,000 for the program for fiscal year 2010 so that the components of the program will be funded in the total amount of $1.8 million, as has been the case these past several years.

In 2008, we faced a challenge with regard to the transportation of food, material, equipment, supplies, and transport of people to and from our atoll. Our atoll is the most distant atoll from Majuro Atoll, the capital of the Marshall Islands. In fact, the distance between Majuro and Enewetak is 600 miles one way. All of our food, material, supplies, and equipment are sent to Majuro for further trans-shipment to Enewetak. Consequently, a reliable vessel is a lifeline for us. The vessel available to us up to fiscal year 2009 was so old that parts were difficult if not impossible to find. Therefore, we were in the market for a replacement vessel that would be even more suitable for voyages between Enewetak and Majuro than the vessel we had. We found a suitable vessel and greatly appreciate the approval provided by this subcommittee to purchase the replacement vessel from previously appropriated program funds. That vessel was in service as of 2008 and provides the necessary sea transport to support each of the components of the program.

A final comment on the Enewetak Food and Agriculture Program: This program is a true success story. It allows us to live on our homeland while providing the resources which allow us to attempt to accomplish some of the rehabilitation required to transform part of the atoll from a severely damaged nuclear test site to a place that more resembles home. The additional $500,000 to maintain current funding levels will ensure the continued success of this program.

Now we would like to briefly address the four atoll healthcare program. Funding for fiscal year 2010 is necessary to continue the program. We appreciate the funding for such program provided by the Congress in the amount of $1 million for fiscal year 2009. However, continued funding is required to maintain the key elements of the program which provide for an on-site physician for each of the four atolls, necessary medicines and supplies, funding for a health aide for each atoll, and funding

for care of the people of the four atolls at the hospitals in the Marshall Islands when required.

Lastly, we need to mention the nuclear waste site on Runit Island. That site was built by the United States and contains more than 110,000 cubic yards of material including plutonium and other radioactive debris. This site needs to be monitored to assure the integrity of the structure and to assure that no health risks from the radioactive waste site are suffered by us. To effect the foregoing, a long-term stewardship program of Runit Island needs to be implemented by the United States.

Again, Madam Chairman, we thank you and members of this subcommittee for your support which makes life possible for us on our home atoll of Enewetak.

PREPARED STATEMENT OF THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

I am Karen R. Diver, Chairwoman of the Fond du Lac Band of Lake Superior Chippewa. Thank you for considering our testimony on fiscal year 2010 appropriations. The Fond du Lac Band provides health, education, social, and other governmental services to 6,500 Indian people living on or near our reservation in northeastern Minnesota. These programs are essential to our ability to educate our children, care for our elderly and infirm, prevent crime, and protect and manage natural resources, but have long been under-funded.

Bureau of Indian Education (BIE): Education.—The Fond du Lac Band relies on Bureau of Indian Education funding for the operation of the Band's pre-K through grade 12 Ojibwe School. We fully support the President's proposal to increase funding for Indian education as these increases are badly needed. The Ojibwe School serves approximately 320 students most of whom are tribal members or descendants of tribal members. Most come from very low-income households; 92 percent of our students qualify for free or reduced-rate lunch. Although American Indian students are the most at-risk group of students in our Nation, funding shortfalls have forced us to layoff 7 FTE and reduce working hours for 20 education personnel. If our students are to succeed, our schools need a commitment of high-priority support so that we can pay competitive salaries to attract and retain skilled teachers; invest in research-based reading and math curricula; keep pace with costs of student transportation; and provide early childhood development programs.

Increases in the BIE Indian School Equalization Program formula funds are critical part of this. We also support increased funding for school construction and repair as past funding has failed to keep pace with the growing backlog of Indian schools and facilities needing replacement or repair. Increases are also needed for both scholarships and student transportation. Unpredictable rising fuel costs and the lack of a formula that accounts for the need to replace vehicles creates a risk that we will not be able to provide safe and reliable transportation services to our students. In addition, we support the President's proposal to continue to fund the Johnson O'Malley program. This program addresses the unique educational and cultural needs of American Indian children attending both public and tribal schools through the use of Indian parent committees. Decades of research confirm positive results from parental involvement in student education.

Finally, we ask that education programs be determined locally by the schools and not dictated by the central office as the schools are often in the best position to know what works. In this regard, we were very pleased to hear that the President proposes to eliminate the prior administration's Reading First program. We fully support that decision as that program had been shown to be ineffective but was still imposed on our schools. We urge Congress to replace failed programs with funds that can be targeted to effective ones as determined by the schools themselves.

Bureau of Indian Affairs (BIA): Public Safety and Justice.—We fully support the President's proposal to increase BIA funding for law enforcement. We also ask that Congress increase the Band's base funding by $2 million for court operations and law enforcement, and provide a one-time appropriation of $8 million to allow us to expand the facility that houses our law enforcement department but which is completely inadequate for that purpose.

We continue to face massive unmet needs for law enforcement. We had to assume responsibility for law enforcement after the Minnesota Supreme Court ruled that the State did not have jurisdiction to enforce traffic laws on roads within Indian reservations, *State* v. *Stone*, 572 N.W. 2d 725 (Minn. 1997). We have done this using a combination of tribal and Federal funds (made available through the Community Oriented Policing Services program and the BIA), and by cooperative agreements with local law enforcement agencies. But because of the insurgence of methamphetamine, alcohol, illegal prescription drug use, and gang-related activities on our reservation our law enforcement responsibilities continue to grow. Prescription drug

abuse is an epidemic. Increasing numbers of our elders and others are the victims of more frequent assaults and robberies that are prescription drug-related. Our officers are responding to a growing number of drug related overdoses and deaths, as well as juvenile offenses involving drugs, alcohol, thefts, assaults, and burglaries.

To address these problems, we need to increase our law enforcement staff so that we can station police officers in specific locations, such as near elderly housing, and ensure effective law enforcement coverage 24/7. But we do not have the funds to do this. We currently employ 12 patrolmen, 1 investigator, 1 school resource officer (assigned to the Ojibwe school to try and stem the tide of juvenile crime), a Chief of Police, and 3 administrative staff. Our goal is to schedule 3 officers per shift, but we do not have sufficient funds to do this around the clock. Fewer officers on duty means serious safety issues for both officers and the people we need to protect. Our limited staff also means that we cannot implement pro-active measures, such as youth education and outreach programs, and assistance to the clinics in developing means for identifying and preventing prescription drug abuse. To effectively address law enforcement, we need approximately 20 officers but do not have the funding for this.

Federal funding is also vital for law enforcement equipment. To effectively address crime, we must periodically upgrade or replace patrol cars, radar equipment and car radios. We need new computer software to integrate the Band's dispatching system with that used by the counties as well as a T–1 communications line to establish a more secure connection to that system.

Finally, we need a new facility for our law enforcement department. The department is now housed in a 6-room building which we share with the Band's housing program, and which has no room for investigative interviews, nor office space for specialty positions such as investigators. The evidence room and reception area are all completely inadequate for law enforcement purposes. A new building is essential.

BIA: Natural Resources.—We support the President's proposal to increase funds for BIA Natural Resource programs. At Fond du Lac, we need long-term funding to pay for staff and equipment to adequately manage natural resources. Natural resources, both within and outside the reservation are essential to tribal members' subsistence, culture, and employment and the Band's right to access these resources was reserved by our Treaties with the United States in 1837 and 1854. In connection with these rights, the Band is responsible for managing natural resources and for enforcing conservation laws that protect natural resources and regulate tribal members who hunt, fish, and gather those resources within and outside the reservation. Funding is essential for that work. We request that $2 million be added to our base budget for Resource Management programs, as funds for this program have not been increased since 1991.

BIA: Tribal Forestry.—Fond du Lac's forest management program has been funded through a self-governance compact since 1994 but funding for the base forestry program has remained flat and can no longer support the original positions of a Forest Manager and a Technician. An additional $69,000 is needed to fully fund the original two forestry positions.

BIA: Mapping Native Plant Communities.—The Band requests $150,000 to map native plant communities on the reservation. Mapping native plant communities (or Habitat Typing) is an important tool in forest management and in managing wildlife habitat and ecological functions. The Band would use these funds to do a complete inventory of the native plant communities cross referenced with an index of important Ojibwa plants. The inventory and maps would be made available to the Fond du Lac public through the Internet. Knowledge of the distribution of native plant communities will help managers determine appropriate future habitats.

BIA: Circle of Flight.—We also urge Congress to restore funding to the Circle of Flight Tribal Wetland & Waterfowl Enhancement Program. Congress did not fund this program in fiscal year 2009 appropriations. Circle of Flight has been one of Interior's best performing trust natural resource programs. In 2008, Fond du Lac was able to use funds from this program to restore 41 acres of wild rice habitat in partnership with Minnesota, the Fish and Wildlife Service, and the USDA. The preservation and restoration of wetlands are important in providing flood control, clean water and recreation, benefiting tribes and other residents up and down the Mississippi Flyway.

BIA: Human Services.—We urge Congress to increase funding for Human Services programs including those funded through TPA, such as the Indian Child Welfare Act (ICWA) program. Increases are needed to address the impact that the methamphetamine epidemic has on not only public health and safety, but also on child protection, child welfare and foster care services. Increased funding for Social Services and ICWA programs are essential if tribes are to have any realistic hope of protecting Indian children, preventing domestic violence, and fostering Indian families.

Indian Health Service (IHS).—We support the President's proposed increase in funding for IHS. This increase is essential to address the high rates of medical inflation and the substantial unmet need for healthcare among Indian people. Indians at Fond du Lac, like Indians throughout the Nation, continue to face disproportionately higher rates of diabetes and the complications associated with diabetes, than the rest of the population. Heart disease, cancer, obesity, chemical dependency, and mental health problems are also prevalent among our people. While other Federal programs, like Medicare and Medicaid, have seen annual increases in funding to address inflation, the budget for IHS has never had comparable increases, and, as a result, IHS programs have consistently fallen short of meeting the actual needs. All Indian tribes should receive 100 percent of the Level of Need Formula (LNF), which is absolutely critical for tribes to address the serious and persistent health issues that confront our communities. The Band serves approximately 5,900 Indian people at our clinics, but the current funding level meets only 38 percent of our healthcare funding needs. In addition, the Band requests an increase in funding for substance abuse and mental health programs in order to combat the growing methamphetamine problem on our reservation.

Environmental Protection Agency (EPA): Tribal Air Quality Management.—We urge Congress to increase funding for Tribal air quality management. We have operated an air quality monitoring program since 1999, and the demands on our program have increased over time. A growing number of large industries are located within 60 miles of the reservation and impact our air quality. These include Excelsior Energy (a coal-gasification plant), Minnesota Steel (new taconite plant), Polymet (Cu-Ni mine), Enbridge pipeline expansion, Mittal Steel (taconite plant), and U.S. Steel-Keetac (taconite mine expansion). Because of this, we test for mercury and operate ambient monitors for nitrous oxides, ozone, and fine particulate matter. In addition, we run indoor air programs on lead, radon, and mold and provide outreach services to tribal members. Demand for the indoor air programs is increasing with new housing construction on our reservation.

Unpredictable funding and, in particular, funding reductions are very disruptive to a program's success. As a result of a 25 percent funding cut in 2008, we lost experienced staff. We are also concerned that there may be less money available for Tribal Air Program grants through our region (region 5) in 2009, which may force further cuts. Given the critical need to protect reservation air quality, we urge that fund levels for Tribal Air Quality programs be increased.

EPA: Clean Water and Drinking Water Programs for Tribes.—We support the President's proposal to increase funding for Clean Water and Drinking Water Programs and urge that these include increases to the funding for tribally administered programs The Fond du Lac Band administers a water quality program within the reservation. Forty-four percent of the lands within our reservation are wetlands which, in turn, support many natural resources on which our tribal members depend for subsistence—wild rice, fish, wildlife, and culturally important plants. These resources, however, are being adversely affected by mining activities which, although outside the reservation, directly affect the watersheds upstream of the reservation. Current program funding levels are not sufficient to support surface water quality and wetland program implementation. And additional funding is needed to conduct the necessary environmental reviews, water quality tests, mapping, and analysis to enable us to identify environmental impacts of proposed projects outside the reservation on tribal resources, so that we can provide recommendations on project planning, mitigation, and alternatives to avoid adverse environmental impacts.

In conclusion, the needs at Fond du Lac and throughout Indian country remain massive. Your support on these funding issues is essential to our ability to maintain vitally important programs and improve the delivery of services to Band members. Miigwech. Thank you.

PREPARED STATEMENT OF THE FRIENDS OF ALASKA NATIONAL WILDLIFE REFUGES

Mr. Chairman and members of the subcommittee: On behalf of the Friends of Alaska National Wildlife Refuges, I wish to express our appreciation for the opportunity to provide this statement concerning the fiscal year 2010 appropriations for the National Wildlife Refuge System (NWRS). We urge adoption of a funding level of $514 million for fiscal year 2010 for the NWRS, the amount advocated by the Cooperative Alliance for Refuge Enhancement and the House National Wildlife Refuge Caucus. This funding level will help to address recent reductions of staffing and programs vital to ensuring the NWRS's wildlife and habitat conservation mission and

will put the NWRS on the path to reach adequate baseline funding of $765 annually by fiscal year 2013.

The Alaska Friends is a 501(c)(3) nonprofit organization composed of individuals who reside throughout the State of Alaska and many lower 48 States. We work on a volunteer basis to assist the U.S. Fish and Wildlife Service (FWS) to accomplish their congressionally mandated mission for the 16 Alaska National Wildlife Refuges. The Alaska Refuges encompass more than 77 million acres and comprise approximately 83 percent of the lands in the NWRS, but they receive approximately 12 percent of the total budget for the NWRS.

We appreciate the foresight of your subcommittee in successfully spearheading the critically needed budget increases for fiscal year 2008 and fiscal year 2009 to the current level of $463 million. However, a funding level of $514 million for fiscal year 2010 is needed to avert continuing reductions in personnel and operations. Every year, the FWS needs at least a $15 million increase just to maintain current personnel and operations, and that is likely to increase as energy costs and inflation rise. In response to past budget shortfalls, FWS has been forced to downsize and eliminate staff, resulting in completely destaffing scores of refuges and requiring: remote management of many refuges; major reductions in visitor services, wildlife and habitat management, conservation, and restoration; diminished hunting and fishing opportunities; limited ability to control damaging invasive species; curtailment of environmental education programs; and reductions in law enforcement.

—The NWRS tracks its backlog of needs in two major areas:

Deferred Maintenance.—Needs associated with maintaining constructed assets, such as administrative and visitor buildings, roads, levees, water control structures, visitor facilities, and underground water lines. This work is considered "deferred" because it is overdue and funding resources are not currently available to complete the work.

Operations.—Needs associated with the annual operation of a refuge in all respects. These include staffing needed to manage habitat, provide law enforcement, provide services to visitors, and maintain assets. These needs can also be contracts or projects, such as controlling invasive species, monitoring habitat, restoring wetlands, and developing an environmental education curriculum. These needs are calculated in dollars as well, but it can be in the context of staff salaries, contracts, or supplies and materials needed to complete projects.

—The NWRS's deferred maintenance backlog tracked in the Service Asset and Maintenance Management System database has hovered around $2.5 billion for the past few years.

—The NWRS's operations backlog is tracked in the Refuge Operating Needs System database (RONS). For several years the operations backlog has hovered around $1 billion, and a portion of that $1 billion has been assigned a higher-priority status called Mission Critical. For the past few years the Mission Critical part of the backlog was approximately $335 million. When refuges updated their highest-priority needs in RONS in late 2008, the Mission Critical part of the backlog grew to $355 million.

—The increase in the Mission Critical backlog is primarily due to the addition of refuges and the use of models that more accurately predict staffing needs. However, the backlog figures do not reflect the needs for 50 million acres recently added to the NWRS through the designation of the three new marine monuments (Rose Atoll, Mariana Trench, and Pacific Remote Islands).

As of January 2009, the RONS projects in Alaska Refuges totaled $272 million. Alaska's wildlife refuges have special management and budgetary needs because they occupy a unique place within the NWRS. This is clearly illustrated by the Alaska Maritime Refuge, which is headquartered in Homer. Spread out along most of Alaska's 47,000 miles of coastlines, the Maritime Refuge includes some 2,500 islands, islets, pinnacles, active volcanoes, and headlands that are home to 40 million seabirds (80 percent of all seabirds in North America) and significant populations of marine mammals, including fur seals, otters, whales, and Steller sea lions. The Maritime Refuge stretches from Forrester Island in the southeastern corner of Alaska north to Point Barrow on the Arctic Ocean and west to Attu Island at the end of the Aleutian Chain in the Eastern Hemisphere. The distances are daunting; traveling east to west across the Refuge is approximately the same distance as a trip from the Atlantic Coast of Georgia to the Pacific Coast of California, and logistically much more complex and expensive.

Management and monitoring of the far-flung Maritime Refuge is a prodigious and costly task. This requires long-term scientific studies and monitoring of populations, habitat, and trends in the ocean environment; eradication of destructive invasive species, such as farmed foxes, rats, and invasive plants; restoration of habitat damaged by cattle, horses, and the increasing threat of oil spills; and restoration of na-

tive species exemplified by the successful 20-year effort that brought the Aleutian cackling goose back from the brink of extinction. The Maritime Refuge's 120-foot research vessel *Tiglax* travels up to 22,000 nautical miles in a single year to support such activities. These types of activities on Alaska's refuges require substantial resources in terms of personnel, equipment, travel, fuel, supplies, and maintenance. Thus, any direct or indirect reductions in budgets can have severe effects on the management capability of Alaska's refuges and long-lasting impacts on the wildlife and habitat that play a central role in the biological health of the entire continent.

To effectively manage the Alaska Refuges, the Alaska region has adopted a goal of devoting 30 percent of its budget to Management Capability (MC) and 70 percent to personnel, as compared to a national target of 20 percent and 80 percent, respectively. This greater allocation to MC is necessitated by the inherently higher costs of equipment, such as boats and airplanes rather than trucks, higher fuel, and other utility costs for the more remote offices and stations located in Alaska Refuges, and higher costs of repairs and maintenance of equipment and buildings in the many remote areas. For example, in 2006 the *Tiglax* required $98,000 and refuge aircraft required $506,000 in fuel with major increases in the past 2 years, and remote refuge offices pay a premium to operate in rural Alaska.

In recent years, budget reductions and lack of funding to meet increased costs of operations and maintenance caused by inflation have placed a great strain on these resources. This led to continuing staff reductions to maintain the MC level that is necessary to implement the basic programs of the 16 Alaska Refuges. For 10 years, the Alaska region has been actively working to maintain its MC at 30 percent. Since 1999, it has made "full inflation offsets" a top priority. When the RONS increases began to dwindle in 2003, the Alaska region began the process of abolishing positions and using the savings to fund inflation offsets. During fiscal year 2005 through 2007, downsizing resulted in the elimination of 29 positions, including assistant managers, education specialists, and biologists, and the salary savings were rolled into inflation offsets for all 16 Alaska Refuges.

The 16 Alaska Refuges provide a myriad of opportunities to more than 1.3 million visitors each year. There are summer science camps and local environmental education programs, mainly in rural areas and native communities and schools; outstanding recreational opportunities, such as fishing, hunting, hiking, boating, wildlife viewing, and photography; important subsistence activities that support the traditional lifestyles of Alaska Natives and other rural residents; partnering with native corporations and local governments that provide valuable experiences and job opportunities, such as Refuge Information Technicians; and cooperative programs and matching grants with the Alaska Friends to conduct rural outreach and environmental education programs and to remove invasive species that threaten the health and integrity of refuge ecosystems. The contribution of refuges to local economies is illustrated by the Kenai Refuge where every $1 spent by the Refuge produces almost $15 in local recreational expenditures and more than $12 million in local tax revenues.

Invasive plant species are advancing northward and threatening the habitats of Alaska Refuges. With 50 percent cost-share funding for the 3 years, Alaska Friends volunteers have removed invasive species affecting six Alaska refuges. In conjunction with these activities, we organized public meetings to inform the local populace about their refuges and the opportunities and challenges they provide. This year, we have several similar projects underway. Without matching funding, these volunteer programs could not continue the work to protect our valuable wildlife habitats from destructive invasives.

In addition to the traditional refuge programs and activities, the Alaska Refuges are uniquely situated to contribute information and expertise to major national and worldwide problems. The mounting scientific evidence of global warming has shown that northern Alaska is experiencing far greater impacts than other regions. The rate of temperature increase in Alaska is twice that of the lower 48 States. Coastlines, nesting areas, and villages are being severely damaged by the decreasing size of polar icepacks and the longer ice-free periods, which increase the severity and destructiveness of coastal storms. Homes, offices, and other structures are being destroyed by the melting of permafrost, and plant and animal species are advancing northward to areas where they have been unknown in human history. These changes not only interfere with the subsistence way of life of rural Alaskans, but they impede and increase the costs of refuge research, management, and maintenance. Given adequate budgetary support, the Alaska Refuges can provide extremely valuable biological and climatological studies and monitoring to increase our understanding of the processes and hopefully design and implement mitigation projects to reduce the impacts of global climate change.

The Alaska Refuges are also on the frontlines of potential transmission of avian influenza by migratory birds from Asia. Since a major portion of these populations depends on refuge habitats during migration and breeding, early detection can be improved by monitoring programs conducted within the refuges. There is presently some funding available to support such monitoring programs, but continued or increased funding may be necessary to provide adequate early warning capability.

Failure to increase the budget of the Alaska National Wildlife Refuges will result in:

—reduced subsistence and recreational opportunities;
—fewer visitor services;
—loss of important environmental education and science camps, especially for children and youth in rural native villages;
—increased maintenance backlogs;
—reduction of important scientific studies, such as wildlife population and habitat monitoring and enhancements that assist in understanding global climate change and avian influenza; and
—overall degradation and decay of the NWRS and public enjoyment of the resources

Finally, the Alaska Friends is strongly opposed to a provision included in the 2009 Public Lands Omnibus bill that may result in a land exchange for a road through the Izembek National Wildlife Refuge, Alaska. We believe that the $37.5 million Congress appropriated in 1998 for a solution to the transportation needs of the town of King Cove has already addressed the town's health and safety needs by resulting in: an upgraded medical clinic; purchase of a state-of-the-art hovercraft that has met every medical evacuation need since it became operational in February 2007, and construction of a marine terminal and road to access the terminal. We urge the subcommittee to prohibit funds for activities that would advance a road, and feel it is particularly difficult to rationalize this questionable expenditure given the budget shortfalls the FWS is facing.

We urge you to adopt the recommended $514 million appropriation for the NWRS which will allow necessary programs to be maintained and enhanced for our magnificent National Wildlife Refuges. We have an obligation to provide future generations the same opportunities to learn and benefit from our NWRS that all of us enjoy today.

PREPARED STATEMENT OF THE FRIENDS OF BACK BAY

I am Molly Brown from Virginia Beach, Virginia. I am the President of Friends of Back Bay, a group of more than 400 dedicated volunteers who are committed to the protection of the Back Bay National Wildlife Refuge. Located in southeastern Virginia Beach, Back Bay National Wildlife Refuge (Refuge) was established on February 29, 1938, as a 4,589-acre refuge and breeding ground for migratory birds. We thank Congress for their continued support of this project. The Director of the U.S. Fish and Wildlife Service approved a Refuge boundary expansion on May 7, 1990. The expansion area includes 6,340 acres of important wildlife habitat. To date the Fish and Wildlife Service (FWS) has been able to acquire 4,980 acres.

In order to continue the Back Bay Refuge expansion project, we respectfully request $1.5 million for fiscal year 2010. This money will help to fill in the mosaic pattern of small land parcels from willing sellers who have been waiting patiently to sell their land to the Refuge. This continuing project was first funded by Congress in 1990. With only a few remaining parcels to purchase, we hope Congress will want to see this Back Bay project completed.

The enclosed map gives a visual description of the acquisitions through 2008 and the remaining parcels by priority to be purchased from willing sellers within the Back Bay National Wildlife Refuge proposed acquisition boundary. Here is a brief description of each parcel.

Priority 1—Sanford.—Twenty-six acres, much of which is valuable riparian/wetland habitat on the northern bank of Nanney's Creek This Creek has been identified as one of Virginia Beach's "impaired waterways" by the State DEQ. Cooperative efforts by private landowners (mostly farmers), the City of Virginia Beach, the State of Virginia and Back Bay NWR are ongoing to restore the water quality of this tributary of Back Bay. Existing Refuge property is immediately adjacent to this tract on its east and west boundaries.

Priority 2—Griffith.—One hundred five acres of emergent marsh habitat on the east side of Back Bay This property already supports a wide variety of nesting and wintering migratory birds, especially waterfowl.

Because this parcel is located on the bay side of the highly developed Sandbridge area of Virginia Beach, failure to acquire this piece could result in increased private recreational boating facilities by individuals who own lots/houses adjacent to this property.

Priority 3—Van Nostrand.—Fifteen acres of timbered wetlands on the west side of Back Bay. This property has been cleared, and is ready for farming and/or development. Although the current habitat has little wildlife value, reforestation of this parcel, as Back Bay NWR has done with so many other parcels, will serve as quality habitat for a variety migratory birds, especially neotropical migrants. This property has an approved appraisal, and the landowner has been presented with an option to buy.

Priority 4—Rice.—Eight acres, much of which is valuable riparian/wetland habitat on the southern bank of Nanney's Creek This Creek has been identified as one of Virginia Beach's "impaired waterways" by the State DEQ. Cooperative efforts by private landowners (mostly farmers), the City of Virginia Beach, the State of Virginia and Back Bay NWR are ongoing to restore the water quality of this tributary of Back Bay. This property is adjacent to existing Refuge property on its north and east boundaries.

Good things continue to happen at Back Bay. A new educational project to enhance the wildlife viewing opportunities of the public is the "windows on wildlife." This one-way glass will allow the public to watch migratory birds without being seen by and thus disturbing the waterfowl. This project opened this winter. On a recent January day, the pond featured a visual smorgasbord of tundra swans, Canada geese, black sucks, snow geese, mallards, and pied-billed grebes. A red-tail hawk flew close to the building and landed on the branch of a nearby tree.

This March the Back Bay Restoration Foundation is conducting its 8th annual Back Bay Forum 2009. There were presentations on research and data collected within the Back Bay watershed, followed by an opportunity for participants to identify future research and action needed for the health of the bay system. Scientists stated that conditions are improving since last year. The water clarity is better and vital underwater grasses are growing again. Large numbers of ducks are coming back. The local hunters had a very successful season.

I wish to extend my appreciation for the funding that you appropriated through fiscal year 2008. The $505,000 that was appropriated in fiscal year 2008 has purchased 47 acres of a key parcel along Nanney's Creek. To date we have purchased 4,980-acres of the proposed 6,340-acre expansion. This means that this project is more than 78 percent completed in 17 years. Thank you for the opportunity to comment on this important project.

PREPARED STATEMENT OF THE FRIENDS OF BLACKWATER NATIONAL WILDLIFE REFUGE

Mr. Chairman and members of the subcommittee: On behalf of the Friends of Blackwater National Wildlife Refuge located near Cambridge, Maryland, I am submitting testimony for the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies concerning the fiscal year 2010 budget for the National Wildlife Refuge System (NWRS). We respectfully request that the subcommittee support the following funding levels:

—$514 million in fiscal year 2010 for the U.S. Fish and Wildlife Service's (FWS) NWRS Operations and Maintenance (O&M) account;

—$60 million for the Partners for Fish and Wildlife Program, of which $2 million be allocated to conduct strategic habitat conservation around national wildlife refuges in strategic partnerships among the FWS, refuge Friends and other national, regional and local interests;

—$1 million for the Volunteer Invasive Monitoring Program and grants for invasive species work with Friends;

—$900 million over the next 5 years, as President Obama has requested for the Land and Water Conservation Fund, and for fiscal year 2010, $100 million for the FWS land acquisition budget to acquire habitat and marshlands from willing sellers across the country;

—$10 million for the National Fish and Wildlife Foundation (NFWF) in the FWS's resource management general administration budget.

It is necessary that the NWRS budget by $15 to $20 million each year in order to maintain services and programs from the previous year. The $15 to $20 million increase accounts for cost-of-living increases for FWS personnel, growing rent and real estate costs and other cost increases, while sustaining current levels of visitor services and wildlife management. Funding the O&M account at $514 million would

allow the NWRS to avoid further employee layoffs and reductions in services that are important at the Blackwater NWR, and the more than 150,000 who visit the Blackwater NWR each year, while also preventing the approximately $3.5 billion NWRS O&M backlog from growing larger. While refuges received an increase for fiscal year 2009, the National Wildlife Refuge System is still not funded at the level it was in fiscal year 2003 when adjusted for inflation. Because of this, refuges such as ours, the Blackwater NWR, struggle to meet their most basic wildlife conservation objectives.

Refuges are also vital economic engines in the local economy, fueling hotel stays, restaurant patronage and much, much more. According to Banking on Nature, a 2007 report by the FWS, recreational visits to national wildlife refuges generate substantial economic activity. Nearly 35 million people visited national wildlife refuges in 2006, generated more than $1.7 billion for local economies—including 27,000 jobs and $185 million in tax revenues. Eighty-seven percent of all economic activity generated by refuges is from nonresident visitation. These visitors contribute to the local economy through patronage of local hotels, restaurants, outfitters, and gas stations to name just a few examples. We simply cannot afford to lose these local economic engines. Supporting our refuges with adequate funding is an effective method of resisting the economic depression with which the Nation is currently struggling.

While providing adequate funding to operate and maintain the NWRS is of vital importance, most refuges are too small in size to achieve their conservation mission and objectives alone. Their integrity depends on the health of surrounding State, Federal, and private lands and waters. Consequently, there is a growing need to provide funding to ensure that lands and waters beyond refuge boundaries are conserved. Today, the alarming rush to convert rural land to subdivisions and strip malls has caught wildlife managers off guard and requires quick action. Accordingly, for fiscal year 2010 we respectfully ask that the subcommittee appropriate $60 million for the Partners for Fish and Wildlife Program, of which $2 million be allocated specifically to conduct strategic habitat conservation around national wildlife refuges that engages refuge Friends and other national, regional, and local interests that work with States, counties and municipalities to identify, prioritize, and implement land and water conservation opportunities beyond refuge boundaries. These local initiatives will result in strategic visions which will serve as blueprints for use of State, Federal, and private conservation dollars, and will expedite implementation of State Wildlife Action Plans.

The Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies should provide strong funding for Refuge System Visitor Services programs and visitor facility enhancement projects. Visitor services funding pays for many Friends and volunteer programs. We depend on this funding for programs that allow us to remain effective stewards of our refuge.

Recognizing invasive species as a top threat to our refuge lands, we also ask the subcommittee to continue their support by again providing $1 million "for cooperative projects with Friends groups and volunteers on invasive species control". This funding supports worthy programs like competitive grants for Friends groups and the Volunteer Invasives Monitoring Program. Utilizing the energy and enthusiasm of Friends and volunteers is a proven, effective and economical partnership for the NWRS and FWS.

We encourage the subcommittee to allocate sufficient funding to assess and purchase high-priority water rights and high-priority lands and conservation easements through the Land and Water Conservation Fund (LWCF), $100 million. Inadequate water quantity and quality represent some of the biggest obstacles for refuges to overcome and unfortunately, many refuges do not own the water rights on the refuge or they are not guaranteed an allocation of water from a river or stream. The FWS is currently compiling a needs-based priority database of where water rights need to be secured, and we urge the subcommittee to allocate sufficient funding to allow the FWS to acquire these essential rights while they are available and affordable. Also, NWRS land acquisition backlog is estimated at more than $4 billion, with more than 15 million acres remaining to be acquired within approved refuge boundaries. While a full suite of conservation strategies should be employed in working with private landowners, in cases where fee title acquisition is preferred by the landowner and the refuge has identified it as a top priority, the FWS should acquire the land.

We encourage the subcommittee to allocate $10 million for the NFWF through the FWS' resource management general administration appropriation. Each year, NFWF receives more project proposals than they are capable of funding. Adequate funding will ensure NFWF has the ability to leverage resources to fund projects that directly benefit diverse species in, around and outside of national wildlife refuges across the country.

In this era of uncertainty related to climate change, we urge the subcommittee to allocate $30 million in dedicated funding to allow the FWS to create a plan for how to manage refuges in such a way that would allow them to adapt to anticipated changes. Work currently conducted by scientists including Dr. Michael Scott, senior scientist with the U.S. Geological Survey and professor of wildlife biology at the University of Idaho, show how models for individual refuges can be made that simulate rising water levels, increased temperatures, and how species are expected to react. While these innovative tools are now readily available, without dedicated funding, refuge staff is simply unable to take full advantage of it. Refuges are perhaps our best natural laboratories on a national level to assess impacts to wildlife and habitat as a result of global climate change; a small investment could yield valuable insights that will guide wildlife management and land-use planning well into the future.

PREPARED STATEMENT OF FRIENDS OF CONGAREE SWAMP

Madam Chairman and members of the subcommittee: We appreciate this opportunity to present testimony in support of an appropriation of $2.69 million from the Land and Water Conservation Fund (LWCF)—to enable the National Park Service (NPS) to complete acquisition of the 1,840-acre Riverstone tract for Congaree National Park in South Carolina.

Congaree Swamp National Monument was authorized as a NPS unit in 1976. In 2003, Public Law 108–108 elevated Congaree to a National Park—South Carolina's only National Park—and authorized a boundary expansion of 4,576 acres.

Congaree National Park.—on the floodplains of the Congaree and Wateree rivers—is recognized as an international biosphere reserve, a national natural landmark, a wilderness area, and a globally important bird area. All waters within the park's pre-2003 boundary are designated outstanding resource waters, and much of Cedar Creek within the park is designated outstanding national resource waters. Congaree River Blue Trail, bordering the park for more than 25 miles, is a national recreation trail.

With more than 75 species of trees, Congaree hosts the Nation's largest tract of old-growth bottomland hardwood forest. The trees growing in this floodplain forest are some of the tallest in the Eastern United States, forming one of the highest temperate deciduous forest canopies in the world—higher than old-growth forests found in Japan, the Himalayas, Southern South America, and Eastern Europe.

More than 195 species of birds have been observed within the park. Following rediscovery of the Ivory-billed Woodpecker in Arkansas, Congaree National Park is considered prime habitat for recovery of this species. The South Carolina Ivory-billed Woodpecker Working Group coordinates research within Congaree National Park.

Congaree National Park also offers excellent opportunities for recreation. A 2.5-mile boardwalk loop provides easy access into Congaree's forest, and more than 20 miles of trails are available for hiking. Visitors enjoy canoeing and kayaking on Cedar Creek, the only outstanding national resource waters in South Carolina. Outdoors enthusiasts can also enjoy fishing, camping, birding, and picnicking.

In fiscal year 2005, Congress appropriated $6 million from the LWCF to purchase the 2,395-acre Bates Fork tract—at the confluence of the Congaree and Wateree rivers. This is the largest tract within the Congaree park boundary expansion authorized in 2003. NPS purchased the Bates Fork tract in November 2005.

Fiscal year 2010 presents the opportunity to complete acquisition of the 1,840-acre Riverstone tract—the second-largest tract within the park boundary expansion authorized in 2003. The Riverstone tract will connect the previously acquired 21,786 acres of Congaree National Park with the 2,395-acre Bates Fork tract. The Bates Fork tract, in turn, adjoins the 16,700-acre Upper Santee Swamp Natural Area, owned by the South Carolina Public Service Authority. So, the Riverstone tract is the link to connect a conservation corridor of more than 42,000 acres along the Congaree, Wateree, and upper Santee rivers.

In addition to its biological resources, the Riverstone tract has significant geological and hydrological resources, including Running Lake, Little Lake, Big Lake, Running Creek, and Bates Old River. Bates Old River is a 4-mile-long oxbow lake, the former channel of the Congaree River. This oxbow is flanked by the best-defined ridge and swale topography in the Congaree floodplain. No other oxbow lake in the Congaree floodplain can compare to Bates Old River in size, hydrological dynamics, accessibility, or as a recreational resource.

The Riverstone tract also has significant cultural and historical resources, including a prehistoric mound from the Woodland Period (1000 B.C. to A.D. 1000). The

history of McCord's Ferry (established before 1750 as Joyner's Ferry) is intertwined with the Riverstone tract. Patriot and British forces used McCord's Ferry during the American Revolution.

Accordingly, acquisition of the Riverstone tract will add to Congaree National Park's opportunities for visitor access, education, recreation, and research.

The purchase price of the Riverstone property is $5.88 million, based on a federally approved appraisal. Recognizing the Riverstone tract as a key priority for acquisition, the NPS identified and committed $500,000 in existing funds in May 2008 toward purchasing this tract. Accordingly, the NPS's funding shortfall became $5.38 million.

Public Law 111–8 (the recent Omnibus Appropriations Act, 2009) allocated $2.69 million to Congaree National Park—the first half of the $5.38 million needed to complete Riverstone acquisition for Congaree National Park.

We are delighted that President Obama's fiscal year 2010 budget recognizes the Riverstone acquisition at Congaree National Park as a national priority for the NPS. However, to complete the second and final phase of the acquisition in fiscal year 2010, the project needs an LWCF appropriation of $2.69 million, rather than the $1.32 million included in the administration's budget proposal. For fiscal year 2010, please allocate $2.69 million to enable the NPS to complete Riverstone acquisition, thereby permanently protecting the tract's outstanding natural and cultural resources, and connecting the 22,000 acres upriver with the 19,000 acres downriver.

Thank you, Madam Chairman, for the opportunity to present this testimony and for your consideration of our request.

PREPARED STATEMENT OF FRIENDS OF RACHEL CARSON NWR

Madam Chairman and honorable members of the subcommittee: I thank you for the opportunity to present to the subcommittee testimony in support of the acquisition of the 110-acre Timber Point property at the Rachel Carson National Wildlife Refuge in Biddeford and Kennebunkport, Maine. An appropriation of $3.5 million from the Land and Water Conservation Fund (LWCF), to be matched by an equal amount of private funds, is needed to protect this exceptional coastal property. I also support a funding level of $514 million in fiscal year 2010 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System Operations and Maintenance (O&M) account.

The Rachel Carson National Wildlife Refuge is named in honor of one of the Nation's foremost and forward-thinking biologists. After arriving in Maine in 1946 as an aquatic biologist for the FWS, Rachel Carson became entranced with Maine's coastal habitat, leading her to write the international best-seller The Sea Around Us. This landmark study, in combination with her other writings, The Edge of the Sea and Silent Spring, led Rachel Carson to become an advocate on behalf of this Nation's vast coastal habitat and the wildlife that depends on it. With the celebration of the 100th anniversary of Rachel Carson's birth in 2007, her legacy lives on today at the refuge that bears her name and is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast.

Consisting of meandering tidal creeks, coastal upland, sandy dunes, salt ponds, marsh, and productive wetlands, the Rachel Carson NWR provides critical nesting and feeding habitat for the threatened piping plover and a variety of migratory waterfowl, and serves as a nursery for many shellfish and finfish. The salt marsh habitat found at Rachel Carson NWR is relatively rare in Maine, which is better known for its dramatic, rocky coastline. Upland portions of the landscape in and around the refuge host a unique, unusually dense concentration of vernal pools that provide habitat for several rare plant and animal species. Located along the Atlantic flyway, the refuge serves as an important stopover point for migratory birds, highlighted by shorebird migration in the spring and summer, waterfowl concentrations in the winter and early spring, and raptor migrations in the early fall. In fact, southern Maine contains a greater diversity of terrestrial vertebrates, threatened and endangered species, and woody plants than any other part of the State.

Previous years' appropriations have allowed the FWS to conserve several properties within the refuge at Biddeford Pool and Parson's Beach, providing an important buffer between the intense development pressure along the southern Maine coast and its fragile coastal estuaries. With towns in the area growing rapidly—at rates ranging between 11 percent and 32 percent over the next 10 years—development pressures continue to spiral upwards and additional coastal properties are under threat.

The Refuge is unique to the fact that its acquisition zone and land division ownership is distributed in more than 11 different towns, villages, and cities, therefore

creating uncommon municipal partnerships with the Federal Government acting through the local refuge headquarters in Wells, Maine. In the Timber Point Initiative, we have working partnerships established with the town of Kennebunkport and its Selectmen, the city of Biddeford and its Mayor and Conservation Commission, the Kennebunkport Conservation Trust, National and Maine Audubon, the National Wildlife Refuge Association and the Trust for Public Land, to name a few. The importance of community involvement and cooperation is crucial to the success of this urgent project. Available for immediate acquisition from a single willing-seller landowner in fiscal year 2010, the 110-acre Timber Point tract is one of the last large, undeveloped properties along the 50 miles of coastline from Kittery to Cape Elizabeth and a longstanding priority for the refuge. It is being offered to the WS at a significant discount through the generosity of the landowner and the support of the local community.

Located in the Little River Division of the refuge near Kennebunkport, Timber Point is comprised of a large peninsula and a small island that is effectively connected to the peninsula at low tide. All told, the property includes more than 2.25 miles of undeveloped coastline, an enormous amount for southern Maine. Unlike much of the State's southern coastal areas, Timber Point' coastline is mostly rocky, making it an ideal location for eider nesting and wintering purple sandpipers. The Timber Point peninsula hugs the mainland, offering both rocky oceanfront shoreline and a sheltered, sandy cove. Wintering black ducks, assorted sea ducks, and migratory shorebirds feed and roost along the shoreline while sanderlings frequent the sandy cove during migration. In addition, the rocky offshore habitat serves as a productive lobster nursery.

In addition to the abundant wildlife which benefits from this virtually undeveloped coastline, upland habitats harbor many species of conservation concern as well. Habitats represented on Timber Point are diverse and include shrubby wetlands, early successional thickets and grassy openings, forested wetlands, and mature white pine forests. Early successional habitats are home to breeding American woodcock, willow flycatcher, eastern towhee, chestnut-sided warblers, gray catbirds, and bobolink. Upland forests and forested wetland habitats are likely to be used by breeding scarlet tanagers, northern flickers, and Baltimore orioles. On occasion, there are bald eagles and seahawks (ospreys) nesting on both the island and peninsula.

Refuge-owned lands already protect the headwaters of the Little River, which empties into the Atlantic at Goose Rocks Beach—a popular public swimming area adjacent to Timber Point. Once acquired, the Timber Point parcel will enhance the refuge's ability to protect water quality in the estuary and important wildlife habitat by linking it to already conserved refuge lands in the Little River Division of the refuge. Currently, the FWS holds an easement on just 35 of the 110 acres at Timber Point; this proposed acquisition would recombine the easement with full fee ownership and permanently protect the entire property—save 11 acres, which members of the family would retain with a conservation easement preventing any further development of the parcel. Located in a rapidly developing part of Maine, this acquisition offers the refuge an outstanding opportunity to conserve southern Maine's coastal landscape and further consolidate the fragile habitat that exists on the marshes, uplands, creeks, and the estuaries of the coast.

Given the development pressures in this part of the State, the opportunity to permanently protect this unique coastal property exists only for a limited time. An appropriation of $3.5 million for the Rachel Carson NWR in fiscal year 2010 will be matched by an equal amount of private philanthropy, offering a once-in-a-lifetime opportunity that will yield enormous public benefits for generations to come.

I also respectfully request a substantial increase in overall funding for the LWCF, specifically urging the subcommittee to provide $325 million for the Federal LWCF in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill. I applaud the LWCF funding increases provided by this subcommittee in fiscal year 2009. And, we are most thankful that the Obama administration budget recognizes the importance of these programs by proposing significant increases for fiscal year 2010 and setting a goal to achieve full funding of the LWCF in the next 5 years. The LWCF should be fully funded at $900 million annually—the congressionally authorized level.

The LWCF is our Nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units and other Federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the Nation. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change. We urge you to

renew this wise investment in America's natural heritage and take steps to toward full and consistent funding of these vital programs.

With a $3.5 million appropriation for the Timber Point Project, a regional collaboration between the public and private sector will only enhance Governor Baldacci's Quality of Place Initiative that he put forth last year. This would be a fantastic story for protecting crucial habitat for the wildlife at Rachel Carson NWR.

Thank you again, Madam Chairman, for the opportunity to present this testimony in support of this important project.

PREPARED STATEMENT OF THE FRIENDS OF THE COLUMBIA GORGE

Thank you for the opportunity to submit written public testimony in support of public land acquisition projects in the Columbia River Gorge National Scenic Area. Friends of the Columbia Gorge is requesting an appropriation of $6 million from the Land Water Conservation Fund to allow the United States Forest Service (USFS) to purchase land with a high conservation value. The requested funding will go a long way to protect a number of identified high-priority properties totaling 2,191 acres in the Columbia River Gorge National Scenic Area. This project is authorized by the Columbia River Gorge National Scenic Area Act, Public Law 99–663, section 16 (a).

Friends of the Columbia Gorge (Friends) is a nonprofit group with approximately 5,000 members who live in the Columbia River Gorge, the States of Oregon and Washington and across the country. We are dedicated to the protection and enhancement of the scenic beauty and natural and cultural heritage of the Columbia River Gorge. Friends works to promote responsible stewardship of Gorge lands and waters and encourage public ownership of sensitive areas. Throughout the year, Friends leads more than 70 hikes and stewardship events that are open to the public.

Introduction

The Columbia Gorge, shared and cherished by both Oregon and Washington, is truly one of America's natural scenic treasures. As the only sea-level passage through the Cascade Mountain range, the Columbia River Gorge has 5 distinct ecosystems. These ecosystems support more than 800 species of flowering plants, including 16 that are found nowhere else in the world, more than 300 species of birds and provides critical habitat for threatened fish and wildlife, such as the western pond turtle, Larch Mountain salamander, western gray squirrel, steelhead, Chinook, coho, and chum salmon.

The Gorge has been inhabited by humans for at least 11,000 years. Important cultural resources are found throughout the Gorge, including a high concentration of Native American rock carvings and paintings, called petroglyphs and pictographs, in the eastern end of the Gorge. Several tribes retain treaty rights in the Gorge, including the preservation of hunting, fishing, and gathering rights on the lands ceded to the United States in their respective treaties. In addition, the Gorge ranks as the most recognizable natural site along the Lewis & Clark trail.

In 1986, Congress and the States of Oregon and Washington recognized the outstanding scenic beauty and natural and cultural heritage of the Gorge by designating it as a National Scenic Area. The Columbia River Gorge National Scenic Area Act (Act) was passed "to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge" and to encourage economic growth in nearby urban areas. Today, driving east from Portland or Vancouver toward the Columbia Gorge, through miles of subdivisions and strip development, one passes the National Scenic Area Boundary and is awestruck by the instantaneous transition from an urban to a rural setting. The Scenic Area protects nearly 300,000 acres in both Oregon and Washington and receives hundreds of thousands of visitors annually.

Land Acquisition

Although The Columbia River Gorge Scenic Area enjoys national protection, preservation of its outstanding natural and scenic resources requires proactive management. Section 9(a) of the act, created a unique regulatory scheme, which allows conservation in partnership with private landowners. The Act also recognized that some lands should be in public ownership and that some landowners would prefer to sell their property rather than fall under Scenic Area regulations, or to insure its future protection. The desire to conserve key properties and to provide regulatory relief to landowners led Congress to create this special land acquisition program. The act further specifies that if the USFS does not acquire land offered by sellers within 3 years of an offer, then the land changes to a General Management Area

(GMA) designation, which is less restrictive, giving landowners more flexibility and making it more likely that these lands will be logged, mined, or developed.

Since 2001, more than 4,000 acres of "high-priority" private land worth an estimated $35 million have been offered for sale to the USFS, yet Congress has only appropriated $17.5 million to date.

Fiscal Year 2010 Request

USFS's Columbia River Gorge National Scenic Area office has expressed the need for $6 million in fiscal year 2010 to carry out its land-acquisition activities. Currently, USFS has identified 10 properties in 4 counties located in Oregon and Washington for acquisition in fiscal year 2010. The public purchase of these properties would protect some of the most scenic Gorge views and provide future recreation opportunities, both of which are key to maintaining the economic health of local communities. Many of these properties are threatened by logging, mining, or development and our opportunity to preserve these critical lands could be lost forever. This appropriation will go far in supporting willing land sellers and protecting this important national treasure.

Conclusion

Funding land acquisition in the Gorge is important for three reasons. First, these offers represent a commitment to landowners by the Federal Government. Second, these lands have critical scenic, natural, cultural and recreational values that need to be conserved. Finally, these acquisitions are part of the overall strategy to ensure that the Columbia River Gorge is a good place to live, work, and visit.

Funding land acquisition in the National Scenic Area fulfills the commitment Congress made in 1986 when they passed the Columbia Gorge National Scenic Area Act to protect and enhance the natural, scenic, cultural and recreational resources of the Gorge. Please consider our request of $6 million to ensure that the Gorge remains a place apart for future generations to enjoy.

Thank you for the opportunity to provide testimony supporting public land acquisition in the Columbia River Gorge National Scenic Area.

PREPARED STATEMENT OF THE FRIENDS OF WERTHEIM NATIONAL WILDLIFE REFUGE

I am submitting testimony to the Senate Interior, Environment, and Related Agencies Appropriations Subcommittee on behalf of Friends of Wertheim National Wildlife Refuge. We support a funding level of $514 million in fiscal year 2010 for the U.S. Fish and Wildlife Service's (FWS) National Wildlife Refuge System (NWRS). The $514 million accounts for cost-of-living increases for FWS personnel, while maintaining current levels of visitor services and wildlife management. Funding NWRS at $514 million would allow the NWRS to do its job of protecting habitat and wildlife in a much more responsible way. It is of the utmost importance that our Nation protects and enhances our NWRS for future generations.

We ask the Senate Interior, Environment, and Related Agencies Appropriations Subcommittee to provide strong funding for Refuge System Visitor Services programs and Visitor Facility Enhancement Projects. In the last few years many refuges have lost staff due to insufficient funding. This has resulted in loss of protection, maintenance, and care of the most valuable assets we have in the United States. Visitor Services funding pays for many Friends and volunteer programs. The Friends depend on this funding for programs that allow us to remain effective stewards of our refuge.

Recognizing invasive species as a top threat to our refuge lands, we also ask the subcommittee to continue their support "for cooperative projects with Friends groups on invasive species control". This funding supports worthy programs like competitive grants for Friends groups and the Volunteer Invasive Monitoring Program. Utilizing the energy and enthusiasm of Friends and volunteers is a proven, effective and economical partnership for the NWRS and U.S. Fish and Wildlife Service (FWS).

Friends of Wertheim NWR feels that the NWRS deserves $514 million in Federal funding for fiscal year 2010 because FWS is the Federal agency charged with conserving, protecting and enhancing the Nation's fish, wildlife, and plants for the continuing benefit of the American people. Another top priority of FWS is connecting people with nature: ensuring the future of conservation. Therefore, a priority of Federal funding must be to take action. While there is no doubt that our public lands need to be managed through community partnerships/community resources, the Federal Government should be the catalyst on Federal lands to make this happen.

When the funding for the NWRS is compared to the entire national spending it is not even a "blip on the radar screen". The NWRS is one of our "National Treas-

ures" and the dedicated Refuge staff, Friends and volunteers do so much with so little. It is our hope that in 2010 and beyond there is increased funding that will do more than maintain what we had last year; we need your help to address the $2.7 billion backlog. Only by being "faithful stewards" of all of the NWRS in the United States will we ensure that they will be here for our children and our children's children. This is why we ask that you support our NWRS with adequate funding, $514 million for fiscal year 2010. On behalf of Friends of Wertheim NWR we thank you for your consideration of our request.

PREPARED STATEMENT OF FRIENDS OF WALLKILL RIVER NATIONAL WILDLIFE REFUGES

Dear Madam Chair and honorable members of the subcommittee: I am grateful you are holding public witness day, once again. I am requesting $514,000,000 for all National Wildlife Refuges for operations and maintenance, for fiscal year 2010. I would also like to request emergency funding, now, for the United States Fish and Wildlife Service and United States Geological Survey (USGS), to address the White Nose Bat Syndrome (WNS) crisis: $2,500,000. For my own refuge, Wallkill River National Wildlife Refuge, I request $3,280,000 for land acquisition.

In these trying economic times it seems arrogant to ask for funds for National Wildlife Refuges (NWR), something that might seem a luxury. In fact our NWRs are a necessity. The United States Fish and Wildlife Service (USFWS) are the people we have charged with protecting and preserving our most sensitive habitats and wildlife. These are the people who monitor and manage the wildlife and environment for current and future generations of Americans. Today, they face challenges that were inconceivable 20 years ago.

I would like to draw your attention to some very serious trends in occurring in our environment, the ramifications of which are beyond frightening This is not alarmism; its the reality of globalization. We are seeing plagues of fungi and other pathogens wreaking devastating mortality in our environment. In the late 1980's, a fungus called Chytrid started killing off amphibians in Costa Rica, now it has spread all over this country, South America, and parts of Europe and Africa. In 2006, we saw colony collapse among the honey bees. Also in 2006, a killing fungus got a foot hold on the cave dwelling bat species in the caves near Albany, New York. This flesh eating fungus has now been confirmed as having killed tree dwelling bats as well, meaning all bat species are vulnerable. This fungus thrives in the cool, dark, damp climate of caves and abandoned mines. Now that fungus, called WNS has spread like wild fire and we are seeing 95–100 percent mortality of several species of bats in 10 States. This has destroyed cave dwelling bat populations from New Hampshire, south to West Virginia. These plagues are just the tip of the iceberg, the first clear warnings of what will affect the human populace sooner or later. Scientists fear extinction of many bat species if we can not stop this within a year. I encourage you to attend USFWS and USGS briefings May 1.

USFWS and the USGS are the Federal Emergency Management Agency (FEMA) of the environmental world. These agencies have been understaffed for far too long and now we are seeing the ramifications. We have acted as if the environment were a luxury we could ignore. Instead we are seeing just the beginning pathogens and invasive species that can travel anywhere humans do. These are the agencies we entrust to research and manage invasive species and endangered species. They don't have the manpower or the funding to even begin to address these catastrophes, spreading beyond control. We are in this situation because we undervalued science and how the environment affects human quality of life. We know very little about these aggressive fungi and pathogens, how long before one arrives that wreaks havoc on the human populace? We don't know the answer to that or how climate change will affect the environment and impact on human life. We all assume there are omniscient scientists lurking somewhere keeping us all safe; the somebodies that: "somebody should do something" is referring to. They aren't there, we didn't hire them, we didn't see that funding as a wise investment in the well being of present and future American people.

These plagues on the environment are our wake-up call. White Nose Bat Syndrome, (WNS) is killing literally all cave dwelling bats from New Hampshire to West Virginia. Little Brown bats eat 500–1,000 mosquitoes per hour. They live about 30 years and produce only one baby per year. If, we are able to stop WNS now, it would take at least 100 years for the populations to rebound to previous population levels. In the region affected by WNS, there are mosquito transmitted diseases of: West Nile Virus and Eastern Equine Encephalitis. Is our only option to cover every thing with even more pesticides? What will that do to pollinators? How

will the ramifications of indiscriminate pesticide use affect human health? Is it a risk we can afford to take? These are the questions our scientists must address and answer. But, we do not now have the scientific infrastructure to resolve these issues or to prepare and prevent future catastrophes. It is time to establish a National Laboratory, a central station housing these scientists from these agencies.

What we Need.—Hearings on WNS; emergency funding for manpower and research now; dedicated funds for 2010; enactment of the North American Migratory Bat Act; maintaining captive breeding populations; and a national laboratory.

A century ago the most dominant tree was the American chestnut, now there are thought to be less than 500 known trees in existence. Billions were killed off by a fungus that was inadvertently brought over from Japan. Hemlock forests have been devastated by an insect thought to be accidentally introduced from Asia. Likewise, elm trees have also been destroyed by a fungus first discovered in Holland, but originating in Asia. These are examples of the ramifications of globalization, we are not prepared to address these issues.

We are only beginning to see the ramifications of climate change, whether the cause is natural or human induced, we still have to address those issues. There will need to be migratory corridors for wildlife focusing on efforts in restoration and acquisition. We will see more species appearing on the endangered species list as development encroaches on what habitat is left. These changes will require careful monitoring; it is the USFWS and USGS whose responsibility it is to monitor, research, and access conditions and threats for the well being of the American people.

In December 2007, you voted to give the NWR another $39 million slated for alleviating staffing shortages. Those funds had the effect of stopping the hemorrhaging of staff positions; the USFWS was able to stop downsizing. All Regions were able to reach their 75 percent manpower–25 percent operations budget. Alaska is 70 percent–30 percent because of the higher costs there. It did nothing to restaff refuges that had previously been unstaffed due to funding shortages. There are approximately 30 percent of all refuges that are tier 1 or focus refuges in the system, the refuges that are fully staffed. Approximately 35 percent are tier 2 refuges meaning there are a few staff members. There are approximately 35 percent tier 3 refuges which have no staff and are not planned to have staff, if they will be staffed at all, it will be after all of the tier 2 and tier 1 refuges are staffed. The 1997 Refuge Improvement Act requires that "each refuge shall be managed", to the criteria set forth in the act. The USFWS is underfunded and can not meet the mandates of the Act with current funding. As things are now, only one third of all refuges can meet the mandates of the act.

In reality we are seeing 640,000 new unemployment claims, in the United States, as of the week of April 18, 2009. We are at a frightening 8.5 percent unemployment rate by household survey, nationally. In southern New Jersey the rates are as high as 12 percent unemployment. The USFWS currently has approximately 2,871 full time employees. With funding of $514,000,000.00 it would allow the USFWS to add 529 employees; that's almost one per refuge. According to CARE data, the USFWS is understaffed by 2,867 personnel.

We are seeing increasingly more flooding conditions in our country. Flood plains are also known as wetlands, swamps, river basins, and watersheds. These just happen to be many of the most desired lands for protection of endangered species and migratory bird habitat. I have seen far too many times where FEMA funds have been distributed to flood victims living in flood prone areas. These areas can flood again and again. In some cases the home owners can no longer get insurance and they can not sell their homes, FEMA digs them out when the floods come. As a taxpayer I would prefer to see these lands paid for once, becoming part of the National Wildlife Refuges System (NWRS) where these waters have the ability to replenish the aquifer and reservoirs.

Wallkill is the primary Refuge in the area designated by the New York, New Jersey, Pennsylvania, and Connecticut Highlands. The newest refuge: Cherry Valley in Pennsylvania, is also in this area. These areas have been protected because of their habitat for wildlife and water recharge values. These areas are in the most congested areas of the East Coast and warrant funds and manpower for safeguarding these lands and wildlife in these areas.

We are requesting $3,280,000 for land acquisition for the Wallkill River Refuge for 2010. Our fiscal year 2010 Land Water Conservation Fund (LWCF) request for the Wallkill River National Wildlife Refuge will allow the USFWS to acquire three critical resource and recreation properties. They include the 324-acre Armstrong Bog with important bog turtle habitat, the 52-acre Whispering Hills property supporting State and federally listed species including the Indiana bat and wood turtle, the 68-acre Wild Stone Canyon tract. These properties include rivers streams, aquifer recharge zones, and critical wetlands to protect the integrity of the Wallkill River Na-

tional Wildlife Refuge and provide habitat and migratory corridors for fish and wildlife. These wetlands, watersheds, and forestlands helps filter pollution prevents erosion and decreases the costs and damage from floods. Further, the protection of forests and wetlands that protect and retain water provide significant economic benefits to our communities by lowering water treatment costs. Protection of clean drinking water is of the utmost concern to the American public. Purchases of land and water with the LWCF—such as these proposed at the Wallkill River National Wildlife Refuge—will help maintain the long-term integrity of water quality and quantity at the Refuge and in our surrounding New Jersey communities.

We thank you for your consideration of this LWCF funding request. We are delighted to see the LWCF program identified as a top priority for Secretary of the Interior, Kenneth Salazar, and join other groups of the LWCF Coalition in urging support for increased overall funding of the LWCF to meet needs at the Wallkill River National Wildlife Refuge and refuges across the nation.

Wallkill is the primary Refuge in the area designated by the New York, New Jersey, Pennsylvania and Connecticut Highlands. The newest refuge: Cherry Valley in Pennsylvania, is also in this area. These areas have been protected because of their habitat for wildlife and water recharge values. These areas are in the most congested areas of the East Coast and warrant funds and man power for safeguarding these lands and wildlife in these areas.

Thank you for your time and consideration.

PREPARED STATEMENT OF THE FORT PECK INDIAN RESERVATION

The Fort Peck Tribes are pleased to present testimony on the fiscal year 2010 budget. The Fort Peck Reservation encompasses 2.09 million acres of which only 378,000 are tribally owned, with another 548,000 held as individual allotments. The Reservation population is 11,000 people. The tribes' unemployment rate on the Reservation is 57 percent (BIA Labor Force Report, 2005). Of our tribal members who are working, approximately 43 percent live below the poverty level (BIA Labor Force Report, 2005). Given the enormous unemployment and poverty rates on the Reservation, our needs for both Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) programs and services is substantial.

So many of the tribes' needs are for basic services; safe drinking water, healthcare, law enforcement services, and safe, modern facilities to house our program staff so that our members will utilize the services and programs we have available. If the Federal Government could assist the tribes with these core governmental services, our members would be so much better off. Here are a few of our key funding requests which ask the Congress and the administration to support.

BIA

The Fort Peck Reservation Rural Water System.—The tribes request $457,809 for the operation, maintenance, and replacement (OM&R) of the Fort Peck Reservation Water System. Congress enacted the Fort Peck Reservation Rural Water System Act of 2000, Public Law 106–382, to ensure safe and adequate municipal, rural, and industrial water supply to all of the residents of the Fort Peck Indian Reservation. The law directs that funding for the operation of the water system is to come from the BIA. The tribes and the Bureau of Reclamation have completed construction of many components of this important project, including the raw water intake facility, and we now seek funding for the operation, maintenance, and replacement costs for these components as required by the act. It is important that our water treatment plant staff have the resources they require to properly maintain this multi-million dollar investment to provide safe drinking water to the reservation and surrounding communities.

Funding for Law Enforcement Programs.—The need for increased law enforcement remains a priority for the Fort Peck Tribes. While we greatly appreciate the increases Congress provided last year, including the increase for Meth Hot Spots and to address domestic violence on Reservations, the amounts are insufficient to fulfill the United States' basic trust responsibility in the areas of health and safety. An independent "Gap Analysis" study prepared in 2006 for the BIA's Office of Law Enforcement Services confirms the glaring shortage of law enforcement officers in Indian country. The BIA's Office of Law Enforcement Services divides Indian country into six districts. Montana is located in district 5. In 2006, district 5 had 87 law enforcement officers, including criminal investigators and telecommunication operators. To reach the recommended level of 3.3 law enforcement officers per 1,000 population, District 5 would need to increase its law enforcement personnel by 135 to reach 222 law enforcement officers. Of this amount 111 or 50 percent would be po-

lice officers. Unlike far less violent non-Indian communities, which have 2.9 officers to every 1,000 inhabitants, Indian country averages about 1.3 officers for every 1,000 inhabitants. The Gap Analysis revealed that BIA District 5 is at 39 percent capacity for law enforcement. That is one of the primary reasons our crime statistics are so poor. What has the BIA done with this 2006 Gap Analysis report. Apparently, not much.

On the seven reservations in Montana for the 2-year period of 2004–2005 (the period for which we have the most complete data), there were 10 murders, 62 forcible rapes, 1,147 aggravated assaults, and 529 burglaries. In 2007, the tribes' Public Safety Department was responsible for addressing 3,956 offenses committed on the Fort Peck Reservation, including 595 violent or serious offenses and 1,004 juvenile offenses. The BIA has reported that the Fort Peck Reservation crime data ranks us in the top 10 for the worst crime areas in all of Indian country. We need more resources in every area of law enforcement from police staffing, tribal courts, detention, and equipment.

In the area of staffing, the Fort Peck Tribes' Public Safety Department currently has 22 sworn personnel, less than half the number needed to provide adequate coverage for our large reservation. These officers cannot adequately patrol a 2 million acre reservation with a population of more than 11,000 and a high incidence of substance abuse and violent crimes. A survey of current officers has shown that they will not continue to work for the tribes under conditions where they must patrol alone, respond to calls without backup, and work longer hours for the same or less pay.

To address this need, the Fort Peck Tribes request $1 million to be added to the tribes' law enforcement base budget to ensure the continued staffing and operation of the Fort Peck Tribes' Public Safety Department. Without these funds, the Fort Peck Tribal Council will reluctantly be forced to consider returning the operation and management of the law enforcement department, which the tribes have operated under an Indian Self-Determination Act contract since 1995, to the BIA.

One issue that I would like to bring to the attention of the subcommittee is the issue of how crime data is reported from the BIA to the Federal Bureau of Investigation (FBI). Currently, the BIA reports Indian country crime data to the FBI in the aggregate form, rendering the data useless to the FBI. Consequently, tribal nations have missed out on Department of Justice funding because DOJ relies on State and tribal specific crime data in the distribution of funds. In Montana alone, Montana tribal agencies may have been eligible for more than $700,000 in stimulus Byrne/JAG direct allocation funding had the BIA reported the district 5 data individually to the FBI. We would urge the subcommittee to direct the BIA to work with the Department of Justice to correct this and properly report tribal crime data so that it can be utilized in allocating this desperately needed funding.

Equally as important as funding for law enforcement programs is the funding for tribal courts. There has not been a significant increase in the BIA tribal courts budget in almost 20 years. This is true despite the fact that tribal court dockets have substantially grown in the last 20 years. Tribal courts serve an important and vital role in dispensing justice in Indian country and must be fully funded.

Finally, in the area of law enforcement, I would be remiss if I did not call for increased funding for detention facilities, for operation and maintenance and construction. As the subcommittee well knows, detention facilities in Indian country are overcrowded and in many instances simply not safe for the inmates or the personnel. At Fort Peck, we frequently have to release inmates before their release date because we have to make room for other more violent offenders. This is not safe for our community. Do not let the United States violate its trust responsibility to us on so important an issue as public safety and justice.

Tribal Colleges.—Tribal colleges are important institutions in the remote tribal communities that they serve. On our Reservation, we operate the Fort Peck Tribal College, a fully accredited institution that offers associate degrees in arts, science, and applied sciences.

The college offers our students an opportunity to obtain a higher education without having to leave their homes and families, which can strain important cultural ties. The need for rural tribal colleges is critical for many of our students, especially our single-parent students who need family members in close proximity so that they can assist in childcare duties. These students do not have the resources or the network to attend school in Billings or Missoula. If it weren't for our tribal college they would have no opportunity to improve their lives through higher education. Today, with the economy shedding too many jobs each month, we strongly urge the subcommittee to increase funding for this vital program that is improving the lives of Indian people.

Land Consolidation.—The tribes are very disappointed that Congress failed to fund the Indian Land Consolidation Program. The failure of the BIA to properly manage trust resources is in large measure the result of land fractionation and the inability of the Department to properly track the numerous interest holders of land. It has been well proven that the only way to avert this continuing problem is to consolidate these interests into tribal ownership. Indian Land Consolidation makes both good financial and land management sense. We would urge the subcommittee to restore funding for this important program.

IHS

While we are not familiar with the exact details of the President's fiscal year 2010 budget request, we are encouraged by the outlines that have been released. The proposed $400 million increase in IHS funding will finally begin to address the staggering health deficits experienced in Indian country.

The health indicators in Indian communities consistently demonstrate higher infant mortality, teenage suicide, accident, alcoholism, diabetes, and heart disease rates among Indian people when compared with other minorities and the general American population. Yet money directed to healthcare, especially preventative care—such as routine checkups and health education—that clearly improves the quality of life and helps avoid more expensive healthcare costs in the future, has not been provided. The Federal Government has a trust responsibility—reaffirmed through treaties, legislation, executive orders, congressional policies and Presidential administrations—to provide healthcare to Native Americans, an obligation that was paid for by the Native people of this county with millions of acres of land, resources, and our traditional way of life. We fully support President Obama's position that healthcare is a critical element to having a healthy workforce.

Contract Health.—The Fort Peck Tribes alone need a near doubling of our inadequate Contract Health Care budget—to $11 million—to meet the growing health demands of our more than 11,000 tribal members. Far too many members are not referred out for Contract Health Care Services that their primary healthcare professionals determine are medically necessary because we are at level 12. Members are told that no funds are available for Contract Health Services. Patients requiring surgeries are mostly given prescriptions for pain instead of receiving Contract Health Services.

Our community suffers from unusually high cancer death rates, and we fear that it is because the patients are not referred to outside providers until they have reached the inoperable stage. The crisis is so acute that in July 2008, the tribes declared a healthcare emergency. We would urge Congress to double the funding for Contract Health Care. Healthy families will help strengthen the social and spiritual fabric of our reservation.

Facilities Construction.—The need for Contract Health Care funding only highlights the tribes' need for a fully staffed and equipped health facility capable of providing a full range of medical services. The IHS needs to evaluate and plan the process for new in-patient facilities in Montana.

I return to the original point in my testimony; the United States must assist tribes address basic governmental services such as safe drinking water, safe streets and communities, fair judicial systems, healthcare. More than 20 years ago, an earlier Congress noted that when there is community stability—with core governmental services being met—"Indian tribes are in the best position to implement economic development plans, taking into account the available natural resources, labor force, financial resources and markets."

The United States boasts the best healthcare system in the world. The time for improved healthcare services in Indian country is long overdue.

Thank you for providing me the opportunity to present the views of the Fort Peck Tribes.

PREPARED STATEMENT OF THE FRIENDS OF VIRGIN ISLANDS NATIONAL PARK

Madam Chairman and honorable members of the subcommittee: We appreciate the opportunity to provide testimony on behalf of an important land acquisition funding need at Virgin Islands National Park. An appropriation of $6.75 million from the Land and Water Conservation Fund (LWCF) is requested in fiscal year 2010 to continue the acquisition of the unique Maho Bay property by the National Park Service (NPS). We were very pleased to learn that your subcommittee provided $2.25 million to begin this project in fiscal year 2009.

I represent the Friends of Virgin Islands National Park, a 501(c)(3) nonprofit organization, dedicated to the protection and preservation of the natural and cultural

resources of Virgin Islands National Park and to promoting the responsible enjoyment of this national treasure. We have more than 3,000 members—20 percent of whom live in the Virgin Islands and the balance represent every State in the Union.

We carry on the rich tradition of using private philanthropy for the betterment of this park as well as mobilize volunteers and community participation. In our 19 years of work in support of Virgin Islands National Park we have been involved in many initiatives, projects, and activities that help this park be a model of natural resource protection and cultural preservation—but none have been as important as our work in support of the acquisition of Estate Maho Bay and its incorporation within the park.

We have played the important role of informing and motivating the community about the issues related to the preservation of Estate Maho Bay. But motivation was hardly needed; the preservation of Estate Maho Bay and ensuring unimpeded access to this spectacular area enjoys near unanimous support among native St. Johnians, residents who have moved here from mainland United States and visitors alike—no easy feat for a community that prides itself in its diversity of opinions.

Virgin Islands National Park, located on the island of St. John, is a tropical paradise preserved for the enjoyment and edification of the public. Beautiful white sand beaches, protected bays of crystal blue-green waters, coral reefs rich in colorful aquatic life, and an on-shore environment filled with a breathtaking variety of plants and birds make St. John a magical place. More than 800 species of trees, shrubs, and flowers are found in the park, and more than 30 species of tropical birds breed on the island, which was designated an international Biosphere Reserve by the United Nations in 1976. St. John is also home to two species of endangered sea turtles—the hawksbill and the green. In addition, the park contains archeological sites indicating settlement by Indians as early as 770 B.C. The later colonial history of St. John is also represented by remnants of the plantations and sugar mills established by the Danes in the 18th and 19th centuries.

One of St. John's most popular eco-campgrounds sits on a cliff overlooking Maho Bay and its pristine white sand beaches. The bay's campgrounds create memorable vacations in the beautiful setting of St. John without sacrificing the delicate ecosystem of the island. Few places on earth match the breathtaking beauty of Maho Bay. A lush forested slope rising nearly 1,000 feet rims its crystal waters and soft white beaches. Hundreds of tropical plant species and more than 50 species of tropical birds fill these lands on the island of St. John, at the heart of the American paradise of Virgin Islands National Park. Just offshore are seagrass beds, green turtles, and magnificent coral reefs. This fragile area contains large nesting colonies of brown pelicans, as well as the migratory warblers and terns that winter on St. John. In addition to its natural treasures, the largest concentration of historic plantations and ruins on the island is found within this area.

Available within the Virgin Islands National Park boundaries in fiscal year 2010 is the second phase of a 207-acre acquisition at Maho Bay. This Maho Bay property offers spectacular views of the bay and includes some beachfront. It is extremely important because of their relationship to the whole undeveloped area and its cultural resources.

Though the park boundaries cover a broad area of St. John, NPS actually owns two separated blocks of land. A smaller block covers the northeastern shore of the island, and a larger, more contiguous block extends from the southern to northwestern side. The acquisition of the Maho Bay property would be the first link of these two blocks, ensuring future access, resource connectivity, and seaside protection.

Wetlands in the lower portion of the watershed provide adequate sediment retention for the undeveloped nature of this area. As a result of long-term geological processes, the topography created by these processes and the historical rise of sea level during the past 5,000 years, a large, rare, and complicated freshwater dominated wetland developed throughout the basin. It represents a natural stage wetland typical of large watersheds with relatively flat basin topography. The Maho Bay wetland is the largest of this type on St. John and along with the Magens Bay wetland on St. Thomas, one of only a few of this type in the territory. These wetlands provide habitat to numerous species of shorebirds, water fowl and other wildlife, several listed as endangered under the V.I. Endangered and Indigenous Species Act. Others are protected under various Federal laws and treaties.

The land was historically used during the plantation era for agricultural activities such as sugar cane, coconut, and cotton cultivation. The lands include portions of several historic plantation era sugar estates. The Maho Bay area contains the highest density of plantation era estates on St. John. Preservation of these sites is important in reconstructing the history and heritage of St. John. With increasing growth and investment throughout the Caribbean—including places not far from the

unspoiled beauty of St. John—this vulnerable land has been the focus of intense development threats. In recent years, more than one investor envisioned private development along these shores, which would have jeopardized the unique character of Maho Bay. Once this land is acquired by the park, future visitors will be treated to spectacular views of Maho Bay and some of the most accessible and scenic shoreline and waters on St. John.

The total estimated fair market value of the 207 acres is $18.6 million. This property is being made available to NPS for a total of $9 million over 2 years, with the balance to be provided through private donations of cash and land value. As $2.25 million was provided in fiscal year 2009, this year, an appropriation of $6.75 million is needed from the LWCF toward the purchase of the remaining 181 acres of these valuable lands.

I also respectfully request a substantial increase in overall funding for the LWCF, specifically urging the subcommittee to provide $325 million for the Federal LWCF in the fiscal year 2010 Interior, Environment, and Related Agencies Appropriations bill. I applaud the LWCF funding increases provided by this subcommittee in fiscal year 2009, which included the funds for Virgin Islands National Park. And, we are most thankful that the Obama administration budget recognizes the importance of these programs by proposing significant increases for fiscal year 2010 and setting a goal to achieve full funding of the LWCF in the next 5 years.

The LWCF is our Nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units and other Federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the Nation. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change. We urge you to renew this wise investment in America's natural heritage and take steps to toward full and consistent funding of these vital programs.

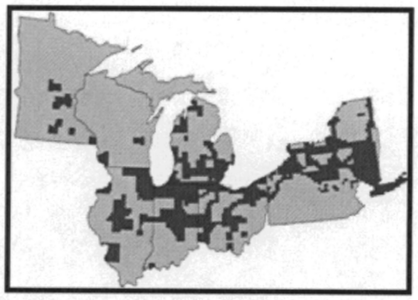
Madam Chairman and distinguished subcommittee members, I want to thank you for this opportunity to testify on behalf of this important national protection effort in Virgin Islands National Park. On behalf of the Friends of Virgin Islands National Park and the more than 1 million visitors to the park each year, I appreciate your consideration of this funding request.

PREPARED STATEMENT OF THE GREAT LAKES GEOLOGIC MAPPING COALITION

Background and Funding History.—The Great Lakes Geologic Mapping Coalition was established in 1997 by the Illinois, Indiana, Michigan, and Ohio State Geological Surveys, in partnership with the U.S. Geological Survey (USGS). In January 2008, it expanded to include the Minnesota, New York, Pennsylvania, and Wisconsin State Geological Surveys. The central task of the Coalition is to make three-dimensional (3–D) geologic maps characterizing the region's near-surface deposits to depths of several hundred feet for decisionmakers. From fiscal year 2000–2008, the Coalition program was a $500,000 line item in the Earth Surface Dynamics Program of the USGS, and from fiscal year 2004–2008 was included in the President's budget. In the fiscal year 2009 President's budget request, the $500,000 was removed, and then restored and increased to $750,000 in the House Appropriations Committee mark. The Coalition also was programmatically relocated to the USGS' National Cooperative Geologic Mapping Program (NCGMP). On March 30, 2009, the National Geologic Mapping Reauthorization Act (containing the NCGMP) was signed into law by President Obama as part of the Omnibus Public Lands Act with $750,000 for the Coalition and required match funds from the States. The $750,000 for the Coalition is included in the NCGMP in the fiscal year 2010 President's budget.

Programmatic Funding Request.—For fiscal year 2010, the Coalition requests an incremental programmatic increase of $4,250,000 in the Senate Interior, Environment, and Related Agencies appropriations bill that places specific funds for the Great Lakes Geologic Mapping Coalition within the USGS' National Cooperative Geologic Mapping Program. We urge the subcommittee to recognize the value that geologic mapping provides in addressing issues such as natural resources, water, and sustainability. To supplement Federal funds, Coalition members have dedicated millions of their State funds to this mapping. However, additional Federal funds are needed to ramp up the program so it can provide economically and environmentally important information in a timely fashion to local and State decisionmakers in the Great Lakes region.

Justification.—The 3–D maps produced by the Coalition not only show the various materials lying at land surface, they also show "what lies beneath". For example, aquifers containing water resources can now be delineated in much greater detail than previously possible. A 3–D map gives water resource planners the tools to determine potable water supplies, ascertain their sustainable capacity, and ensure a balance between water use and protection from potential contamination. It also provides planners with the information necessary to avoid areas (and future costly liabilities) where natural hazards might exist at and below the surface, such as loose soils that enhance earthquake shaking, and terrain subject to erosion, flooding, or subsidence. Finally, regional and national concerns addressed by the Coalition include rapidly increasing water demands of energy facilities, including CO_2 sequestration, ethanol plants, and coal-to-liquid/gas facilities. These demands, as well as those for high-water-use industries, require information about the extent, continuity, and thickness of the geologic materials that provide their water supplies. Findings also provide critical information related to Global Climate Change (e.g., evaluating water as an impacted resource) and Homeland Security (e.g., water resource assessment, displaced populations, infrastructure support, etc.) both significant Federal issues. Appropriate funding for the Coalition will help provide all of this information in a timely fashion.



Priority areas for geological mapping in the Coalition States were determined by each State geological survey in cooperation with their federally mandated Mapping Advisory Committee, composed of individuals from the private sector, State universities, county governments, and other State agencies. Priority areas include urban/suburban areas experiencing rapid growth and concurrent water resource challenges, areas of high recreation use, transportation corridors, regions with known energy development, and areas with environmental and homeland security demands.

The Coalition States are unique within the United States because they have (1) thick, complex, multiple layers of sediments deposited during several glacier advances; the glacial sediments laid down during each of these glaciations contain groundwater resources used by a large percentage of their residents; (2) high population (about 80 million); (3) a long-standing tradition of light and heavy industry; (4) serious brownfield redevelopment issues; (5) high agricultural productivity; and (6) considerable demands on water resources from the energy sector. Unfortunately, only a small percentage of the surface deposits of these States has been mapped to address critical land- and water-use decisions that State and local officials must make to cope with these unique and interrelated regional geological and cultural characteristics.

No single agency among the Coalition partners has the financial, technical, or physical resources to conduct a massive geological mapping effort at the national standard scale of 1:24,000 (1 inch' on the map is equal to 2,000 feet on the ground). Therefore, the Coalition relies on the combined physical and intellectual resources of all agencies, in concert with increased Federal funding. This combination allows 3–D geological mapping to be conducted in the most cost-efficient manner as it provides critical information to county/municipal decisionmakers, developers, and industrial/commercial concerns.

The Coalition's mapping program commenced in 2000 with 3–D mapping of pilot areas in county-sized regions of Illinois, Indiana, Michigan, and Ohio. For several years, Coalition members have dedicated millions of State dollars to this mapping effort. We estimate that it will require $40 million per year over 15 years to complete mapping in the highest-priority areas of the 8 States. This figure is the optimum amount needed to produce new information in a timely fashion. At the present level of Federal funding, the Coalition estimates that it will take more than 100

years to produce 1:24,000-scale, 3–D geological maps of the high-priority areas. Even with the infusion of millions of State dollars already committed to this task, critical land- and water-use decisions that may have negative impacts on the region's long-term economic development and environmental security, will be made in ignorance of basic geologic facts. Particularly, it is well-known that important economic development opportunities in these States have already been lost because geologic information was lacking and economic development opportunities located elsewhere.

A thorough economic assessment of statewide mapping was conducted for Kentucky, the only State to be completely geologically mapped at the 1:24,000-scale. Based on extensive polling of map users, professional economists conservatively concluded that each Federal and State dollar invested in geological mapping generated $25–$39 in economic benefits. Furthermore, the Kentucky maps, originally intended to boost the State's mineral and energy industries, primarily have been used to address water supply and protection issues, growth and development concerns, environmental problems, and mitigation of a variety of natural hazards.

Senate and House offices for the last 2 years have received hundreds of supportive constituent letters for the Coalition from State, county, and municipal agencies, county and regional economic development corporations, regional government entities, universities, consulting companies, soil and water conservation districts, professional associations, environmental groups, State and local political office holders, and private practicing geologists. There is no known opposition to this program.

Finally, although funding constraints necessarily have slowed the pace of mapping, the Coalition has achieved significant milestones over the last 12 years. It has significantly improved the efficiency of geological mapping and map production, and shown its capacity to perform and produce at appropriate funding levels.

—The long-term Lake County, Illinois land-use plan requires Coalition information for future development planning because the location of buried aquifers, recharge areas, and vulnerability of aquifers to potential contamination are major issues. Geologists have been working closely with Lake County municipalities to help delineate groundwater resources, model groundwater flow, and ascertain long-range growth and development plans. Lake County government officials have stated that geologic information is as basic to a county's needs as soil information and air photos and have pressed us to speed up our mapping program. Illinois has also initiated mapping within the city of Chicago to address brownfield re-development concerns, Lake Michigan shoreline issues (erosion, shoreline protection, sedimentation, beach replenishment, redevelopment, and near-shore lake bottom paving), construction favorability conditions, contamination hazards, aggregate for construction, and land suitability for open space and wetlands.

—In northeastern Indiana, 3–D geologic mapping of glacial sediments has been initiated to develop models of how these materials were deposited. The materials enclose a major aquifer system that has experienced a long-term decline in groundwater levels. The 3–D geologic interpretation is the first step in developing a model for the aquifer system, which will help in understanding groundwater flow and recharge. In addition, the Coalition completed an educational and outreach effort focused on Allen County, where Fort Wayne, Indiana's second largest city, is located. A Web site was created to disseminate much-needed geologic information about accessing and protecting groundwater and mineral resources. This Web site, written for the general public and water- and mineral-resource, environmental, planning, and public health professionals, includes an Internet map server where online maps can be constructed and with Web pages containing educational summaries and discussions of the geology of Allen County. It also offers databases that can be downloaded by any user.

—In Berrien County, Michigan, 3–D geologic mapping saved the village of Coloma more than $50,000 by using newly available aquifer information when an elementary school discovered contamination in their groundwater supply well. The same map was also used to exclude the location of a "peaker" power plant in an area of inadequate groundwater for cooling water needs. Consultants used the information to help cleanup a Superfund site in Benton Harbor, as well as locate an irrigation well for a planned golf course. Also, real estate developers have recognized that Berrien County geological maps are important for understanding land use and development potential. Spin-off products have included maps showing directions and rates of groundwater flow in the county, as well as primary areas of groundwater recharge, all essential for assessing water resource availability and ensuring "green" economic development. Preliminary mapping on the border of Manistee and Wexford Counties has located a huge, previously unknown reserve of high-quality foundry sand for the automotive industry.

—In central Erie County, Ohio, the Coalition completed 3–D geologic mapping that delineates the area's most important buried aquifer. Advanced groundwater flow modeling performed by Coalition partners at the Indiana Geological Survey, based on the 3–D geology, provided information on the aquifer's groundwater flow contributions to Lake Erie, as well as sustainability for public water supplies and vegetable crop irrigation. In addition, this work has provided the data needed for assessing aquifer vulnerability, particularly in connection with a county landfill and two SuperFund sites that are in the mapping area. These innovative 3–D mapping processes first employed to digitally model the surface deposits of Erie County now have been implemented in Delaware and Pickaway Counties in central Ohio, thereby increasing the speed at which mapping can be completed. Also, shallow geophysical methods capable of penetrating to depths of 100 feet are now being used for surface/groundwater interaction studies, depth to bedrock investigations, determining seismic risk potential, and ascertaining the thickness of potential sand and gravel deposits for resource studies.

Congressional allocation of an additional $4,250,000, will allow further implementation of the above and expansion of the Coalition program to other regions of the four original Coalition States, as well as initiate new programs in the four newly added States. Your consideration regarding our request is greatly appreciated.

PREPARED STATEMENT OF THE GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

AGENCIES—BUREAU OF INDIAN AFFAIRS (BIA) AND ENVIRONMENTAL PROTECTION AGENCY (EPA)

BIA Treaty Rights Protection/Implementation.—$4,327,000 ($452,000 more than fiscal year 2009 appropriation).

Agency/Program Line Item.—Department of the Interior, BIA, Operation of Indian Programs, Trust-Natural Resources Management, Rights Protection Implementation, Great Lakes Area Resource Management.[1]

Funding Authorizations.—Snyder Act, 25 U.S.C. § 13; Indian Self-Determination and Educational Assistance Act, 25 U.S.C. §§ 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes, specifically Treaty of 1836, 7 Stat. 491, Treaty of 1837, 7 Stat. 536, Treaty of 1842, 7 Stat. 591, and Treaty of 1854, 10 Stat. 1109.[2]

EPA Environmental Programs and Management.—$300,000 (fiscal year 2004 enacted).

Agency/Program Line Item.—EPA, Environmental Programs and Management (funneled through the EPA's Great Lakes National Program Office).

Funding Authorizations.—Clean Water Act, 33 U.S.C. § 1268(c); and treaties cited above.

GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION'S (GLIFWC) GOAL—A SECURE FUNDING BASE TO FULFILL TREATY PURPOSES

As Congress has recognized for 25 years, funding for GLIFWC's conservation, natural resource protection, and law enforcement programs honors Federal treaty obligations to 11 Ojibwe tribes and provides a wide range of associated public benefits. GLIFWC seeks an inflation-adjusted secure funding base to: (1) implement Federal court orders and intergovernmental agreements governing the exercise of treaty-guaranteed hunting, fishing, and gathering rights; and (2) participate in management partnerships in Wisconsin, Michigan, and Minnesota.

ELEMENTS OF GLIFWC'S FUNDING REQUEST

BIA Treaty Rights Protection/Implementation.—$4,327,000. As its primary Indian Self-Determination and Educational Assistance Act funding base, GLIFWC seeks to maintain consistent, stable funding, restore and protect jobs, and restore diminished service capacity, including:

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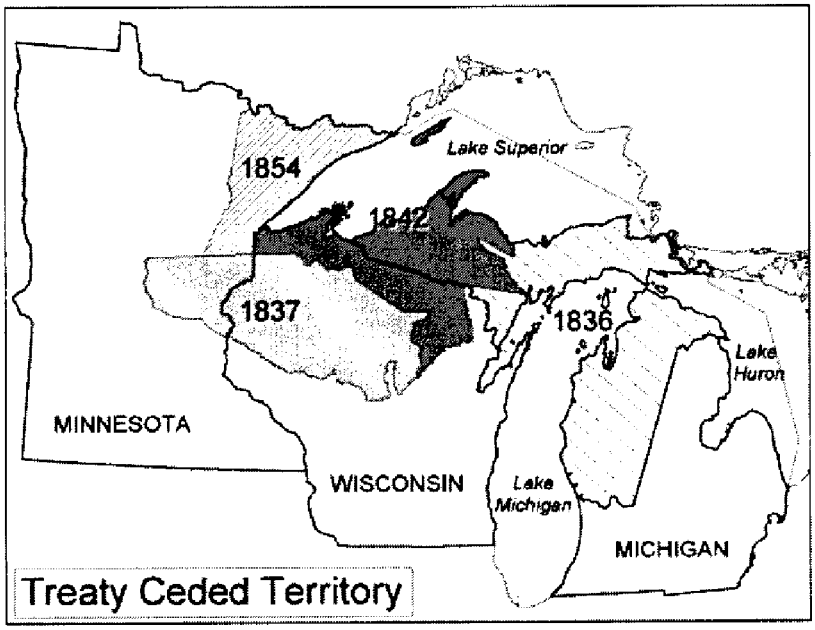
[1] The requested BIA funds reflect Great Lakes Indian Fish and Wildlife Commission's (GLIFWC) allocation of this line item that also funds the 1854 Treaty Authority.

[2] The rights guaranteed by these treaties, and the associated tribal regulatory and management responsibilities, have been affirmed by various court decisions, including a 1999 U.S. Supreme Court case.

—$227,000[3] to restore base funding to 2002 levels—to restore two full-time equivalent positions and related costs, replace four vehicles and restore diminished services including cuts to scientific research and monitoring activities;
—$150,000 for conservation enforcement and emergency services—to restore two full-time equivalent positions and related costs and provide digital radio upgrades; and
—$75,000 for cultural infusion programs—to retain one full-time equivalent position and related costs to implement programs to sustain and foster intergenerational transfer of Chippewa language, lifeways and traditional ecological knowledge.

EPA Environmental Programs and Management.—$300,000. As an EPA funding base for its primary environmental program elements, GLIFWC seeks to:
—Provide $190,000 for basic scientific/technical capabilities to: (1) including the Binational Program to Restore and Protect Lake Superior and other Great Lakes regional protection and restoration initiatives); (2) carry out habitat and human-health related research; and (3) provide the requisite analysis and data to support participation in regional initiatives and to assess the impact of particular projects on tribal treaty rights.
—Provide $110,000 to undertake three habitat and human health-related research projects regarding: (1) GLIFWC's fish consumption mercury advisory program; (2) invasive species impacts on the Lake Superior food web; and (3) a global climate change pilot project.

CEDED TERRITORY TREATY RIGHTS—GLIFWC'S ROLE AND PROGRAMS



Established in 1984, GLIFWC is a natural resources management agency for its 11-member Ojibwe tribes regarding their ceded territory (off-reservation) hunting, fishing and gathering treaty rights. Its mission is to: (i) ensure that its member tribes are able to exercise their rights for the purposes of meeting subsistence, economic, cultural, medicinal, and spiritual needs; and (ii) ensure a healthy, sustainable natural resource base that supports those rights. GLIFWC is a "tribal organization" within the meaning of the Indian Self-Determination and Educational Assistance Act (Public Law 93–638). It is governed by a Constitution developed and ratified by its member tribes and by a board comprised of the chairs of those tribes.

[3] This amount includes $151,000 in fixed pay costs that the Bureau has been providing but that needs to be preserved in future appropriations.

GLIFWC operates a comprehensive ceded territory hunting, fishing, and gathering rights protection/implementation program through its staff of biologists, scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists. Its activities include: (1) natural resource population assessments and studies; (2) harvest monitoring and reporting; (3) enforcement of tribal conservation codes in tribal courts; (4) funding for tribal courts and tribal registration/permit stations; (5) development of natural resource management plans and tribal regulations; (6) negotiation and implementation of agreements with State, Federal, and local agencies; (7) invasive species eradication and control projects; (8 biological and scientific research, including fish contaminant testing; and (9) development and dissemination of public information materials.

JUSTIFICATION AND USE OF THE REQUESTED FUNDS

For 25 years, Congress has recognized GLIFWC as a cost-efficient agency that plays a necessary role in: (1) meeting specific Federal treaty and statutory obligations toward GLIFWC's member tribes; (2) fulfilling conservation, habitat protection, and law enforcement functions required by Federal court decisions affirming the tribes' treaty rights; (3) effectively regulating harvests of natural resources shared among the treaty signatory tribes; and (4) serving as an active partner with State, Federal, and local governments, with educational institutions, and with conservation organizations and other nonprofit agencies.

Particularly relevant to the requested EPA funds, tribal members rely upon treaty-protected natural resources for religious, cultural, medicinal, subsistence, and economic purposes. Their treaty rights mean little if contamination of these resources threatens their health, safety, and economy, or if the habitats supporting these resources are degraded.

With the requested stable funding base, GLIFWC will:

—*Maintain the Requisite Capabilities To Meet Legal Obligations, To Conserve Natural Resources and To Regulate Treaty Harvests*.—Without an increase in its base funding, GLIFWC is at risk of losing 10 percent of its full-time employees through attrition or job cuts. Flat-line funding, annual across-the-board budget cuts, contract support cost shortfalls, rising fixed costs, and diminishing "soft funding" sources have combined to undermine GLIFWC's capacity to fulfill its obligations under a number of Federal court decisions and intergovernmental agreements, namely to provide a wide range of natural resource management and conservation law enforcement services that must be in place before tribal members may exercise their treaty rights. These cuts also undermine GLIFWC's capacity to sustain conservation partnerships and cooperative management responsibilities with State, Federal, and local governments, with educational institutions, and with conservation organizations and other nonprofit agencies.

—*Remain a Trusted Environmental Management Partner and Scientific Contributor in the Great Lakes Region*.—With the requested EPA funding base, GLIFWC would maintain its ability to bring a tribal perspective to the interjurisdictional mix of Great Lakes managers.[4] It also would use its scientific expertise to study issues and geographic areas that are important to its member tribes but that others may not be examining.[5]

The lack of a secure, ongoing EPA funding base jeopardizes GLIFWC's role as a trusted environmental management partner and scientific contributor in the Great Lakes region. This is particularly true given important recent initiatives such as the Great Lakes Regional Collaboration in which GLIFWC participates as a full partner. A secure funding base is crucial to provide the basic infrastructure that allows access to competitive project funding and discretionary grants.

Maintain the Overall Public Benefits That Derive From its Programs.—Over the years, GLIFWC has become a recognized and valued partner in natural resource management, in emergency services networks, and in providing accurate information to the public. Because of its institutional experience and staff expertise, GLIFWC provides continuity and stability in interagency relationships and among

[4] GLIFWC currently participates on a regular basis in the Binational Program to Restore and Protect Lake Superior, International Joint Commission and SOLEC forums, the Great Lakes Regional Collaboration, and the implementation of agreements to regulate water diversions and withdrawals under the Great Lakes Charter, Annex 2001.

[5] With the requested fiscal year 2010 EPA funds, GLIFWC would: (1) continue its long-standing program to collect and test fish for mercury and to communicate testing results through healthcare providers and GIS maps; (2) document the diet of important species of Lake Superior fish in order to understand potential changes over time due to invasive species or other causes; and (3) identify climate variables that affect the presence, health, and abundance of selected natural resources that are harvested by GLIFWC member tribes.

its member tribes, and contributes to social stability in the context of ceded territory treaty rights issues.

Over the past 25 years, GLIFWC has built many partnerships that: (1) provide accurate information and data to counter social misconceptions about tribal treaty harvests and the status of ceded territory natural resources; (2) maximize each partner's financial resources; (3) avoid duplication of effort and costs; (4) engender cooperation rather than competition; and (5) undertake projects and achieve public benefits that no one partner could accomplish alone.

OTHER RELATED APPROPRIATIONS CONCERNS

Full Funding of BIA Contract Support Costs.—GLIFWC seeks full funding of its contract support costs as required by the Indian Self-Determination and Educational Assistance Act. The BIA has consistently failed to fully fund indirect contract support, despite GLIFWC's uniformly low indirect cost rates—proposed at 16.3 percent for fiscal year 2009. GLIFWC estimates its direct and indirect contract support shortfall at approximately $280,000 for fiscal year 2009. This shortfall cuts significantly into program funding.

BIA Circle of Flight Tribal Wetland and Waterfowl Initiative.—Congress should restore and fully fund this long-standing tribal contribution to the North American Waterfowl Management Plan that was eliminated in 2009.

PREPARED STATEMENT OF THE GREEN MOUNTAIN CLUB

Madam Chairman and honorable members of the subcommittee: Thank you, Madam Chairman, for the opportunity to present this testimony in support of the Eden Forest project in Vermont. An appropriation of $2.2 million is needed from the Forest Legacy Program (FLP) to protect the second phase of the 5,727-acre Eden Forest property.

I also respectfully urge a substantial increase in overall funding for the FLP, specifically urging the subcommittee to provide $125 million for the program in the fiscal year 2010 Interior, Environment, and Related Agencies Appropriations bill. I applaud the FLP funding provided by this committee in fiscal year 2009, including $1.8 million for the first phase of this project. We are thankful that the Obama administration budget recognizes the importance of this and other Federal land conservation programs by proposing significant increases for fiscal year 2010.

The FLP in Vermont seeks to protect large contiguous and productive forest blocks, wildlife habitat dependent on large contiguous forest blocks, threatened and endangered species habitat, State fragile areas and undeveloped shoreline, significant wetlands, and important recreation corridors.

The State's top FLP priority for fiscal year 2010 is the 5,727-acre Eden Forest. Situated on the spine of the northern Green Mountains in Eden and Johnson, this large contiguous timber tract is truly a high-quality forest, which contains two unique natural communities known as red spruce hardwood swamp and semi-rich northern hardwood forest. The property has been managed for timber for more than 50 years and has valuable forest and forest roads.

Eden Forest is adjacent to 24,188 acres of conserved land and shares a common boundary with the Long Trail State Forest and the Long Trail corridor itself for approximately 4 miles. The Long Trail is the Nation's oldest long-distance hiking trail and one of Vermont's most cherished cultural resources. The property also contains portions of both Bowen and Butternut Mountain summits. Its protection would create a 30,000-acre block of protected land, a significant unfragmented "core" forest in Vermont's northern woods.

Eden Forest's close proximity to the Babcock Nature Preserve, the Atlas Timberlands, and Green River Reservoir State Park, coupled with the large unfragmented nature of the property will provide a haven for many wildlife species. More than 5,000 acres of the property is considered "core" habitat and has received a high wildlife linkage-value rating by the Vermont Department of Fish and Wildlife. The property has 120 acres of beaver wetlands that provide habitat for wood ducks, wood turtles, and many species of warblers. A rookery for great blue herons, a rare species in Vermont, was found at one of the property's wetland complexes.

The Eden Forest property also encapsulates almost the entire watersheds of two Gihon River headwater streams, Stony Brook and Wild Brook. It also contains approximately one-half mile of frontage on both sides of the Gihon River itself, which is a tributary of the Lamoille River, and abuts Vermont's scenic Route 100. The property also includes more than 46 miles of streams and wetland areas that make up part of the Gihon River headwaters. The Lamoille County watershed plan recognizes the importance of protecting the Gihon River headwaters area for its near-

pristine natural condition, wildlife and fish habitat value, timber value, and location adjacent to a core of protected land. Numerous wetlands dot the extensive property, including the 6-acre Lanpher Meadow.

Historically, the Eden Forest property has also provided numerous recreational activities such as hiking, hunting, and cross-country skiing. Snowmobiling is also allowed, and the property hosts trails that are managed by the Vermont Association of Snow Travelers (VAST). These activities all make up an important part of the local tourist economy.

Eden Forest is under immediate pressure from development. According to 2000 census data, the town of Eden has the second highest percentage of population growth in Lamoille County, and its projected population growth through 2015 is expected to continue at a higher rate than almost any other town in the county. Eden also had a 25 percent increase in the number of housing units from 1990 to 2000, indicating a high demand for new homes in the area. This type of sprawl is largely to blame for the fragmentation of Vermont's forests and farms. With its first-rate access to Route 100, low-elevation open meadows, well-developed road network, southern exposure, scenic views, and proximity to the major cities in Vermont, Eden Forest is vulnerable to fragmentation.

Recognizing the importance of protecting crucial forest resources, Congress appropriated $1.8 million in fiscal year 2009 to begin the acquisition of a conservation easement on Eden Forest. In fiscal year 2010, $2.2 million is requested from FLP funds to complete the protection of the vast 5,727-acre Eden Forest property.

Thank you, Madam Chairman, for the opportunity to submit testimony in support of a worthy FLP in Vermont.

PREPARED STATEMENT OF THE GEORGIA RIVER NETWORK

Madam Chairman and honorable members of the subcommittee: Thank you for the opportunity to present this testimony in support of two national forest land conservation projects in Georgia. An appropriation of $1.5 million is needed to acquire the 450-acre first phase of the Cedar Creek property in the Oconee National Forest (NF), and an appropriation of $1.2 million is needed to protect the 84-acre Bear Mountain tract in the Chattahoochee NF. These funds from the Land and Water Conservation Fund (LWCF) will allow the Forest Service to acquire these important inholdings.

I also respectfully request a substantial increase in overall funding for the LWCF, specifically urging the subcommittee to provide $325 million for the Federal LWCF in the fiscal year 2010 Interior and environment appropriations bill. I applaud the LWCF funding increases provided by this committee in fiscal year 2009. And, we are most thankful that the Obama administration budget recognizes the importance of these programs by proposing significant increases for fiscal year 2010 and setting a goal to achieve full funding of the LWCF in the next 5 years.

The LWCF is our Nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units, and other Federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the Nation. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change. We urge you to renew this wise investment in America's natural heritage and take steps to toward full and consistent funding of these vital programs.

The Chattahoochee-Oconee NFs encompass the ridges and valleys of the southern Appalachians in north Georgia as well as significant recreational, historical, and natural resources in the Georgia Piedmont. These forests provide important habitat for more than 500 wildlife species, including many unique mountain species of plants, and contain more than 1,000 miles of primary trout and warm-water streams.

The watersheds within the Chattahoochee-Oconee NFs supply the drinking water for the largest urban areas in the State of Georgia. These watersheds not only provide recreational opportunities, but also critical habitat for dozens of threatened, endangered, and sensitive aquatic species. The Chattahoochee-Oconee NFs are also featured in the 2007 Forest Service publication, National Forests on the Edge, a report that examines the challenges faced by the national forest system due to the high growth in housing density projected to occur on adjacent private land between 2000 and 2030. Georgia as a whole has a very high rate of population growth; according to the 2000 census, it is one of the top 10 States in terms of such growth. Private lands within the national forest boundaries are at very high risk for devel-

opment due to proximity to the fast-growing cities of Atlanta, Athens, and Macon. Already, the building of second homes threatens the forests by fragmenting wildlife habitat, complicating wildfire management, and increasing the amount of nonpoint source pollution in the area.

Oconee NF

In central Georgia, lands within the Oconee NF are threatened by such growth. The Ocmulgee River flows through the forest, as well as important tributaries of the Oconee River, such as the Little River. These waters offer outstanding recreational opportunities for residents of the nearby population centers of Atlanta and Macon, as well as the more closely situated towns of Milledgeville and Monticello. The Oconee NF offers excellent canoeing, hiking, horseback riding, and hunting. It contains one of the most productive and diverse fisheries in the Georgia Piedmont. Bottomland hardwood stands of red oak, beech, and tulip support abundant wildlife, including turkey, beaver, wood duck, and other indicator species for habitat quality.

Available for acquisition by the Oconee NF in fiscal year 2010 is the first phase of a 901-acre property along Cedar Creek, which drains into Lake Sinclair in the Oconee River watershed. Located in Putnam and Jones counties within the Oconee NF boundaries, this parcel is surrounded almost completely by already protected Forest Service land. Its acquisition will further the consolidation of public lands—thus helping to reduce management challenges—and protect the water quality of Cedar Creek, Lake Sinclair, and the Oconee River. The Forest Service has designated Cedar Creek as an "outstandingly remarkable stream" within the Chattahoochee-Oconee NF. Preventing the development of the Cedar Creek property will also protect more habitat for wildlife such as the red-cockaded woodpecker, wood stork, and gray bat—all federally listed endangered species.

The current owner of the Cedar Creek property is a timber company seeking to sell off its inholdings. Unless the Forest Service is able to acquire and protect this land, it will very likely be developed in the near future. In fiscal year 2010, $1.5 million is needed from the Forest Service through the LWCF to acquire and conserve the first 450 acres of the Cedar Creek property. When completed, this acquisition will provide recreational opportunities, protect clean drinking water, and facilitate improved management of national forest lands in Georgia.

Chattahoochee NF

Available for acquisition by the Forest Service in fiscal year 2010 is the 84-acre Bear Mountain property, an inholding of the Chattahoochee NF. The tract is completely surrounded by Forest Service lands. Almost all of the property, 83 acres, is located in Dawson County, while a small 1-acre tract is across the line in Gilmer County. A road through the national forest connects the inholding via the historic High Falls Church to the nearby road network at Amicalola Falls State Park. The property was used in the 1990s as a wilderness camp for boys, who helped to construct several buildings on the tract. The property contains stunning mountaintop views, two pristine streams, a 60-foot waterfall, and a 2-acre pond.

The Bear Mountain property is accessible through one of the major recreational gateways to the Chattahoochee NF, Amicalola Falls State Park. The 729-foot Amicalola Falls—named for a Cherokee word meaning "tumbling waters"—is the tallest cascading waterfall east of the Mississippi River. The park features a popular lodge with more than 50 rooms for overnight stays and halls for meetings and conferences. Campsites and cottages are also available for visitors. The State park is also a major entrance for hikers to the Appalachian Trail (AT). Though the southern terminus of the trail is at Springer Mountain to northeast, it is difficult to reach via automobile. A nearly 9-mile approach trail connects Springer Mountain to the facilities and parking at the State park. This trail passes about 1 mile east of the Bear Mountain property near Frosty Mountain.

Also to the east of the property is Ed Jenkins National Recreation Area. Created by Congress in 1991 and operated by the Forest Service, the 23,300-acre area protects abundant natural, scenic, wildlife, historic, and watershed resources, as well as Springer Mountain and the AT terminus. The park is named for Ed Jenkins, a Georgia congressman who served eight terms from 1977 to 1993.

Because of the road access through the Amicalola Falls State Park and its proximity to the surrounding recreational opportunities, the inholding is under threat of development. If not for the current slowdown in the real estate market, this tract would probably already be developed with home sites.

An appropriation of $1.2 million from the LWCF in fiscal year 2010 is needed to protect this critical inholding of the Chattahoochee NF in northern Georgia.

Thank you, Madam Chairman, for the opportunity to present testimony in support of these two important Forest Service acquisition projects in Georgia.

PREPARED STATEMENT OF THE GEOLOGICAL SOCIETY OF AMERICA

SUMMARY

The Geological Society of America (GSA) urges Congress to appropriate at least $1.3 billion for the U.S. Geological Survey (USGS) in fiscal year 2010. The USGS is one of the Nation's premier science agencies. It addresses many of the Nation's greatest challenges, including energy resources, climate change, water resources, and natural hazards. The need for USGS science and information in these and other areas has increased dramatically as its budget has stagnated in real dollars for more than a decade (see Figure 1).

GSA supports strong and growing investments in earth science research at the USGS and other Federal agencies. Substantial increases in Federal funding for earth science research are needed to ensure the health, vitality, and security of society and for stewardship of Earth. The USGS has a unique combination of biological, geographical, geological, and hydrological programs that enables it to address interdisciplinary research challenges that are beyond the capabilities of most other organizations. The need for USGS science and information has never been greater. The USGS benefits every American every day.

GSA, founded in 1888, is a scientific society with more than 22,000 members from academia, Government, and industry in all 50 States and more than 90 countries. Through its meetings, publications, and programs, GSA enhances the professional growth of its members and promotes the geosciences in the service of humankind. GSA encourages cooperative research among earth, life, planetary, and social scientists, fosters public dialogue on geoscience issues, and supports all levels of earth science education.

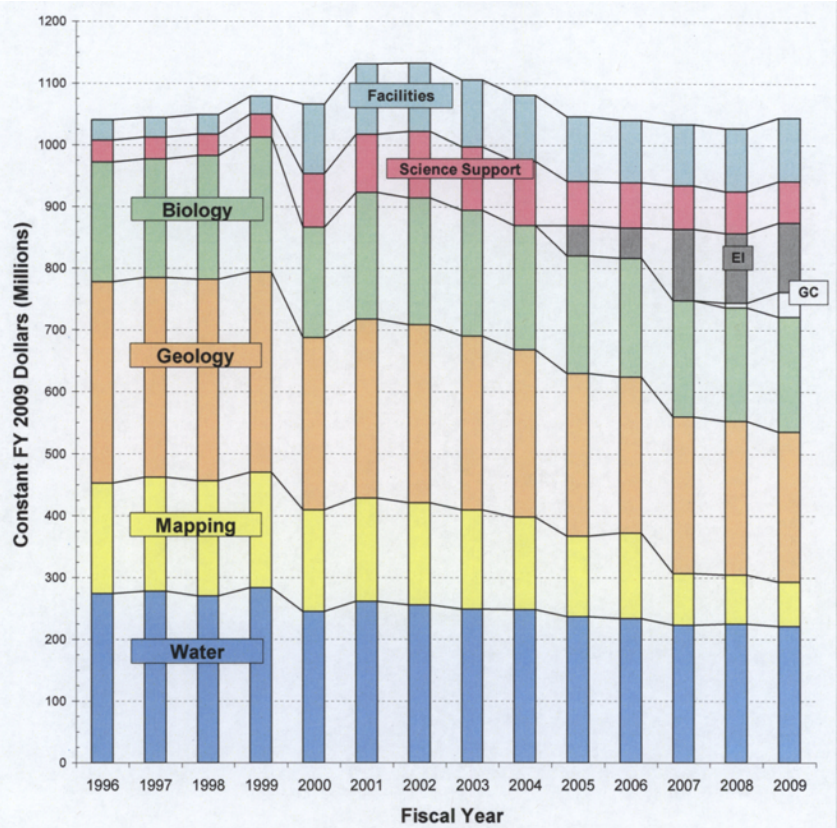


FIGURE 1.—USGS funding in constant 2009 dollars, fiscal year 1996—fiscal year 2009. EI is Enterprise Information and GC is Global Change.

SOURCE: USGS Budget Office.

RATIONALE

Science and technology are engines of economic prosperity, environmental quality, and national security. Federal investment in research pays substantial dividends. According to a recent report by the National Academies, ". . . the economic value of investing in science and technology has been thoroughly investigated. Published estimates of return on investment (ROI) for publicly funded R&D range from 20 to 67 percent" (Rising Above the Gathering Storm, 2007).

The earth sciences are critical components of the overall science and technology enterprise. Substantial increases in Federal funding for earth science research are needed to ensure the health, vitality, and security of society and for Earth stewardship. Earth science research provides knowledge and data essential for developing policies, legislation, and regulations regarding land, mineral, and water resources at all levels of government. Growing investments in earth science research are required to stimulate innovations that fuel the economy, provide security, and enhance the quality of life.

BROADER IMPACTS OF THE EARTH SCIENCES

It is critically important to significantly increase funding for the USGS to meet challenges posed by human interactions with Earth's natural systems in order to help sustain these natural systems and the economy. Additional investments in the USGS are necessary to address such issues as natural hazards, energy, water resources, and climate change.

—Natural hazards, such as earthquakes, tsunamis, volcanic eruptions, floods, droughts, and hurricanes, remain a major cause of fatalities and economic losses worldwide. An improved scientific understanding of geologic hazards will reduce future losses through better forecasts of their occurrence and magnitude. Ongoing volcanic activity in Alaska and ongoing flooding in North Dakota illustrates the value of robust natural hazards monitoring systems and the need for increased Federal investments in the USGS.

—Energy and mineral resources are critical to the functioning of society and to national security and have positive impacts on local, national, and international economies and quality of life. Improved scientific understanding of these resources will allow for their better management and utilization, while at the same time considering economic and environmental issues. This is particularly significant because shifting resource demands often reframe our knowledge as new research-enabling technologies become available.

—The availability and quality of surface water and groundwater are vital to the well being of both society and ecosystems. Greater scientific understanding of these critical resources—and communication of new insights by geoscientists in formats useful to decisionmakers—is necessary to ensure adequate and safe water resources for the future.

—Forecasting the outcomes of human interactions with Earth's natural systems, including climate change, is limited by an incomplete understanding of geologic and environmental processes. Improved understanding of these processes in Earth's history can increase confidence in the ability to predict future States and enhance the prospects for mitigating or reversing adverse impacts to the planet and its inhabitants.

—Research in earth science is also fundamental to training and educating the next generation of earth science professionals.

USGS should be a component of broader initiatives to increase overall public investments in science and technology. For example, earth science research should be included in a recommendation by the National Academies to "increase the federal investment in long-term basic research by 10 percent each year over the next 7 years . . ." (Rising Above the Gathering Storm, 2007). Likewise, implementation of the America COMPETES Act, which authorizes a doubling of the budgets of key science agencies in 7 years, should encompass earth science research and education programs in the USGS.

BUDGET SHORTFALLS

President Obama's fiscal year 2010 budget request for USGS is $1.098 billion, an increase of $54 million, or 5.2 percent, more than the enacted level in the fiscal year 2009 Omnibus Appropriations Act. Budget increases are proposed for Secretarial Initiatives in climate change ($22 million), energy ($3 million), and youth conservation corps ($2 million). Budget increases are also proposed for the national stream gage network ($5 million), arctic ecosystem studies ($4 million), staffing for biology

cooperative research units ($2 million), extended continental shelf studies ($1 million), and sustainable energy development ($0.7 million). The budget request would provide full funding for increases in "fixed costs" totaling $21 million. These proposed investments deserve the full support of Congress.

We urge Congress to increase the USGS budget beyond the President's budget request for fiscal year 2010. After years of stagnant budgets (see Figure 1) and absorption of fixed cost increases, the USGS has a large and growing backlog of monitoring and science needs. Although the fiscal year 2010 budget request would provide all USGS programs with an increase for fixed costs, most programs would receive no increase for program changes. Science cannot thrive on increases in fixed costs alone. Congress has an historic opportunity to meet fundamental national needs by providing program increases in such areas as earthquake hazards, volcano hazards, mineral resources, ground-water resources, national water-quality assessment, toxic substances hydrology, and hydrologic research, and development.

The fiscal year 2010 USGS budget request would reduce staff in water resources programs by 12 FTE. Congress should monitor the continuing decline in staff of USGS water programs.

The fiscal year 2010 budget request comes at a critical juncture in the history of the USGS. From fiscal year 1996 to 2008, funding for the USGS declined by 1 percent while total Federal funding for research and development increased by 54 percent in real dollars. The decline in funding for the USGS during this time period would have been greater if Congress had not repeatedly restored proposed budget cuts. The USGS budget declined in real dollars for 6 consecutive years from fiscal year 2003 to fiscal year 2008 (see Figure 1). In real terms, funding for the USGS is at its lowest level since fiscal year 1997, the year after the National Biological Service was integrated into the USGS.

GSA joins with the USGS Coalition and other organizations in recommending an appropriation of $1.3 billion for the USGS in fiscal year 2010. This budget would enable the USGS to strengthen core programs, accelerate the timetable for deployment of critical projects, and launch science initiatives that address new challenges.

GSA is grateful to the Senate Appropriations Subcommittee on Interior, Environment, and Related Activities for its past leadership in increasing the budget for the USGS. We are also grateful to the subcommittee for its leadership in providing $140 million in stimulus funds for the USGS under the American Recovery and Reinvestment Act of 2009. Thank you for your thoughtful consideration of our request. For additional information or to learn more about the Geological Society of America, please visit www.geosociety.org.

PREPARED STATEMENT OF THE GREASEWOOD SPRINGS COMMUNITY SCHOOL BOARD

Greasewood Springs Community School, Inc. (GSCS) is located in the central part of the Navajo Nation in Northern Arizona. GSCS was built in 1963 as a Bureau of Indian Affairs (BIA) school. Presently GSCS is a Bureau of Indian Education (BIE) funded Public Law 100–297 grant school serving the educational needs of approximately 175 Navajo students from kindergarten through 8th grade and approximately 60 students in a home living program which serves children in a residential setting. I am requesting no less than $30 million to rebuild our aging, dilapidated facilities and full funding of grant school Administrative Cost Grants (ACG) at no less than $68 million, both under the fiscal year 2010 BIE budget contained in the Interior, Environment, and Related Agencies appropriations.

GSCS was built in 1963. Although GSCS has had the benefit of a hardworking, dedicated facilities department its facilities, through use and age, are beyond worn out. The BIA/Office of Facilities Management and Construction (OFMC) has declared the buildings and infrastructure for the campus beyond repair. However, this past year BIA/OFMC also has taken steps to revoke and rescind a $10,000,000 facilities improvement and repair grant that was previously granted to repair GSCS. Further, BIA/OFMC has given little, if any, hope of any new facility being built in the foreseeable future. GSCS is being left to die on the vine by the BIA/OFMC action to refuse to provide facilities that are habitable or even slightly competitive with alternative, but more distant, State-funded schools. The BIA/OFMC action is tantamount to failure to assist.

This apparently intentional closure of GSCS by refusing to construct a safe, modern, habitable facility in which the school's educational and residential programs can be provided is compounded by the BIE's chronic and downwardly progressive underfunding of the ACG. (See attached explanation.) GSCS has, as with all other schools, administrative needs. Although GSCS has 100 percent needs in ACG it was only funded at approximately 62.3 percent of that need this school year due to an

arbitrary ceiling that has been placed on ACG by the Federal Government. The result of this chronic underfunding is clear, grant schools are provided a fraction of their ACG need. This arbitrary, increasingly downward underfunding of Public Law 100–297 grant schools' ACG will eventually lead to the demise of GSCS and other grant schools; there is no other foreseeable alternative for grant schools, but intentional extinction. We had hoped the new administration would similarly seek a significant increase for ACG as it has for the BIA and Indian Health Service (IHS) contract support costs ($5.5 million for on-going BIA contracts and $2 million for new contractors, and $107 million more for IHS contract support). The GSCS is greatly disappointed the administration, instead, seeks to flat fund ACG , which will only continue the shortfalls at the school level. If the number of grant schools increases in the coming year and the ACG funding remains the same, the ACG need of each of these school will be even further reduced because the same "pie" will have to be cut into ever more smaller pieces to provide a "slice" for each grant school.

The above instances of underfunding are further compounded by facilities operations grants funded at 52 percent (operations funds go to pay for such necessities as electricity, gas and other utilities but for which the administration seeks only a $2.4 million increase) and transportation funding (slated only for a small increase to cover fixed costs in fiscal year 2010) which ignores rural and remote settings in which buses must traverse unpaved roads subject to extreme weather and road conditions.

The foregoing has lead to a systematic strangulation and extinction of the BIA-funded school system by underfunding. This reality is in stark contrast to the language of the United States Congress in which it stated in the Native American Education and Improvement Act of 2001 as follows:

—Congress declares that the Federal Government has the sole responsibility for the operation and financial support of BIA-funded schools system that it has established on our near Indian reservations and Indian trust lands throughout the Nation for Indian children. Public Law 101–17(E) section 1120.

This obligation arises from GSCS's and the Navajo nation's treaty rights. The Federal Government has expressly stated that the quality of the "Bureau funded school system" that they are to provide due to the trust responsibility it assumed pursuant to Treaty negotiations as follows: "ensuring that the programs of the Bureau of Indian Affairs-funded school system are of the highest quality."

Further in section 112(a) of the act Congress further states that the purpose of accrediting these schools is to "ensure that Indian students being served by a school funded by the Bureau of Indian Affairs are provided with educational opportunities that equal or exceed those for all other students in the United States."

These have proven to be empty promises. Our demands are simple: provide us what you promised and continue to promise and provide us with what we bargained for in our good faith negotiations in agreeing to our Treaty. We are not asking for charity. We are not asking for a handout. We are not asking for new programs. We made a deal. We gave up much in reliance on your promises. You are not keeping your promises.

GSCS offers an invaluable service to our students and community. We are carrying out the Federal Government's responsibility pursuant to the Indian Self-Determination and Tribally Controlled Schools Grant Acts. In the introductory language of those Acts the Federal Government admits it has failed in its trust responsibility to educate Native American children. It further states, unequivocally, that this responsibility remains "solely" that of the United States Government. However, the Federal Government is using these Acts as a front to slowly strangle these schools by chronically underfunding and failing to construct habitable facilities. As stated, we are not requesting new programs or charity or anything else but what we bargained for and the Federal Government agreed to provide.

We are a local community school. Our children live in and around this community and attend our school in lieu of bus rides that may last hours. Further, this school is the center of our community. Parents and grandparents support this school and come to this school to support and ensure their children are prepared for the future the best way possible. To callously extinguish and close this school does violence to our community and our way of life. Our demands are simple and justified and are listed as follows:

—GSCS must be rebuilt. No where but on an Indian reservation would children be required to attend a school as old and in such condition as ours. We have been diligent in caring for our school; however, it must be replaced now. Children should not have to sacrifice adequate facilities to attend GSCS. The language quoted above clearly states that our Greasewood Spring children should have the highest-quality educational facilities and opportunity available.

—The condition of our facilities is particularly galling given that BIA/OFMC officially stated that our facility is in dire shape and needs to be replaced; awarded GSCS a $10 million FI&R grant to fix the worst problems and is now reneging on that grant with no commitment to repairs on a new school in the future. The land for construction is available and set aside, our program of requirements is completed, we do not need a gymnasium. This project could be expedited and completed in 18 months.

—Our administrative costs needs must be 100 percent funded. It is disingenuous to state that the Federal Government has the sole responsibility for the operation and financial support of a school system of the highest quality and then for that same Government to fund the administrative cost at 64 percent of need. Actions must back up these promises and words. Our school is channeled toward failure because of this chronic, debilitating underfunding. 100 percent funding of administrative cost need must begin immediately if the Federal Government's promises and agreements mean anything.

—*Full Funding for Operations and Maintenance*.—Again it is absurd to pledge an absolute commitment to providing a quality educational program and then fund the operations portion of that program at 52 percent. Operations costs have spiraled. The gross underfunding that has occurred in the past few years is unconscionable. We must heat our schools, have electricity and provide other basics. The strain placed on GSCS and similarly situated Grant Schools to find ways to provide the basic necessities to its students and staff is indefensible. Again, we are not requesting new additional benefits or anything that resembles extravagancies. We are only requesting the essentials as have been promised.

—GSCS receives significantly less per student than other schools. The result of this is less funds and therefore lower salaries in the competition for the limited pool of highly qualified teachers that will teach in a remote setting. Salaries for BIA-operated school employees are substantially higher than those for grant school employees. Again the chronic underfunding will lead to a foreseeable result, the demise of grant schools. Due to our remote, rural setting our costs are higher and recruitment more difficult. Due to these and other factors we should receive higher student funding. However, we merely ask that per student funding be at least commensurate with that received in the State and our neighboring States.

—Transportation must be adequately funded. Without our efforts our community's children will be left behind. They will be left without options. They will either be forced to leave their homes or forego schooling. We service remote rural communities without paved roads. Due to the conditions, the maintenance required on our buses and school vehicles is much greater than in urban settings. Due to our remote rural location we are at a competitive disadvantage for fuel and supplies. Our transportation needs are great and once again are substantially underfunded.

The above scenarios demonstrate a system of schools that are set up to fail. By chronic underfunding at all levels these schools will eventually fail and the Federal Government's trust responsibility will be extinguished with them. This institutionalized war of attrition will be successful. Promises will be unmet. These shameful outcomes must not be allowed to occur. We respectfully and sincerely request that the promises made be supported by action. We request that the bargain made in establishing our Treaty be honored. The full funding as noted above is what the Federal Government has stated they are solely obligated to provide. Providing what was promised must begin immediately.

ADMINISTRATIVE COST GRANTS

Issue.—Grant and Contract schools' Administrative Cost Grants have been grossly underfunded for the past 10 years. Currently, administrative cost grants are funded at approximately 62.5 percent of need. Grant and contract schools need to be funded at the 100 percent level to experience success and to meet the needs of native students.

Background.—The ACG authorized by Public Law 100–297 was provided to tribal grant and contract schools to cover their school administration costs. Public Law 100–297 directed the establishment of a funding formula for the distribution of the ACG funds. Per the established funding formula, the calculated need for ACG has been $60 million plus on an annual basis. However, the ACG has been funded at the 100 percent level only once since it was enacted. Forty million dollars plus ($40,00,000 +) has been appropriated for the last 10 years (fiscal year 2007/$44,060 million; fiscal year 2008/$43,373 million fiscal year 2009—the President's request is $43,374 million). The number of grant schools has increased to 123 out of 185 BIE-

funded schools and keeps increasing. The funding amount remains arbitrarily capped and grossly insufficient. The ACG has remained at the same funding level while the number of BIE schools becoming grant schools and taking from this static amount has greatly increased. The share of the ACG funds for grant school each year has substantially decreased. Under these circumstances, grant schools cannot operate effectively or provide the administrative functions and services necessary to meet AYP as required under the No Child Left Behind Act.

Impact.—The Navajo Nation has 29 grant schools and 2 contract Navajo schools. Navajo schools lost −$19,847,550 in 4 years due to the chronic underfunding of the ACG. In the 2004–2005 school year the schools' actual funding was $11,940,500; a 76.05 percent level of funding compared to the formula generated amount of $15,701,853; a loss of −$3,761,353. In school year 2005/2006, the actual funding was $11,251,100, a 71.66 percent level compared to formula generated amount of $15,699,740; a loss of −$4,448,640. In the 2006–2007 school year the actual funding level was $11,937,000, a 64.99 percent funding level compared to the formula generated amount of $18,319,671; a loss of −$5,224,215 for the 2006–2007 school year. In the 2007–2008 school year, the actual funding level was $11,906,330 at a 64.99 percent funding level compared to the formula generated amount of $18,319,671 a loss of −$6,413,341 for the 2007–2008 school year. It is estimated that due to an increase in grant schools the ACG will be funded at 62.5 percent of need this year.

The decreasing amount of ACG funds is not the only problem the schools face. The amount distributed to each school has been impacted when more schools are allowed to join the grant school system. The amount of funds distributed to each school becomes smaller and smaller as more schools join the grant system. Consequently, schools are forced to dip into other accounts not intended to cover the administrative costs such as funds from facilities, academic and even title programs. The cost of mandated programs such as health insurance, worker's compensation insurance, pensions, personnel services, utility costs, human resource, accountants, and property management are not covered due to the budget constraints caused by underfunding the ACG.

Recommendations.—Immediate action to: (1) Increase the ACG funds to $68 million to cover 100 percent ACG funding level for schools and continue 100 percent funding of the ACG under the formula and (2) Place a moratorium on BIE-operated schools converting to Public Law 100–297 grant school system until such a time ACG funds are appropriated and available to cover the incoming schools.

PREPARED STATEMENT OF THE GATHERING WATERS CONSERVANCY

Madam Chairman and honorable members of the subcommittee: I want to thank you, Madam Chairman, for the opportunity to present this testimony in support of the Chippewa Flowage project in Wisconsin. An appropriation of $6 million is needed from the Forest Legacy Program (FLP) to protect the 18,259-acre property.

I also respectfully urge a substantial increase in overall funding for the FLP, specifically urging the subcommittee to provide $125 million for the program in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill. I applaud the FLP funding provided by this subcommittee in fiscal year 2009. In addition, we are most thankful that the Obama administration budget recognizes the importance of this and other Federal land conservation programs by proposing significant increases for fiscal year 2010.

Gathering Waters Conservancy's mission is to help communities, land trusts, and landowners protect the places that make Wisconsin special. We do this in the following ways: supporting more than 50 private, nonprofit land trusts serving communities across Wisconsin; working with private landowners and their advisors to protect individual parcels of land; promoting land conservation policies and programs at all levels of government; and fostering innovative public-private partnerships around conservation goals. The Chippewa Flowage project will protect one of Wisconsin's most special places, and we strongly support the appropriation from the FLP.

The variety of forest types within Wisconsin's northern forest is virtually unmatched elsewhere in the United States. The north woods boast towering stands of balsam and spruce, a variety of hardwoods such as red and sugar maples, hemlock and birch, and swamp forests containing black spruce, larch, and white cedar. The combination of forestland with an abundance of lakes, rivers, and streams offers some of the best recreational opportunities in the country, especially fishing and canoeing. Recognizing the unique attributes of its forests, the State of Wisconsin is focused on the protection of undeveloped lakefront properties and the acquisition of easements that benefit recreational and natural resources. The Wisconsin Depart-

ment of Natural Resources has proposed FLP projects over the last several years to implement this critical protection effort.

This year, there is an opportunity to add more than 18,000 acres of Forest Legacy conservation easement lands to create a unified block of more than 1 million acres of protected forest and natural lands in the Chippewa Flowage watershed. The Chippewa Flowage is one of the wildest lakes in Wisconsin, drawing recreationists from around the world for its muskie fishing. It is an ecological gem, more than 12,000 acres of which are managed jointly by the Wisconsin Department of Natural Resources, the U.S. Forest Service, and the Lac Courte Oreilles Band of Lake Superior Chippewa (LCO). The western boundary of this property adjoins nearly 24,000 acres of LCO tribal land, which is primarily natural land. This property extends the critical migratory corridor surrounding the Chequamegon portion of the Chequamegon-Nicolet National Forest, which covers 858,400 acres in 6 northwestern Wisconsin counties.

Many natural resources used by the LCO tribe traditionally and currently are found on the property and adjoining tribal lands, including birch and pole oak for wigwam poles, morel mushrooms, and abundant wildlife for trapping and hunting. Pipestone rock, used to craft peace pipes, holds traditional significance for the LCO tribe and is present in the northwest corner of the property where it borders the Chippewa Flowage. The Village of Radisson's municipal water flows from parts of this property as well.

Fishing, hunting, and wildlife viewing generate $8 million annually in Wisconsin, and the Chippewa Flowage is a major tourist destination. The public access allowed on this 18,259-acre property will continue to support the local economy. Forest-based recreation accounts for about $5.5 billion of the $14 billion spent on recreation in the State. The Wisconsin Northwoods is a common destination for migratory and forest interior birdwatchers. Wisconsin ranks third in the Nation for the number of residents and tourists engaged in bird watching and it adds $1 billion to the State's economy. This property delivers wood to 66 different customers. Raw material has been provided for products such as coated paper, corrugated packaging, pallets, oriented stand board, cabinets, flooring, lumber, moldings, paneling, and many others. If this property is not protected by the FLP, it will be divided and sold like other nearby timberlands.

The protection of these forest lands will have significant local and regional benefit. An appropriation of $6 million in fiscal year 2010 from the FLP will conserve 18,259 acres of Wisconsin forest. Protecting these parcels by conserving unprotected lands in the checkerboard of public and private ownerships preserves vast wildlife habitat, ensures public access for recreation, and maintains the practice of sustainable forestry that supports the local economy.

Thank you, Madam Chairman, for the opportunity to present this testimony in support of this important FLP project in Wisconsin.

PREPARED STATEMENT OF THE HIGHLANDS COALITION

Dear Madam Chairwoman and honorable members of the subcommittee: On behalf of the Highlands Coalition, which includes more than 200 organizations working together to conserve nationally important natural resources in the Highlands region of Pennsylvania, New Jersey, New York, and Connecticut we would like to thank you for the opportunity to provide testimony on the fiscal year 2010 Department of the Interior, Environment, and Related Agencies appropriations bill.

Our top priorities for fiscal year 2010 include:

—$11 million for the HCA, including $10 million for land conservation partnership projects through the U.S. Fish and Wildlife Service (FWS), and $1 million for USDA Forest Service (FS) technical assistance and research programs in the Highlands;

—$125 million in land acquisition funding for the Forest Legacy program (FLP);

—$450 million for the Land and Water Conservation Fund Act Federal and stateside land acquisition program.

HCA

In November 2004, Congress enacted the HCA, recognizing the national significance of the 3.5 million acre Highlands. This region has abundant resources providing clean drinking water, productive forests and working farms, wildlife habitat, and recreational opportunities for the 25 million people who live within an hour of this incredible landscape. The Highlands lie in the shadow of some of the largest cities in the nation including Philadelphia, New York City, and Hartford. The HCA authorizes $100 million over 10 years to assist the Highlands States in conserving

priority lands from willing landowners, and $10 million over 10 years to continue vital USDA FS research and technical assistance to private landowners in the Highlands. Under the act, the four States acquire the lands with Federal assistance and are required to match those Federal funds for land conservation partnership projects on an equal basis to greater leverage these funds. Often the State match is double or triple the Federal share. Private foundations, counties and local governments have also matched the Federal funds. The HCA is a great partnership and brings multiple parties into the funding effort thereby highly leveraging the Federal investment.

We are deeply grateful to the subcommittee for the inclusion of $1.5 million for the HCA in the fiscal year 2009 omnibus bill and equally pleased that act was included as its own line item. However, as the subcommittee may know the cost of land acquisition in the Highlands is extraordinary with land as costly as $15,000 an acre. Lands and waterways in this highly fragmented landscape are disappearing at an alarming rate and funds are needed urgently to protect these areas before they are developed. Therefore, we strongly urge the subcommittee to provide full funding for the HCA at a total of $11 million with $10 million in land acquisition funding for the FWS, and $1 million for the USDA FS's technical assistance program in the Highlands.

The Governors of the four Highlands States have jointly submitted land conservation projects totaling $10 million to the Department of the Interior for funding in fiscal year 2010, including: Texter Mountain (Pennsylvania), Northern Highlands (New Jersey), Greater Sterling Forest (New York) and Ethel Walker property, Scoville Property, and Naugatuck/Mad River Headwaters (Connecticut).

FLP AND PROJECTS

In order to ensure that there is adequate program funding for these critical projects in the Highlands, we urge your support for funding the FLP at $125 million in fiscal year 2010. We support this funding as it will serve to provide support for important Forest Legacy projects in the Highlands region including three exemplary projects: Tulmeadow Farm (Connecticut), Wolf Hill (Connecticut), and Musconetcong and Rockaway Rivers Watersheds (New Jersey).

FLP has protected more than 1.7 million acres of forestland since 1990. For fiscal year 2010, the USFS received 84 project proposals from 44 States and territories to protect 288,530 acres with a total project value of more than $363 million. FLP conserves working forests threatened by conversion to development or other uses, and promotes economic viability as well as recreational open space and wildlife protection. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change.

LAND AND WATER CONSERVATION FUND (LWCF)

We respectfully request a substantial increase in overall funding for the LWCF specifically $325 million for the Federal LWCF and $125 million for the LWCF stateside program, in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill. We applaud the LWCF funding increases provided by this subcommittee in fiscal year 2009. And, we are most thankful that the Obama administration budget recognizes the importance of this program by proposing significant increases for fiscal year 2010 and setting a goal to achieve full funding of the LWCF in the next 5 years.

The LWCF is our Nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units, and other Federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the Nation. The LWCF will provide important funds to obtain inholdings and lands adjacent to Federal lands in the Highlands such as the Wallkill and Great Swamp National Wildlife Refuges in New Jersey.

The LWCF stateside program provides close-to-home recreation through thousands of State and local parks across the country. These parks provide millions of urban and suburban residents the benefits of access to natural areas while promoting much needed tourism in local communities.

Without adequate funding to the HCA, FLP and LWCF, precious natural treasures of the Highlands may be developed and lost to conservation forever.

Thank you for the opportunity to submit this testimony on the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill.

PREPARED STATEMENT OF THE HUMANE SOCIETY OF THE UNITED STATES; HUMANE SOCIETY LEGISLATIVE FUND; AND DORIS DAY ANIMAL LEAGUE

Thank you for the opportunity to offer testimony to the Interior, Environment, and Related Agencies Subcommittee on items of importance to our organizations with a combined membership of more than 11 million supporters nationwide. We urge the subcommittee to address these priority issues in the fiscal year 2010 Department of the Interior appropriations bill.

Bureau of Land Management (BLM)—Wild Horse and Burro Program

The BLM is charged with the management of approximately 33,000 wild horses in 10 Western States, but the current program is grossly underfunded. While we support a reduction in the number of annual roundups, depending on rounding up horses without implementing any active program for preventative herd growth is an unsupportable wild horse management approach because it leads to a continual cycle of roundups and removals rather than the use of long-term, cost-efficient, and humane management strategies. The BLM should focus on five mechanisms for managing wild horses and burros: (1) preserving free-roaming wild horse and burro populations through the use of humane birth control; (2) recolonizing any of the more than 19 million acres of zeroed-out habitat with wild horses and burros from the short and long-term holding facilities; (3) identifying new, appropriate rangelands and establishing sanctuaries for wild horses and burros; (4) continuing long-term, humane pasturing for equines that must be removed from the range utilizing birth control on these captive animals; and (5) implementing creative and more aggressive marketing strategies to increase adoption rates for captured equines.

The BLM's current focus on roundup and adoption tools has resulted in an increasing number of wild horses being permanently warehoused in BLM-sponsored holding centers, at a cost of $27 million annually (representing almost 75 percent of the BLM's $36.2 million wild horse management budget). Peer-reviewed studies have shown that costs to manage the herd could decrease significantly by treating more mares with the immunocontraceptive porcine zona pellucida (PZP) and returning them to the range, rather than detaining them indefinitely in holding centers, and through the wide-scale marketing of the BLM's Adopt-a-Horse program. According to a paper published in the Journal of Wildlife Management in 2007, contraception on-the-range could reduce total wild horse and burro management costs by 14 percent, saving $6.1 million per year (Bartholow, J. 2007. Economic benefit of fertility control in wild horse populations. J. Wildl. Mgmt. 71(8):2811–2819.). This study demonstrates conclusively that the use of immunocontraception could easily result in a reduction in the continuing long-term expenses associated with the BLM's current wild horse management program.

In October 2006, The Humane Society of the United States (HSUS) and the BLM signed a memorandum of understanding (MOU) to facilitate the use of contraceptive vaccines as a key component for managing wild horses on public lands. And this year, the Annenburg Foundation pledged $1.6 million to a project launched by The HSUS and the BLM to promote the use and application of contraceptives to manage wild horses throughout the West. The BLM and The HSUS have an opportunity to revolutionize the course of wild horse population control from a standard that is often inefficient, costly, and cruel to one which is technologically advanced, cost effective, and humane. We urge the subcommittee to take advantage of the demonstrated cost savings associated with the use of immunocontraceptives by directing BLM and the Environmental Protection Agency (EPA) to take action to facilitate the implementation of The HSUS/BLM Research Project, and by increasing BLM's budget for PZP research and development programs by $1.5 million.

The subcommittee's support would encourage greater cooperation between the BLM, the EPA, and The HSUS in the implementation of a program that we believe will be of great benefit not only to our Nation's beloved wild horse populations, but also to the American taxpayer.

Restoring Longstanding Protections for Wild Horses and Burros

Wild horses and burros have been protected from commercial sale and slaughter since the passage of the 1971 Wild Free-Roaming Horses and Burros Act. However, in 2004, an extremely controversial rider—commonly referred to as the "Burns Amendment"—was inserted into the fiscal year 2005 Omnibus Appropriations bill by Senator Conrad Burns (R-MT). This amendment directed the BLM to sell "without limitation" animals who were either more than 10 years old or had been passed over for adoption at least 3 times.[1] As a result, approximately 8,400 wild horses and

[1] 16 U.S.C. § 1333(e)(2).

burros became eligible for sale in 2005, and since then, BLM has sold more than 2,700 horses and burros under this authority.

As amended, the 1971 act requires the BLM to destroy excess animals and/or sell them without limitation. Due to concerns about public and congressional reaction to the massive slaughter of healthy horses, BLM has chosen not to destroy excess animals or sell them without limitation. But in an effort to comply with the law and reduce costs associated with caring for an increasing number of wild horses in short- and long-term holding facilities, the BLM announced that for fiscal year 2009, they would consider euthanizing about 2,300 horses in short-term holding (about one-third of the animals currently in short-term holding) and selling, without limitation, about 8,000 animals from both short- and long-term holding.

We firmly believe that no horse should pay the ultimate price for the agency's mismanagement and that killing horses, or allowing them to be sold to slaughter, is not the answer. The BLM made a social contract with Americans when it placed horses in long-term care: The horses would be cared for life, and the commitment should be honored.

Therefore, we ask the subcommittee to consider including the following funding limitation in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill:

Provided, That appropriations herein made shall not be available for the sale of wild horses and burros pursuant to 16 U.S.C. 1333(e) or for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors."

Law Enforcement Division of the Fish and Wildlife Service

After illegal drugs and arms, trade in wildlife parts is the third most lucrative smuggling enterprise in this country. The United States remains one of the world's largest markets for legal and illegal trade in wildlife and wildlife products. New technology and a full complement of special agents are essential if law enforcement is to have any hope of effectively enforcing the Nation's endangered species trade laws. We are concerned that there are 70 wildlife law enforcement agent vacancies and encourage the subcommittee to fully fund the law enforcement division.

EPA—Office of Research and Development

In 2000, the Interagency Coordinating Committee on the Validation of Alternative Methods, ICCVAM Authorization Act (Public Law 106–545), created a new paradigm for regulatory toxicology, by promoting chemical testing methods that are often faster and more economical than existing methods. The new paradigm requires Federal agencies to ensure that new and revised animal and alternative test methods be scientifically validated prior to recommending or requiring use by industry. All 15 Federal regulatory and research agencies that compose the ICCVAM agree on a common definition of validation as "the process by which the reliability and relevance of a procedure are established for a specific use."

Several years ago, thanks to the leadership of Representatives James Walsh and David Price, Congress provided specific funding for research, development, and validation of nonanimal and other alternative test methods that replace, reduce, or refine the use of animals in toxicity testing. To augment that funding, EPA must increase its fiscal commitment to the Computational Toxicology Program to add to its value to regulatory toxicology. We urge the subcommittee to consider the following report language:

"The Committee recognizes the EPA's commitment to developing a Computational Toxicology Program to reduce the use of animal testing and the cost of such testing. It is the subcommittee's expectation that, commensurate with Committee support for fully funding the Computational Toxicology Program for the last several years, EPA demonstrate real progress not only in development of computational toxicology methods, but importantly, in validation of new and revised test methods, nonanimal methods, and alternative methods with the purpose of being utilized in regulatory program activities. The Committee encourages EPA to develop, integrate, and implement specific plans for validation studies of new and revised, non-animal and alternative methods for chemical screening and priority setting within the Agency's Computational Toxicology Program. The Committee requests that EPA submit an annual report, due by March 31 of the following fiscal year, detailing results of its Computational Toxicology program, to include a section on EPA's overall activities and itemized expenditures in a manner where both specific activities and specific expenditures devoted to validation of new, revised test methods, non-animal methods, and alternative methods are broken out from expenditures on research and development."

Additionally, finalization of the MOU between the EPA and the FDA, under which the EPA will assume the primary authority to review and register therapeutic and other products geared toward humane methods of population control, should be expedited in order to allow PZP to be utilized in a management capacity, rather than an investigational one.

Multinational Species Conservation Fund

The HSUS joins a broad coalition of organizations in requesting an increase over the administration's request for the Multinational Species Conservation Fund (MNSCF) and Wildlife Without Borders. The MNSCF was established by Congress to benefit African and Asian elephants, rhinos, tigers, great apes, neotropical migratory birds, and marine turtles. Congress has been very supportive of these programs in the past. Unfortunately in past years, the funding has been considerably less than the amounts necessary to carry out these valuable missions. We ask that you continue to support these highly threatened mammals and birds in fiscal year 2010 by appropriating $2.75 million each for the Asian Elephant, African Elephant, Marine Turtle, and Great Ape Conservation Funds, $4 million for the combined Rhinoceros and Tiger Conservation Fund, and $6.5 million for the Neotropical Migratory Bird Conservation Fund. We also request $4 million for the Wildlife Without Borders regional program.

While we wholeheartedly support increased funding for the MNSCF, we are concerned about past incidents and future opportunities for funds from these conservation programs to be allocated to promote trophy hunting, trade in animal parts, and other consumptive uses—including live capture for trade, captive breeding, and entertainment for public display industry—under the guise of conservation for these animals. Grants made to projects under the MNSCF must be consistent with the spirit of the law.

Protection for Walruses

We urge this subcommittee to appropriate $500,000 in fiscal year 2010 to fund the continuation of much-needed research on the Pacific walrus. New promising methodologies for surveying walrus populations have been developed and require sustained funding support. A comprehensive walrus survey was begun in 2005—the effort must receive continued support to maximize the utility of its results. Walruses are targeted by Native hunters for subsistence, despite a paucity of data regarding their current population status or population structure. Hundreds of walruses are killed annually; in some years this number has climbed to as many as 7,000. Moreover, in some hunting villages, females and their calves are preferentially killed, against the recommendation of the Fish and Wildlife Service and standard management practice. A portion of the research funds could also be used to improve the Walrus Harvest Monitor Project, which collects basic management data.

PREPARED STATEMENT OF THE INTERSTATE MINING COMPACT COMMISSION

My name is Gregory E. Conrad and I am Executive Director of the Interstate Mining Compact Commission. I appreciate the opportunity to present this statement to the subcommittee regarding the views of the Compact's member States on the fiscal year 2010 budget request for the Office of Surface Mining (OSM) within the U.S. Department of the Interior. In its proposed budget, OSM is requesting $71.3 million to fund title V grants to States and Indian tribes for the implementation of their regulatory programs and $32.1 million to fund discretionary spending for the title IV abandoned mine land (AML) program, which includes some State grants. Our statement will address both of these budgeted items.

The Compact is comprised of 24 States that together produce some 95 percent of the Nation's coal as well as important noncoal minerals. The Compact's purposes are to advance the protection and restoration of land, water and other resources affected by mining through the encouragement of programs in each of the party States that will achieve comparable results in protecting, conserving, and improving the usefulness of natural resources and to assist in achieving and maintaining an efficient, productive, and economically viable mining industry.

OSM has projected an amount of $71.3 million for title V grants to States and tribes in fiscal year 2010, an amount which is matched by the States each year. As you know, these grants support the implementation of State and tribal regulatory programs under the Surface Mining Control and Reclamation Act (SMCRA) and as such are essential to the full and effective operation of those programs.

In fiscal year 2009, Congress approved an additional $1 million increase for State title V grants over the fiscal year 2008 enacted level, for a total of $65.5 million. The States are greatly encouraged by the significant increase in title V funding ap-

proved by Congress in both fiscal year 2008 and 2009. Even with mandated rescissions and the allocations for tribal primacy programs, the States saw a $7 million increase for our regulatory programs over fiscal year 2007 levels. As we noted in our statement on last year's budget, State title V grants had been stagnant for more than 12 years and the gap between the States' requests and what they received was widening. This debilitating trend was compounding the problems caused by inflation and uncontrollable costs, thus undermining our efforts to realize needed program improvements and enhancements and jeopardizing our efforts to control the impact of coal extraction operations on people and the environment.

In its fiscal year 2010 budget, OSM has followed the example established by Congress over the past 2 years and proposed an increase of approximately $6 million for State and tribal title V regulatory grants, which will, for the first time, fully fund actual State requests. This is a welcome shift in direction that recognizes the important role played by the States in implementing the environmental protection provisions of SMCRA. We strongly endorse this meaningful increase in funding and urge Congress to support it. The States are still in the process of putting the recent improvements in funding to work in their programs through the filling of vacant positions and the purchase of much-needed equipment and supplies (including computers and vehicles). As States prepare their budgets for the next few years, there is an expectation and hope that the recent increases approved by Congress will become the new base on which we will build into the future. Otherwise we find ourselves reversing course and creating a situation where layoffs would occur for those who were just hired.

The States continue to face significant cost increases in their programs due to inflation, especially increased fuel and equipment costs. Health insurance premiums and cost of living adjustments are also significant factors in the annual operation of State programs, especially with personnel expenses representing some 80 percent of total program costs. A new challenge has come in the form of retirements, where States are faced with buy-outs, paying for unused annual leave, and replacing an aging work force. These are substantial, often unanticipated, costs that are wreaking havoc on State budgets.

It is essential that we maintain consistent, inflation-adjusted funding from year to year in order to deploy resources for our programs. This is especially true with regard to hiring new staff to fill vacancies or to supplement understaffed areas of the programs. We cannot afford to invest money in these positions and then face potential layoffs the next year because funding is not maintained. As it is, State agencies are continually faced with making the case to State legislatures and budget officers to support their regulatory programs through matching State funds, particularly in the difficult fiscal climate being faced by the States. A clear message from Congress that reliable, consistent funding will continue into the future will do much to ensure that States can continue to implement these vital programs.

It must be kept in mind that State coal regulatory program permitting and inspection workloads are in large part related to coal mine production. In general, as coal production increases, the need for additional permitting and operational inspections also increases. State programs must be adequately funded and staffed to insure that permitting and inspection duties are both thorough and timely as States experience the reality of accelerating coal mine production and expansion activities. If program funding shortfalls continue, the Nation risks the possibility of delayed production of a critical energy source and negative impacts to the environment. Stressing existing program resources also results in the delay or elimination of lower-priority program functions.

There continues to be no disagreement about the need demonstrated by the States. In fact, in OSM's budget justification document, the agency states that:

". . . the states have the unique capabilities and knowledge to regulate the lands within their borders. Providing a 50 percent match of Federal funds to primacy States in the form of grants results is the highest benefit and the lowest cost to the Federal Government. If a state were to relinquish primacy, OSM would have to hire sufficient numbers and types of Federal employees to implement the program. The cost to the Federal Government would be significantly higher." (page 62 of OSM's Budget Justification)

For all the above reasons, we urge Congress to approve OSM's proposed budget for State title V regulatory grants in the amount of $71.3 million, as fully documented in the States' estimates for actual program operating costs.

With regard to funding for State title IV AML program grants, congressional action in 2006 to reauthorize title IV of SMCRA has significantly changed the method by which State reclamation grants are funded. Beginning with fiscal year 2008, State title IV grants are funded primarily by permanent appropriations. As a result,

the States should have received a total of $373 million in fiscal year 2010. Instead, OSM has budgeted an amount of $232.4 million based on an ill-conceived proposal to eliminate mandatory AML funding to States and tribes that have been certified as completing their abandoned coal reclamation programs. This $141 million reduction flies in the face of the comprehensive restructuring of the AML program that was passed by Congress in 2006, following over 10 years of congressional debate and hard fought compromise among the affected parties. While we have not seen the details of the proposal, which will require adjustments to SMCRA, it will clearly undermine the delicate balance of interests and objectives achieved by the 2006 amendments. It is also inconsistent with many of the goals and objectives set forth in the budget resolution for fiscal year 2010 and the American Recovery and Reinvestment Act. These include environmental stewardship, cleaning up abandoned coal and hardrock mines nationwide, creating green jobs, sustainable development, infrastructure improvements, alternative energy projects, pumping dollars into local communities by putting money to work on the ground in an expeditious manner, and protecting public health and safety and improving the environment. We urge the Congress to reject this unjustified proposal, delete if from the budget and restore the full mandatory funding amount of $373 million.

Included in the mandatory funding mentioned above is supplemental funding for "minimum program" States. Under the funding formula contained in the 2006 amendments to SMCRA, all of the States will receive sizeable funding increases except for minimum program States. We urge Congress to fund these States at the statutorily authorized level of $3 million in fiscal year 2010 so as allow these States to get on with the critical AML projects awaiting funding. The current phase-in approach limits funding to $2.25 million which greatly inhibits the ability of these States to accomplish much in the way of substantive AML work—especially given their inventory of remaining high-priority problems.

We also urge Congress to approve continued funding for the AML emergency program. In a slight-of-hand move, OSM's budget would completely eliminate funding for State-run emergency programs and also for Federal emergency projects (in those States that do not administer their own emergency programs). OSM accomplishes this by interpreting a congressional rescission of $8.5 million in the carryover balance for emergencies in fiscal year 2009 as a reduction in the base for emergency funding, which was not Congress' stated intent. When combined with an additional $12 million reduction in funding, OSM completely eliminates funding for the AML emergency program. (See page 31 of OSM's budget justification document.) When further combined with the great uncertainty about the availability of remaining carryover funds, it appears that the program has been decimated.

Funding the OSM emergency program should be a top priority for OSM's discretionary spending. This funding has allowed the States and OSM to address the unanticipated AML emergencies that inevitably occur each year. In States that have federally operated emergency programs, the State AML programs are not structured or staffed to move quickly to address these dangers and safeguard the coalfield citizens whose lives and property are threatened by these unforeseen and often debilitating events. And for minimum program States, emergency funding is critical to preserve the limited resources available to them under the current funding formula.

Section 410 of SMCRA establishes an emergency reclamation procedure for AML sites that pose a "sudden danger with a high probability of substantial physical harm to the health, safety or general welfare of people before it can be abated under normal program operation procedures". (OSM Directive AML–4). The funding for the emergency program is separate from the State and tribal nonemergency AML grant funding since it comes from the Secretary's "discretionary share". Funding for emergencies is provided for in section 402(g)(3) of SMCRA and is used for the purposes described therein and with monies remaining after the distributions required under sections 402(g)(1), (g)(2), and (g)(5). Section 402(g)(1)(C) specifically requires that the nonemergency State share be used only for annual reclamation project construction and administration costs. The nonemergency Federal share allocated to the States in section 402(g)(5) is used to supplement the State share received under 402(g)(1) until the priorities set forth in section 403(a)(1) and (2) are met. Emergencies do not fall under section 403, but are provided for only in section 410.

While there were several significant changes to the AML program under SMCRA as a result of the 2006 amendments, there were absolutely no changes to the emergency program under section 410 of the act. In fact, significant funding increases were approved by Congress that would allow the States to address long-overdue reclamation problems including landslides, contaminated drinking water, refuse piles, dangerous highwalls, mine fires, and exposed mine portals. Diverting these monies to the emergency program, as suggested by OSM's budget, would impede the progress the States are now making to address AML problems that have been

awaiting funding for years. In this regard, new section 402(g)(1)(D)(2) requires that the Secretary ensure "strict compliance" by the States in their use of nonemergency grant funds for the priorities listed in section 403(a). For the States to do otherwise would require at the least a rulemaking by OSM, if not legislative adjustment. It would also reverse 30 years of official guidance and practice by OSM. We therefore request that Congress restore $12.4 million for the AML emergency program in OSM's fiscal year 2010 budget and direct the agency to restore an additional $8.5 million that was misallocated last year.

One of the more effective mechanisms for accomplishing AML restoration work is through leveraging or matching other grant programs, such as EPA's 319 program. Until fiscal year 2009, language was always included in OSM's appropriation that encouraged the use of these types of matching funds, particularly for the purpose of environmental restoration related to treatment or abatement of acid mind drainage (AMD) from abandoned mines. This is a perennial, and often expensive, problem, especially in Appalachia. IMCC therefore requests the subcommittee to include language in the fiscal year 2010 appropriations bill that would allow the use of AML funds for any required non-Federal share of the cost of projects by the Federal Government for AMD treatment or abatement.

We also urge the subcommittee to support funding for OSM's training program, including monies for State travel. These programs are central to the effective implementation of State regulatory programs as they provide necessary training and continuing education for State agency personnel. IMCC also urges the subcommittee to support funding for TIPS, a program that directly benefits the States by providing needed upgrades to computer software and hardware. We also urge support of the Watershed Cooperative Agreement program in the amount of $1.5 million.

PREPARED STATEMENT OF THE INTERTRIBAL BISON COOPERATIVE

INTRODUCTION AND BACKGROUND

My name is Ervin Carlson; I am a member of the Blackfeet Nation in Montana and the president of the InterTribal Bison Cooperative (ITBC). Please accept my sincere appreciation for this opportunity to submit written testimony to the honorable members of the subcommittee, ITBC is a Native American nonprofit organization, headquartered in Rapid City, South Dakota, comprised of 55 federally recognized Indian tribes in 18 States. On behalf of the member tribes of ITBC I would like to address the following issues: (1) request an appropriation of $3,000,000 for fiscal year 2010, from the Department of the Interior, Bureau of Indian Affairs, Operation of Indian Programs, to continue our restoration effort, to continue to provide highly qualified technical assistance, providing implement our marketing initiative and to continue our health initiative which utilizes buffalo to teat and prevent diet-related diseases among Native Americans; (2) explain to the subcommittee the unmet needs of the members of ITBC; and (3) update the subcommittee on the present initiatives of ITBC.

Federal appropriations have allowed ITBC to successfully restore buffalo to more than 50 reservations, thereby preserving the sacred relationship between Indian people and the buffalo. The respect that Indian tribes have maintained for the buffalo has fostered a very serious, high level of commitment by ITBC member tribes for successful buffalo herd development. With healthy, viable buffalo herds, opportunities now exist for tribes to utilize buffalo for prevention and treatment of the diet-related diseases that gravely impact Native American populations such as diabetes, obesity, cardiovascular disease and others. Viable buffalo herds also offer tribes the opportunity to develop sustainable economic development projects surrounding the buffalo. The primary focus of ITBC is to help develop tribal herds that are able to provide a wholesome healthy meat product to the tribal members while remaining economically viable in the reservation landscape. This will allow the tribes to utilize a culturally relevant resource in a manner that is compatible with their spiritual and cultural beliefs and patterns as a means to achieve self-sufficiency.

FUNDING REQUEST

ITBC respectfully requests an appropriation for fiscal year 2010 in the amount of $3,000,000. This amount would restore ITBC nearly to the fiscal year 2006 appropriation level and is greatly needed to successfully accomplish our goals and objectives. This request will help balance our continuing growth in membership with our funding level. The $3,000,000 funding level would restore vital funding that has been cut from the administrations fiscal year 2007, fiscal year 2008 and fiscal year 2009 budgets. Our requested funding level of $3,000,000 will allow our member

tribes to continue their successful restoration efforts, to restore our marketing initiative and to restore the health initiative for the prevention and treatment of diet-related diseases among Native American populations, while simultaneously building economic sustainability for the tribal projects.

FUNDING SHORTFALL AND UNMET NEED

In fiscal year 2006, ITBC and it member tribes were funded through appropriations at $4,150,000. The President's budget in fiscal year 2007 and fiscal year 2008 eliminated funding for ITBC. ITBC was funded $1,000,000 in fiscal year 2007 and fiscal year 2008 through a congressional appropriation. In fiscal year 2009 ITBC was funded $1,000,000 through a congressional appropriation and $421,000 from BIA carryover funds from fiscal year 2008. The cuts came just as ITBC had started a successful Marketing Program and Health Initiative that addressed diet-related health problems that are epidemic on most of our reservations in a manner that would provide economic stability to the tribal programs.

Without the restoration of funding close to the fiscal year 2006 level new member tribes will not receive adequate funding to begin buffalo restoration efforts. Tribes that have successfully restored buffalo to tribal lands will not receive adequate technical assistance and resource development funds to ensure the sustainability of existing herds. Furthermore, the investment made by Congress in fiscal year 2006 toward ITBC's healthcare initiative has been cut to the point of almost being nonexistent. This was designed to utilize buffalo for prevention and treatment of diet-related diseases among Native American populations.

ITBC is structured as member cooperative and 100 percent of the appropriated funds are expended on the development and support of tribal buffalo herds and buffalo product business ventures. ITBC funding is distributed to ITBC member tribes via a Herd Development Grant program developed by the consensus of the members. ITBC surveys member tribes annually to determine unmet project needs and currently the total unmet needs for ITBC member tribe's projects is $10,000,000.

ITBC GOALS AND INITIATIVES

Economic Development

In 1991, seven Indian tribes had small buffalo herds numbering less than 1,600 animals. The buffalo provided little or no economic benefit to the tribal owners. ITBC has proven extremely successful at buffalo restoration in its 15 years of existence. Today, with the support and technical assistance of ITBC and its fellow member tribes, 57 Indian tribes are engaged in raising buffalo or developing plans to raise buffalo and incorporate them into their daily lives. ITBC and the member tribes have restored approximately 15,000 buffalo back to tribal lands for use by the tribes and their members.

Many of these tribal buffalo programs have developed herds large enough to justify plans for marketing products as a step toward self-sufficiency. Because of the depressed economies on the reservations jobs are scarce and in this arena buffalo restoration efforts on the reservations have created hundreds of direct and indirect jobs relating to buffalo management and production. As a result, a significant amount of revenue derived from buffalo products is beginning to circulate through Indian Reservation economies.

However, tribes must have the resources to build solid foundations for this new industry to become fully self-sufficient and maintain sustainable buffalo herds. ITBC provides critical technical assistance to member tribes that have developed sustainable management and infrastructure development plans. Additionally, ITBC provides training curriculum for the newly created jobs and marketing plans as tribal herds reach marketing capabilities. ITBC has begun implementation of a marketing initiative to provide member tribes with viable marketing options for utilization of buffalo as economic development efforts. This marketing initiative is in an infancy stage and renewed funding is critical to achieve success.

Tribal Buffalo Marketing Initiative

ITBC member tribes face a multitude of obstacles when trying to get their buffalo to market. The remoteness of the reservations means having to transport buffalo long distances to processing plants and this results in higher operating costs. The quality of meat is also negatively impacted by introducing an increased amount of stress on the buffalo. Further compounding the problem is the reluctance of some processing plants to process range-fed buffalo and the requirements of some buyers that animals be corn-finished in a feedlot situation. Some buyers also require USDA certification which means USDA inspected processing plants must be used which in-

creases transport time. ITBC believes this lack of a constant supply chain that is cost effective is what is limiting the economic development of tribal buffalo herds.

ITBC has assisted the Gros Ventre and Assiniboine Tribes of the Fort Belknap Indian Community in northern Montana with the development of a meat-packing facility acquired by the tribe in Malta, Montana. They have also begun to operate a smoke house in addition to the packing plant. ITBC has assisted the Cheyenne River Sioux Tribe in South Dakota with operation of their meat packing facility. ITBC has provided assistance to the Ponca Tribe of Nebraska for a tannery that the tribe has started to produce brain tanned hides. ITBC has set up an arrangement in which the Yakama Nation of Washington supplies buffalo meat to a tribal enterprise of the Confederated Tribes of Umatilla in Oregon. ITBC believes the creation of locally driven, regional marketing plans will help to overcome the remoteness of the reservations. Tribally owned processing plants would decrease the transportation time and increased cold storage capacity would also be very beneficial to ensuring a consistent supply of product for marketing ventures. ITBC will provide technical assistance in the areas of meat processing, cold storage facility development, processing plant enhancement, development of distribution and supply systems for buffalo meat and by-products, and development of a cooperative brand name with standards and labeling guarantees for Native American produced buffalo.

Preventive Healthcare Initiative

ITBC is committed to providing buffalo meat to Indian Reservation families both as an economic development effort for Native American producers and, more critically, as a healthy food to reintroduce into the diets of Native American populations. Current research indicates that the diet of most Indian Reservation families includes large amounts of high cholesterol, processed meats that contribute to diabetes, obesity, cardiovascular disease, and other diet-related illnesses.

ITBC member tribes were just beginning to implement a preventive healthcare initiative with fiscal year 2006 funding that provided easy access to buffalo meat on Indian Reservations and educated Indian families on the health benefits of range fed buffalo meat. The decrease in funding has led to the elimination of the majority of the program with only the educational program still inexistence. A restoration of the funds will allow the program to operate at the fiscal year 2006 level.

Generally, buffalo meat is not sold in small quantities at the reservation grocery and convenience stores which leaves Indian families with few alternatives to the high-fat, high-cholesterol, processed meats stocked in reservation stores. Buffalo meat if available is usually priced out of the affordable price range of the tribal families. ITBC seeks to remedy this concern by providing buffalo meat in family sized quantities to reservation markets and interact with the Federal food programs. ITBC will work with Federal food programs to make buffalo meat available through the local school systems and local community health networks working on addressing diabetes and other health issues.

CONCLUSION

ITBC and its member tribes have created a new reservation industry, tribal buffalo production, resulting in new money for reservation economies. In addition, ITBC continues to support methods to market buffalo meat by providing easy access to meat on the reservations and education efforts about the health benefits buffalo meat can bring to the native diet. The ultimate goal is to restore the tribal herds to a size large enough to support the local health needs of the tribal members and also generate revenue through a cooperative marketing effort to achieve economic self-sufficiency.

ITBC and it member tribes are appreciative of past and current support from the Congress and the administration. I urge the subcommittee to consider restoring ITBC funding close to the fiscal year 2006 level of $3,000,000, which will allow ITBC to continue the restoration efforts and restore the marketing and health initiative program started in fiscal year 2006.

I would like to thank this subcommittee for the opportunity to present testimony and the members of ITBC invite the honorable members of the subcommittee to visit our tribal buffalo projects and experience first hand their successes.

PREPARED STATEMENT OF THE INTERTRIBAL TIMBER COUNCIL

SUMMARY

Madam Chairman, I am Nolan C. Colegrove, Sr., president of the Intertribal Timber Council (ITC). I am a member of the Hoopa Tribe and serve as its forest manager. I am pleased to submit this testimony for the subcommittee's formal fiscal year 2010 hearing record with the following recommendations for fiscal year 2010 Indian forestry-related activities in the Bureau of Indian Affairs (BIA), the Office of the Special Trustee (OST), and wildland fire management:

—In BIA natural resources management, increase BIA tribal priority allocations (TPA) forestry by at least $2.6 million to adjust for the 14.1 percent consumer price increase since fiscal year 2003 and up to an additional 25 percent to maintain the pace of appropriations provided for the Forest Service (USFS) and Bureau of Land Management (BLM). The glaring gap in per-acre appropriations for Indian forests compared to those provided for USFS and BLM lands continues to widen. From fiscal year 2004 to fiscal year 2009, BIA TPA forestry funding increased only 3.8 percent, compared to 25.5 percent for the USFS timber harvest budget and 26.5 percent for BLM public domain forest management. We request that the subcommittee initiate a 5-year program to fund Indian forestry at per-acre levels comparable to the USFS and BLM so as to honor the trust responsibilities of the United States.

—In BIA natural resources management, restore $1 million to the Timber Harvest Initiative, and increase forest development by $5 million, to begin making-up for an outright funding decline from fiscal year 2004 to fiscal year 2009.

—In BIA natural resources management, provide $4.7 million for the Endangered Species Act, including $2.3 million for Northern Spotted Owl and marbled murrelet.

—In OST, restore land consolidation to the fiscal year 2007 $59.5 million level, and direct priority for Youpee interests and forest and other high-value lands.

—For wildland fire, continue to support preparedness, standardize USFS and Department of the Interior (DOI) fire cost accounting and business principles, and direct fire 638 indirect costs to the BIA indirect cost pool.

ITC BACKGROUND

ITC is a 33-year-old organization of 70 forest-owning tribes and Alaska Native organizations that collectively manage more than 90 percent of the 18 million acres of timberland and woodland that are under BIA trust management. These lands provide vitally important habitat, cultural and spiritual sites, recreation and subsistence uses, and through commercial forestry, income for the tribes and jobs for their members. In Alaska, the forests of Native corporations and thousands of individual allotments are equally important to their owners. To all our membership, our forests and woodlands are essential to our physical, cultural, and economic well-being, and their proper management is our foremost concern.

—In BIA natural resources management, increase BIA TPA forestry to adjust for inflationary costs and increase funding to levels comparable to those provided to the USFS and BLM. From fiscal year 2004 to fiscal year 2009, BIA TPA forestry funding has increased only 3.8 percent, while the USFS timber harvest budget has increased 25.5 percent and BLM public domain forest management has increased 26.5 percent.

Last year, the ITC testified that a 2003 independent report noted that BIA forestry receives only about one-third of the funding provided to the USFS. Now, a comparative review of Federal agency forestry budgets from fiscal year 2004 to fiscal year 2009 shows the situation is becoming much worse for BIA forestry.

	Fiscal year 2004	Fiscal year 2009	Difference	Percentage difference
BLM public domain forest management	$8,093,000	$10,242,000	+$2,149,000	+26.550
USFS NFS forest products	265,013,000	332,666,000	+67,653,000	+25.528
BIA TPA forestry	24,641,000	25,574,000	+933,000	+3.786
BIA forestry projects	17,758,000	17,629,000	−129,000	−0.726

U.S. Department of Labor, Bureau of Labor Statistics, Consumer Price Index increase from October 2003 (start fiscal year 2004) to January 2009: 14.1 percent.

Madam Chairman, it is startling and grossly unfair that BIA TPA forestry has only received a 3.8 percent funding increase over the past 5 years while the BLM public domain forest management and the USFS forest products timber sales budgets, which perform roughly equivalent functions, have received increases of 26.5 per-

cent and 25.5 percent, respectively. The United States has a trust responsibility for our forests, and is liable for any mismanagement. Our tribal governments, often among the neediest in the country, rely on our forest revenues to provide basic services, and our forests are very hard-working, providing commodity production, clean air, water, fish and wildlife habitat, and cultural values. From our 18 million forest acres, our fiscal year 2008 harvest is estimated at 500 million board feet, on a per-acre basis, about 250 percent of the harvest from the 193 million acres of USFS forest lands. Each year we are being required to do more with less funding than is being provided for USFS and BLM lands. Given the fiduciary trust responsibility of the United States, our forests should be receiving the resources necessary to ensure first-class management.

Chronic underfunding of BIA forestry is stripping personnel from our forests. Anecdotal data indicates a large and increasing number of professional forestry positions are going unfilled in Indian country because funding is decreasing. Insufficient fixed cost increases eat into the program. Management capacity is seriously eroding. At current funding levels, we are struggling just to provide basic management functions, and important issues such as adaptive adjustments for climate change, which other Federal forest management agencies are now focusing on, are left unattended.

To begin to correct this disparity, the ITC urges the addition of $2.6 million to BIA TPA forestry to offset inflationary costs of 14.1 percent from fiscal year 2004 to fiscal year 2009 (reported by the Department of Labor) and that BIA forestry be increased by at least 25 percent to provide funding increases on a par with those provided for the USFS and BLM since fiscal year 2003. We would welcome an opportunity to sit down with the subcommittee to learn why these disparities have persisted and grown, and what might be done to eliminate them.

—In BIA natural resources management forest projects, restore $1 million to the Timber Harvest Initiative, and increase forest development by $5 million, to begin making-up for an outright funding decline from fiscal year 2004 to fiscal year 2009.

From fiscal year 2004 to fiscal year 2009, the BIA forestry projects budget has declined outright from $17.8 million to $17.6 million, impairing BIA's ability to perform forestry project trust functions. To begin to address this problem, the ITC requests that $1 million be restored to the Timber Harvest Initiative and $5 million be added for BIA forest development.

Since the early 1990s, the Timber Harvest Initiative has provided additional forest harvest capacity to those reservations with a timber harvest backlog, so they can both meet demand and come into compliance with the forest management plans. In fiscal years 2008 and 2009, funding for this initiative was cut from $1.8 million to $800,000. While we recognize that the timber market is currently depressed, we anticipate that the timber market will rebound and Indian country needs to have projects prepared and ready for sale. We urge that $1 million be restored to the Timber Harvest Initiative to assure BIA can flexibly manage trust harvest obligations.

The ITC also requests that BIA Forest Development funding be increased by $5 million. Currently, about one-sixth of the Indian trust commercial forest needs either replanting or thinning. This backlog must be reduced to improve the productivity of Indian forest lands and reduce the threat of catastrophic loss due to insects, disease, and wildfire. In fiscal year 2005, the BIA Forest Development budget treated 58,000 acres. For fiscal year 2009, BIA's goal is to treat 52,000 acres, a reduction of more than 10 percent from fiscal year 2005. With a 1 million acre backlog, more acres must be treated, not less. A $5 million increase for fiscal year 2010 will treat an additional 30,000 acres, and will increase Indian timber harvest and value, improve the health or our forests, contribute to carbon sequestration, and produce woody biomass to advance the Nation's renewable energy initiatives.

—In BIA natural resources management, provide $4.7 million for ESA, including $2.3 million designated for Northern Spotted Owl and marbled murrelet surveys.

Madam Chairman and members of the subcommittee, the ITC wishes to express our great appreciation for this subcommittee's addition of $1 million to BIA ESA funding for both fiscal year 2008 and fiscal year 2009. Without that restoration, there would be no BIA endangered species activities in the field, where the listed species are and the various surveys and protocols must occur.

In fiscal year 1991, Congress initiated BIA ESA funding with $1 million in forestry for the Northern Spotted Owl. In fiscal year 1995, the marbled murrelet increased that to $1.83 million. In fiscal year 2002, BIA moved those funds from Forestry to a new office and increased funding for all ESA activities to $3 million, acknowledging the substantial ESA needs throughout BIA's 56 million trust acres. But thereafter, funding steadily declined, and despite continuing ESA mandates, among

the forestry tribes with the Northern Spotted Owl and the marbled murrelet, our field-level funding declined precipitously—to zero in fiscal year 2007. While we are pleased with the subcommittee's restoration of $1 million in fiscal years 2008 and 2009, we are concerned that the BIA now distributes these funds nationwide, paying little regard to the Northern Spotted Owl and marbled murrelet purpose for which the funds were initially sought and provided.

For fiscal year 2010, we ask that BIA endangered species be funded at least at $4.7 million. That is based on the $21.7 million provided for BLM ESA in fiscal year 2009, or 8.4 cents per acre for BLM's 258 million acres, applied to BIA's 56 million acres, or $4.7 million. Within that $4.7 million, we also ask that $2.3 million be designated for the Northern Spotted Owl and marbled murrelet, so that tribes that initiated the program can have their funds restored to inflation adjusted levels provided in fiscal year 1995.

—In the OST, restore land consolidation at the $59.5 million level, and direct consolidation priority for acquisition of Youpee interests and forest and other high-value lands.

We ask that the land consolidation program be restored to the $59.5 million level requested in fiscal year 2007. Land fractionation is a root cause for many of the DOI's high costs and difficulties in trust fund and trust asset administration, and must continue to be aggressively addressed. We are not aware of any land consolidation program problems over its 9-year history that warrant its elimination, and we are not aware of any OST out-reach to tribes to discuss the need for an "alternative approach." In reviving $59.5 million to land consolidation, the ITC urges that it focus not only on highly fractionated properties, but also on (a) purchase of the so-called Youpee interests to avoid the enormous cost of un-doing the previous acquisition of highly fractionated interests through escheat; and (b) consolidation of high value lands, including forest lands, before they become so fractionated that productive use of the property becomes problematic.

—For wildland fire, continue to support preparedness, standardize USFS and DOI's fire cost accounting and business principles, and direct fire 638 indirect costs to the BIA indirect cost pool.

The ITC appreciates the subcommittee's maintenance of preparedness funding in fiscal year 2009 and urges it be expanded in fiscal year 2010 by implementing the following recommendations.

The ITC recommends that USFS and DOI's fire cost accounting and business practices be standardized, particularly given the idea that the USFS could be moved to DOI. Current accounting differences result in significant cost allocation differences between the Departments. The charging of Indian hot shot crews to BIA's preparedness budget, when USFS crews are charged to suppression, is one such example. The hiring of Indian hot shot crews is truly a national suppression resource, and requiring BIA to charge those crew costs to preparedness is inappropriate and a needless penalty on tribal preparedness funding. Hot shot crews, regardless of their origin or Department, should be charged as suppression resources.

We also ask that Congress direct BIA to charge 638 indirect costs for tribal wildland fire contracts to the BIA indirect cost pool, rather than the preparedness account. This preserves BIA preparedness funding's effectiveness and brings 638 tribal wildland fire contracting activities into congruence with other BIA contracting indirect cost practices.

PREPARED STATEMENT OF THE INDEPENDENT TRIBAL COURTS REVIEW TEAM

Thank you for the opportunity to testify today and address the serious funding needs that have limited and continue to hinder the operations of tribal judicial systems in Indian country. I am the Leader of the Independent Tribal Court Review Team (ITCRT). I am here today to request that this subcommittee increases funding for tribal courts by at least $50 million in fiscal year 2010 and maintain the tribal courts set-aside.

We support an increase in funding for:

—*Hiring and Training of Court Personnel*.—Tribal Courts make do with underpaid staff, underexperienced staff and minimal training. (We have determined that hiring tribal members limits the inclination of staff to move away; a poor excuse to underpay staff.)

—*Salary Increases for Existing Judges and Court Personnel*.—Salaries should be comparable to local and State court personnel to keep pace with the non-tribal judicial systems and be competitive to maintain existing personnel.

—*Tribal Courts Need State-of-the-Art Technology (Software, computers, phone systems, tape recording machines, etc.)*.—Many tribes cannot afford to purchase or

upgrade existing court equipment unless they get a grant. This is accompanied by training expenses and licensing fees which do not last after the grant ends.

—*Security and Security Systems To Protect Court Records and Privacy of Case Information*.—Most tribal courts do not even have a full-time bailiff, much less a state-of-the-art security system that uses locked doors and camera surveillance. This is a tragedy waiting to happen.

—*Tribal Court Code Development*.—Tribes cannot afford legal consultation. A small number of tribes hire on-site staff attorneys. These staff attorneys generally become enmeshed in economic development and code development does not take priority. Tribes make do with underdeveloped codes. The Adam Walsh Act created a hardship for tribes who were forced to develop codes, without funding, or have the State assume jurisdiction. (States have never properly overseen law enforcement in a tribal jurisdiction.)

—*Financial Code Development*.—We have rarely seen tribes with developed financial policies. The process of paying a bond, for example, varies greatly from tribe to tribe. The usual process of who collects it, where it is collected and how much it is, is never consistent among tribes.

Department of the Interior, Bureau of Indian Affairs: More than $100 Million for Increased Law Enforcement

The fiscal year 2010 budget provides increases in law enforcement and detention (which we support as needed and necessary costs for tribes). Individuals get to detention from law enforcement through tribal courts. Tribal courts, located in the Federal budget within law enforcement, need a similar proportionate funding boost and we request that the fiscal year 2010 budget includes a $50 million increase for tribal courts.

For the past 3 years, the ITCRT has been traveling throughout Indian country assessing how tribal courts are operating. During this time, we have completed some 50 court reviews. There is no one with more hands-on experience and knowledge regarding the current status of tribal courts than our review team.

We have come into contact with every imaginable type of tribe; large and small, urban and rural, wealthy, and poor. What we have not come into contact with is any tribe whose court system is operating with financial resources comparable to other local and State jurisdictions.

There are many positive aspects about tribal courts. It is clear that tribal courts and justice systems are vital and important to the communities where they are located. Tribes value and want to be proud of their court systems. Tribes with even modest resources tend to send additional funding to courts before other costs. After decades of existence, many tribal courts, despite minimal funding, have achieved a level of experience and sophistication approaching, and in some cases surpassing, local non-Indian courts.

Tribal courts, through the Indian Child Welfare Act, have mostly stopped the wholesale removal of Indian children from their families. Indian and non-Indian courts have developed formal and informal agreements regarding jurisdiction. Tribal governments have recognized the benefit of having law-trained judges, without doing away with judges who have cultural/traditional experience. Tribal court systems have appellate courts, jury trials, well-cared-for courthouses (even the poorer tribes), and tribal bar listings and fees. Perhaps most importantly, tribes recognize the benefit of an independent judiciary and have taken steps to insulate courts and Judges from political pressure. No longer in Indian country are Judges automatically fired for decisions against the legislature.

Our research indicates tribal courts are at a critical stage in terms of need. Nationwide, there are 156 tribes with courts that receive Federal funding. These tribes divide a mere $11.9 million in Federal funds. It is the strong recommendation of the ITCRT that the Federal tribal courts budget be substantially increased in the President's budget.

Assessments have indicated that the Bureau of Indian Affairs only funds tribal courts at 26 percent of the funding needed to operate. The remainder is funded by the tribes. Tribes who have economic development general subsidize their tribal courts. On the flip side, tribes who cannot afford to assist in the financial operations of the court are tasked with doing the best they can with what they have even at the expense of decreasing or eliminating services elsewhere. This while operating at a disadvantage with already overstrained resources and underserved needs of the tribal members. The assessment suggests that the smaller courts are both the busiest and most underfunded.

We thank this subcommittee for additional funding in fiscal year 2008. These funds were a godsend to tribes. Even minimal increases were put to good use:

—In 2006, a fire destroyed the White Mountain Apache Court. A previously condemned building, it went up like a tinder box. An extra $200,000 bought the White Mountain Apache Tribe a modern digital tape recording machine, a video surveillance security system, a telephone system, new computers, and helped restore a building so the court had somewhere to go. The chief judge even did some of the carpentry work in the two newer courtrooms. That's what additional funding does.

—In Fort Yates and the Standing Rock Sioux Tribe, a tribal official wept when we told her the Tribe would receive an extra $300,000. Law enforcement was increased from 7 to perhaps 30. The court ran every day of the week, including Sunday, to account for the new cases. Law enforcement response time to a phone call for assistance went from 5 hours, if anyone came at all, to 15 minutes. Once again there was law and order in Standing Rock. That's what additional funding does.

The grant funding in the Department of Justice is intended to be temporary, but instead it is used for permanent needs; such as funding a drug court clerk who then is used as a court clerk with drug court duties. When the funding runs out, so does the permanent position. We have witnessed many failed drug courts, failed court management software projects (due to training costs) and incomplete code development projects. When the Justice funding runs out, so does the project.

As a directive from the Office of Management and Budget, our Reviews specifically examined how tribes were using Federal funding. In the last 3 fiscal years (fiscal year 2009 is partial) there was only one isolated incident of a 3 percent questionable expenditure of Federal funds. It is speculated that because of our limited resources, we compromise ones due process and invoke "speedy trials" violations to save tribal courts money. Everyone who is processed through the tribal judicial system is afforded their constitutional civil liberties and civil rights.

We do not wish to leave an entirely negative impression about tribal courts. Tribal courts need an immediate, sustained, and increased level of funding. True. However, there are strong indications that the courts will put such funding to good use.

The Shoshone-Bannock of Fort Hall, Idaho holds court in a condemned building, built in 1888, full of so much mice droppings and bat guano that you cannot use the lower floor. They recently had a building closed because of the threat of Hanta Virus. They have been unable to hire a tribal prosecutor for 2 years because of their remoteness and inability to pay a competitive salary. Still, they operate a court as best they can and dream of the day they will complete their detention center which, after years of waiting, they are paying for themselves. Their need exceeds 100 percent.

The Cheyenne River Sioux Tribe in Eagle Butte, South Dakota (like several other places we have reviewed) is fortunate to have dedicated court clerks who work for salaries below the poverty level, most at less than $10 an hour. Their need exceeds 100 percent.

Turtle Mountain Chippewa Tribe of North Dakota must operate even when the courts' electricity is periodically turned off because they can't pay their light bill. Their need exceeds 100 percent.

There are tribes like the Fort Belknap Tribe of Montana whose chief judge manages both offices and holds court in an old dormitory that can't be used when it rains because water leaks into the building and the mold has consumed one wall. Their need exceeds 100 percent.

And, there are tribes like the isolated Havasupai, located in the bottom of the Grand Canyon. They can only afford a judge 1 day a month. Their computers only work sporadically because of the fine layer of dust that appears to cover everything. They have a single, underpaid clerk, who remains dedicated to her job, even though her employment experience means she could make twice as much working out of the Canyon away from home. When she goes to pick up her children at school, the court must close, because she is the only one there. Their need exceeds 100 percent.

Tribal courts have other serious needs. Tribal appellate court judges are mostly attorneys who dedicate their services for modest fees that barely cover costs for copying and transcription fees. Tribal courts offer jury trials. In many courts, one sustained jury trial will deplete the available budget. The only place to minimize expenses is to fire staff. Many tribal courts have defense advocates. These advocates are generally law trained and do a good job protecting an individual's rights (including assuring speedy trial limitations are not violated.) However, this is a large item in court budgets and if the defense advocate, or prosecutor, should leave, the replacement process is slow.

I come here today to tell Congress these things. We feel it is our duty to come here on behalf of tribes to advocate for better funding. Tribes ask us to tell their stories. They open their files and records to us and say, "We have nothing to hide".

Tell Congress we need better facilities, more law enforcement, more detention facilities, more legal advice, better codes. the list goes on and on. But, as we have indicated, it all involves more funding. This Congress and this new administration can do something great. Put your money where your promises have been.

PREPARED STATEMENT OF THE IZAAK WALTON LEAGUE OF AMERICA

The Izaak Walton League of America appreciates the opportunity to submit testimony concerning appropriations for fiscal year 2010 for various agencies and programs under the jurisdiction of the subcommittee. The League is a national, nonprofit organization founded in 1922. We have nearly 37,000 members and more than 270 community-based chapters nationwide. Our members are committed to advancing common sense policies that safeguard wildlife and habitat, support community-based conservation, and address pressing environmental issues. The following pertains to programs administered primarily by the U.S. Fish and Wildlife Service (USFWS) and the U.S. Environmental Protection Agency (EPA).

DEPARTMENTS OF THE INTERIOR AND AGRICULTURE, LAND AND WATER CONSERVATION FUND

The League is very encouraged by the President's proposal to increase funding for the Land and Water Conservation Fund (LWCF) to approximately $420 million in fiscal year 2010 with the goal of fully funding LWCF programs at $900 million by 2014. The League strongly supports full funding and its members reaffirmed this commitment last year by adopting a resolution during our national convention endorsing this goal. It is important to begin to reinvest in strategic land acquisition to protect critical habitat, provide recreational access, and to buffer against the likely impacts of climate change. The dramatic decline in acquisitions over the past 8 years is particularly acute across the National Wildlife Refuge System (NWRS). An independent analysis last year of NWRS performance by Management Systems International (MSI) determined that the System has been ineffective in strategic land acquisition mainly because of a precipitous drop in requests to buy land. According to MSI, "[T]he number of requested properties to be added to the Refuge System was 53 in fiscal year 2003 and has declined every year since. In fiscal year 2008 only two properties were requested for addition to the NWRS—despite the fiscal year 2007 LAPS priority list being composed of 128 available properties." Acquisition needs are also high across other Federal land management agencies and we encourage the subcommittee to approve the President's request.

DEPARTMENT OF THE INTERIOR, YOUTH EDUCATION AND INVOLVEMENT

We applaud the President for specifically highlighting the value of recruiting a new generation of hunters and anglers. According to data from the USFWS, the number of hunters in America dropped from approximately 14 million to 12.5 million between 1996 and 2006. Many factors affect participation and recent research highlights the essential role that families play in introducing children to hunting. This research confirms that hunters who are active today most commonly first went hunting when they were between the ages of 10 and 12 and nearly all were introduced to hunting by a member of their family. Reversing this downward trend will require a range of strategies, and some of the most important will focus on children and families living in rural, suburban, and urban communities. The League supports the request for $28 million for the USFWS to provide grants to States to support innovative programs designed to recruitment a new generation of hunters and anglers. In addition, we support the request for $1 million in additional funding for the National Fish and Wildlife Foundation (NFWF) to develop public-private partnerships focused on connecting children with nature through hunting, fishing, and other types of wildlife-related outdoor recreation.

FISH AND WILDLIFE SERVICE, NATIONAL WILDLIFE REFUGE SYSTEM

The League joins other members of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 23 wildlife, sporting, conservation, and scientific organizations representing more than 14 million members and supporters, in requesting $514 million for operations and maintenance of the NWRS in fiscal year 2010. We appreciate the subcommittee's leadership in boosting NWRS funding to $462.8 million in the fiscal year 2009 omnibus appropriations bill.

National Wildlife Refuges across the country provide some of the most important habitat for fish, wildlife, and waterfowl. In addition, they offer incredible recreational opportunities for hunters, anglers, birdwatchers, and countless others who

enjoy the outdoors. Furthermore, refuges contribute to local and regional economies generating $1.7 billion in sales and supporting 27,000 private-sector jobs. In spite of these and other benefits, funding for essential refuge operations and maintenance has not kept pace with inflation and pressing environmental, conservation, and law enforcement challenges. Today, the NWRS has a $3.5 billion backlog in basic operations and maintenance projects. Although funding provided in the American Recovery and Reinvestment Act will support near-term maintenance projects on Refuges, additional and sustained investment is necessary over the long term to significantly reduce this backlog.

Moreover, the NWRS has essential daily operations needs that can only be addressed with additional budget resources. For example, the MSI evaluation concluded that "[A]t many refuges, law enforcement coverage is insufficient to ensure protection of resources and the safety of visitors and refuge staff." This analysis recommended that the system double the number of law enforcement staff from 200 to "at least 400 full-time officers." Moreover, the analysis tied the law enforcement problem directly to funding stating: "[I]t is highly unlikely that any meaningful progress towards improving the Refuge System's law enforcement capability (will occur) under current and expected budget allocation levels."

We are encouraged by the administration's request for $483.3 million for fiscal year 2010. Although this a positive step, we are concerned that this amount falls short of what the NWRS needs annually and over the long term. For example, although MSI gave the USFWS an ineffective rating for Refuge law enforcement, the budget request in this critically important area is relatively flat. In addition, the USFWS estimates that the NWRS requires at least additional $15 million annually simply to keep pace with inflation. However, it does not appear that the budget provides even half of this minimum threshold when one considers that at least $14 million of the $20 million proposed increase is committed to climate change and youth engagement. Although these are important, some NWRS functions will suffer if funding does not at least keep pace with inflation. Providing $514 million in fiscal year 2010 will ensure that NWRS can provide quality visitor services and effectively manage critical habitat. In addition, this would be a critical first step toward achieving CARE's goal of fully funding the annual operations and maintenance needs of the NWRS by 2013.

FISH AND WILDLIFE SERVICE, STATE WILDLIFE GRANTS

As a member of the Teaming with Wildlife National Steering Committee, the League urges the subcommittee to approve the President's request for $115 million for State Wildlife Grants in fiscal year 2010. We also support his request for $40 million for climate change grants. The debate on comprehensive climate and energy legislation highlights the impacts of a warming climate on fish and wildlife and the importance of investing in adaptation and habitat conservation. States will be at the forefront of this effort based on their responsibility to manage fish and wildlife. This funding will allow them to update wildlife action plans to better account for and proactively respond to these impacts.

ENVIRONMENTAL PROTECTION AGENCY, CLEAN WATER STATE REVOLVING FUND

The League appreciates the steps the subcommittee took to provide $689 million for the Clean Water State Revolving Fund (SRF) in the fiscal year 2009 omnibus appropriations bill. We support the President's request for $2.4 billion for the Clean Water SRF next fiscal year. Nationwide, broken sewer pipes and overflows spill more than 1 trillion gallons of untreated sewage into our waterways every year costing more than $50 billion for cleanup. These overflows pose serious risks to wildlife and human health. The SRF is a highly successful program that provides the funds needed to stop sewage contamination. However, the EPA's Clean Water and Drinking Water Infrastructure Gap Analysis found a $535 billion gap between current spending and projected needs for drinking water and wastewater infrastructure over the next 20 years. An investment of $2.4 billion in the Clean Water SRF would improve water quality, protect public health, and provide jobs across the country.

ENVIRONMENTAL PROTECTION AGENCY, GREAT LAKES RESTORATION

The League is also very encouraged by and supportive of the President's proposal to develop a new $475 million initiative to protect and restore the Great Lakes. This proposal represents a national—not simply regional—investment. The Great Lakes contain more than 80 percent of the surface fresh water in the United States and more than one-tenth of the country's total population lives in the region. Although significant economic challenges confront the area, it continues to be the center of

manufacturing in this country and supports national and world-class recreational opportunities which also generate billions of dollars in economic activity.

The President's proposal strategically targets some of the most persistent and pressing natural resource, environmental, and public health issues facing the Great Lakes. For example, the proposal would direct nearly one-third of funds to address toxic substances and areas of concern. Heavy metals and other toxics are dangerous pollutants throughout the region and are especially concentrated in contaminated sediments. The EPA, States, and localities have identified specific areas of concern and new funding could be quickly directed to remediation. This proposal also focuses on other key threats, including invasive species and nonpoint source pollution. Moreover, the proposal is proactive in terms of restoring and improving native species, habitat, and aquatic ecosystems.

The States that border the Lakes and many nongovernmental organizations have invested significant resources to preserve these national treasures; however, additional Federal investment is needed or the problems will only get worse and cost even more to fix. The President is proposing to make a significant investment as the first step in a long-term effort to restore the Great Lakes ecosystem. The League urges the subcommittee to fully fund this important initiative.

ENVIRONMENTAL PROTECTION AGENCY, NON-POINT SOURCE MANAGEMENT PROGRAM (CLEAN WATER ACT SECTION 319)

We join American Rivers in urging the subcommittee to appropriate $250 million for section 319, the Non-point Source Management Program. The fiscal year 2009 omnibus appropriations bill provides approximately $201 million, which is also equal to the administration's fiscal year 2010 request. This program provides grants to States, territories, and tribes for nonpoint source pollution reduction activities. States report that nonpoint source pollution is the leading cause of water quality problems, including harmful effects on drinking water supplies, recreation, fisheries, and wildlife.

ENVIRONMENTAL PROTECTION AGENCY, CHESAPEAKE BAY PROGRAM

The League commends the subcommittee for appropriating $31 million for the Chesapeake Bay Program in fiscal year 2009 omnibus bill. We join the Chesapeake Bay Foundation in requesting $40 million for fiscal year 2010, including $5 million for Small Watershed Grants. We appreciate the administration's request for $35.1 million for fiscal year 2010.

The Chesapeake Bay is the largest estuary on the Atlantic coast and one of the largest in the world. EPA's Chesapeake Bay Program Office (CBPO) is the primary facilitator of restoration activities by partners throughout the watershed. Although the Chesapeake Bay Program has made significant progress toward pollution reduction, habitat restoration, fisheries management, and watershed protection goals, much more work is needed to restore the Bay. For example, habitat restoration efforts are collectively less than half way to Program goals and there is concern about the overall quality of habitats that remain. Achieving these goals will require participation from citizen groups and local governments. The Chesapeake Bay Program supports stakeholder involvement through the Chesapeake Bay Small Watershed Grants. In the past 9 years, the Small Watershed Grants Program has provided $17.7 million to support 544 water quality improvement and wildlife habitat restoration projects. These grants have been used by recipients to leverage an additional $50.7 million from other funding sources. The League supports maintaining the investment in the Program Office with particular emphasis on boosting support for Small Watershed Grants.

PREPARED STATEMENT OF JOHN K. MOORE

This testimony addresses three topics:

—support for fiscal year 2010 Land and Water Conservation Fund (LWCF) appropriations for Tahoe and Eldorado National Forests;

—serious concerns about proposed purchases of low-value lands with future LWCF appropriations; and

—serious concerns about logging of parcels that have been optioned for future purchase with LWCF appropriations.

I have campaigned for more than 30 years for LWCF appropriations for acquisition of private lands valuable for wildlife habitat and recreation in national forests in the Sierra Nevada.

These campaigns have enjoyed numerous successes, among them acquisitions in Hope Valley, around Castle Peak in Tahoe National Forest, on the Pacific Crest Trail, and along the North Fork American Wild River. The support of LWCF appropriations by Senate appropriations subcommittees has played a major role in these successes.

SUPPORT FOR FISCAL YEAR 2010 LWCF APPROPRIATIONS

The checkerboard ownership pattern in the Sierra Nevada is one of the most significant challenges facing Forest Service (USFS) land management. Incompatible uses on private parcels interspersed with public lands would degrade wildlife habitat, water quality, recreational access, and scenic views on the public lands and would complicate forest management and fire control. Disruption of north-south habitat connectivity, essential to wildlife migration in the Sierra Nevada, will have much more serious effects as climate change significantly shifts wildlife habitats. For these reasons, USFS has made consolidation of public ownership in checkerboard areas an acquisition priority in California.

Of the lands proposed for acquisition with LWCF appropriations in the immediate future, lands around Castle Peak and along the Middle Fork Yuba and North Yuba Rivers should have the highest priority.

CASTLE PEAK LANDS

Two parcels at the north end of the Castle Peaks Proposed Wilderness are our highest priority for acquisition. These parcels are crucial to the integrity of the wilderness proposal. One of the parcels connects to a pristine section of red fir forest that has never been logged and also protects a tributary to the Little Truckee River, eligible for wild and scenic designation, which is being restored. Acquisition of the other parcel would make the proposed wilderness boundary west of Mount Lola more logical and defensible.

In addition, there are three other parcels southwest of Castle Peak that adjoin or are within the original Castle Peak Roadless Area. Acquisition of these parcels would help consolidate USFS management of lands around Castle Peak valuable for wildlife habitat and recreation.

MIDDLE YUBA RIVER LANDS

These lands are in 12 miles of the canyon of the Middle Yuba River, a deep rugged canyon that includes three sheer-walled inner box canyons. The 12 miles are part of the stretch of the Middle Yuba whose exceptional scenic qualities make it eligible for inclusion in the Wild and Scenic River System.

The canyon is a critical wildlife corridor in which bald eagles, northern goshawks, and spotted owls occur. National forest lands in the canyon are managed to benefit habitat for marten and Pacific fisher.

Acquisition of the available Middle Yuba River lands would significantly increase and consolidate public ownership within the canyon, facilitating coordinated management to preserve the canyon's important wildlife habitat, watershed, and wild river values. Protecting these parcels will help ensure public access, critical habitat protection, and water protection in the Sierra Nevada.

NORTH FORK YUBA RIVER LANDS

Indian Valley in the scenic canyon of the North Yuba River would be a very attractive location for a Tahoe National Forest campground. The North Yuba Canyon, traversed by Highway 49, is a heavily visited recreational area. USFS has had a long-standing interest in acquiring Indian Valley for a campground. Acquisition of this land would be very consistent with the purposes of the LWCF.

SERIOUS CONCERNS ABOUT PROPOSED PURCHASES OF LOW-VALUE LANDS

There are many thousands of acres of private lands valuable for wildlife habitat and recreation still to be acquired in Tahoe and Eldorado National Forests. Acquisition of a significant proportion of these lands will take many years.

All the lands in Tahoe and Eldorado National Forests purchased with LWCF appropriations since 2001 have been lands owned by Sierra Pacific Industries (SPI) which are under option to The Trust for Public Land. Purchasing the remaining lands under option is likely to require several more years of appropriations.

Some of the remaining lands under option are of such low value that purchasing them would not be consistent with the purposes of the LWCF. I am very concerned about the proposed use of millions of dollars of LWCF appropriations to acquire these low-value lands. These lands compare very unfavorably with the more valu-

able lands in Tahoe National Forest previously acquired with LWCF appropriations. Expending LWCF appropriations on low-value lands reduces the funds available for saving more valuable lands.

Low-value lands have been optioned because TPL made the very unwise decision in 2001 to sign an option which included them. TPL did not investigate the merits of the lands and did not ask the advice of environmentalists familiar with the lands before signing the option. As far as I know, TPL did not ask USFS if acquiring the optioned lands was consistent with USFS acquisition priorities before announcing the option.

There are two categories of low-value lands under option: lands degraded by intensive timber management and roads, and scattered parcels whose acquisition would not help preserve areas with exceptional values.

Thousands of acres of the remaining optioned lands have been significantly modified by intensive timber management and the roads required for management. Timber management has degraded the wildlife habitat and recreational values of these lands, compared to less-modified forest. Future management of these lands would require substantial expenditures by USFS for reforestation and maintenance and possible closure of roads. Acquisition of significantly modified lands may be justified to consolidate ownership in mostly unmodified areas with exceptional values, but not otherwise.

LWCF appropriations are best expended for lands that consolidate ownership in areas with exceptional values, such as the Castle Peak and Middle Yuba areas. The remaining optioned lands include many scattered parcels in areas without exceptional values. In some cases public ownership would still be significantly fragmented after the optioned scattered parcels are acquired. Purchase of scattered parcels in areas without exceptional values is not consistent with the purposes of the LWCF.

Maps showing the lands degraded by intensive timber management and roads and the low-value scattered parcels will be supplied on request.

SERIOUS CONCERNS ABOUT LOGGING OF LANDS UNDER OPTION

The option agreement allows Sierra Pacific Industries to harvest timber from the optioned lands. Since the option was signed, Sierra Pacific Industries has harvested timber or has obtained permits to harvest timber from several thousand acres of optioned lands. Timber has been harvested more than once from some areas. Harvesting timber from the optioned lands degrades the values of the lands which are cited to justify the purchases. Permitting timber harvesting on the optioned lands is a very serious defect in the option.

Announcements celebrating the signing of the option emphasized that the optioned lands were more valuable for nontimber uses then for timber. The permitted timber harvesting flatly contradicts these much-publicized announcements. Has the Appropriations Committee been aware that the option allows harvesting of timber from optioned lands?

RESPONDING TO THE SERIOUS CONCERNS

I urge you to consider these serious concerns about acquisition of low-value lands and logging of lands under option when appropriating LWCF funds for fiscal year 2010 and subsequent fiscal years. In addition, The Trust for Public Land and the USFS should be informed of these concerns.

PREPARED STATEMENT OF THE JAMESTOWN S'KLALLAM TRIBE

On behalf of the Jamestown S'Klallam Tribe, I want to thank this subcommittee for the opportunity to submit this written testimony on our funding priorities and requests on the fiscal year 2010 Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) budgets. We have long appreciated this subcommittee's support of our funding requests.

TRIBAL-SPECIFIC APPROPRIATION PRIORITIES

$1.46 million for land purchase for Tamanowas Rock Sanctuary Project; a $200,000 increase to BIA tribal base budget for fish and wildlife management; and $10.92 million to support construction of a medical clinic serving Medicare/Medicaid and other low-income clients.

LOCAL/REGIONAL REQUESTS AND RECOMMENDATIONS

We support all requests and recommendations of:

—Affiliated Tribes of Northwest Indians;

—Northwest Indian Fisheries Commission (NWIFC); and
—Northwest Portland Area Indian Health Board.

NATIONAL REQUESTS AND RECOMMENDATIONS

BIA Requests

Provide $25 million general increase to BIA Tribal Priority Allocation (TPA) for inflationary and fixed costs and provide a $57 million increase for BIA Contract Support Cost (CSC), including direct CSC.

IHS Requests

Provide $470 million for IHS mandatory, inflation, and population growth increase to maintain existing healthcare services; $152 million increase for Contract Health Services (CHS); $143 million increase for IHS to fully fund CSC, including direct CSC; and a $5 million increase to the IHS Office of Tribal Self-Governance (OTSG).

We support all requests and recommendations of the National Congress of American Indians (NCAI) and National Indian Health Board (NIHB).

TRIBAL-SPECIFIC APPROPRIATION JUSTIFICATION

$1.46 Million Land Purchase for Tamanowas Rock Sanctuary Project

The purpose of the project is to preserve tribal cultural and ceremonial access to an important archaeological site of the S'Klallam American Indian people. Tamanowas Rock, located in eastern Jefferson County on the Olympic Peninsula of Washington State, is of great cultural and spiritual significance to the tribes in the region, and also holds special significance for the local non-Indian community. As a geological formation, the estimated age of the rock is 43 million years. More importantly, the oral history associated with the rock among the local tribes includes the era of the mastodons (extinct for 8,000 years), when it was used as a perch by tribal hunters and a story of a great flood (assumed to be a tsunami from around 3,000 years ago) when people tied themselves to the rock to avoid being swept away.

In 1976, the rock was listed in the Washington Heritage Register as having significant archaeological interest. The tribes and local community have been working for more than 10 years to try to protect the property where the rock is located from development. In February 2005, the Jamestown S'Klallam Tribe, acting on behalf of all the S'Klallam Tribes, obtained loans to purchase a 20-acre parcel and a group of platted properties totaling 66.32 acres (if dedicated roads are vacated, the acreage is closer to 100 acres for the platted properties). This property was in imminent threat of development in the vicinity of the rock. The local community and the tribes now seek funds to purchase the land temporarily secured by the loan and purchase the remaining 80 acres directly surrounding Tamanowas Rock, all of which would be protected in perpetuity.

$200,000 Increase to BIA Tribal Base Budget for Fish and Wildlife Management

The U.S. Government formally recognized the Jamestown S'Klallam Tribe in 1981. Jamestown is one of four tribes that signed the Point No Point Treaty with the U.S. Government in 1855. The BIA began contracting with the tribe to provide fisheries management services. The Point No Point Treaty Council (PNPTC) was serving as the fisheries management agency for the other Klallam and Skokomish Tribes. In its efforts to contract with Jamestown for basic fisheries management services, the BIA decided to provide only enough funding to slightly expand PNPTC rather than providing funding of sufficient quantity for Jamestown to operate a fisheries program of the same size as the other three tribes. Following the implementation of the Self-Governance Initiative, the distribution of contracted funds to each PNPTC member tribe was based on funding history, thus Jamestown received a significantly smaller portion of the PNPTC base funding than received by the other three tribes. The Jam

$10.92 Million To Support Construction of a Medical Clinic Serving Medicare/Medicaid and Other Low-income Clients

The Sequim and Port Angeles areas of Clallam County are designated a Primary Care Health Professional Shortage Area due to the low-income and Medicaid population and the lack of access that these populations have to medical and dental care. The tribe, in order to afford quality healthcare for its members, serves a large non-Indian population of underserved individuals and families who cannot reasonably find care elsewhere. Unlike many other tribes, the Jamestown S'Klallam Tribe does not receive direct care funding from IHS to support the operation of its medical clinic. Making medical clinic services available to an underserved group of non-Indians

provides enough income and patient base to operate a medical clinic. Profit from clinic operations is used to fund health services for tribal citizens and to make up the shortfall in IHS funds to fulfill Federal treaty obligations.

The tribe is proposing to construct a 35,407 square-foot healthcare clinic and 94-vehicle parking area. The clinic will serve both tribal members and nontribal members. The primary purpose of this project is to respond to a documented need to provide health and wellness services to the residents of Sequim, Clallam County, and to low- and moderate-income people of the surrounding communities. The project will be located on 2.5 acres of land as part of the Olympic Medical Clinic Campus in Sequim, Washington.

LOCAL/REGIONAL REQUESTS AND RECOMMENDATIONS

The Jamestown S'Klallam Tribe is a direct beneficiary of the collective tribal efforts and continues to support the requests and recommendations of the Affiliated Tribes of Northwest Indians, Northwest Portland Area Indian Health Board, and the NWIFC.

NATIONAL REQUESTS AND PRIORITIES

BIA Requests

Historically, the discretionary funding levels for programs intended to assist Native Americans through the BIA has fallen dangerously short. Native Americans living on tribal lands do not have access to the same services and programs available to other Americans, even though the Government has a binding trust obligation to provide these services. In fact, the Congressional Research Service found that between 1975 and 2000, funding for the BIA and the Office of Special Trustee declined by $6 million yearly when adjusted for inflation. Furthermore, between fiscal year 2004 and fiscal year 2007 the BIA budget fell significantly from $2.8 billion to $2.2 billion. Funding cuts and the reallocation of funds for nontribal use increased the level of unmet need in Indian country.

Provide $25 million (10 percent increase more than fiscal year 2009) for general increase to BIA TPA for inflationary and fixed costs.

TPA is one of the most important funding areas for tribal governments. It covers such needs as economic development, general assistance, and natural resource management. Since tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, they are the main resource for tribes to exercise their powers of self-governance. However, from 1998 through 2004, BIA's funding for TPAs declined from 42 percent of BIA's budget to only 33.3 percent. In 2000, TPA funding was so inadequate that the estimated need was $2.8 billion. According to the budget statistics compiled by the NCAI, inadequate TPA funding reaches back two decades and has prevented tribes from exercising self-governance.

—Provide $57 million Increase for BIA to fully fund CSC, including direct CSC

The BIA estimates that the fiscal year 2007 CSC shortfall was approximately $54 million ($143 million in CSC appropriations versus $197 million in allowable CSC need). Additionally, $3 million is needed annually for administrative costs for new and expanded programs (Indian Self-Determination Fund). The lack of CSC dollars diminishes the administrative capacity of Indian tribes to deliver quality programs and services to our citizens. The Tribal administrative personnel hired with CSC dollars help ensure accountability and transparency in our administration of Federal programs. The Indian Self-Determination and Education Assistance Act, Public Law 93–638, mandates that Indian tribes be paid these costs. There is no other Government contractor that is forced to subsidize Federal contracts.

IHS Requests

The President's proposed increase for the IHS is projected to be $415 million more than the fiscal year 2009 enacted level. Until the full budget details become available, the effect of the President's proposal cannot be fully evaluated.

Provide $470 million for IHS mandatory, inflation, and population growth increase to maintain existing healthcare services. Mandatory costs increases are necessary to maintain the current level of services. These "mandatories" are unavoidable and include medical and general inflation, pay costs, and population growth.

Provide $152 million increase for CHS. A $152 million increase is needed for contract health funding. This level will allow those tribes who are not served by an IHS hospital to provide healthcare services at the same level as those tribes who are served by an IHS hospital.

Provide $143 million for IHS to fully fund CSC, including direct CSC. On March 1, 2005, the U.S. Supreme Court issued a unanimous decision in *Cherokee Nation and Shoshone-Paiute Tribes* v. *Leavitt* lawsuit, which powerfully reaffirms the en-

forceability of Government contracts between Indian tribes and agencies such as IHS and BIA. The Court's ruling compels corrective action from Congress, where historically insufficient funds have been appropriated to pay Government contracts with tribes, while all other Government contracts are fully paid (through supplemental appropriations, if necessary).

Increase $5 million to the IHS OTSG. In 2003, Congress reduced funding for this office by $4.5 million, a loss of 43 percent from the previous year. In each subsequent year, this budget was further reduced due to the applied congressional rescissions. There are more than 330 self-governance tribes with funding totaling $1 billion; this is 57 percent of all federally recognized tribes and 33 percent of the overall IHS funding. Tribes continue to enter into SG resulting in a need for additional OTSG staffing.

Support all requests and recommendations of the NCAI and NIHB.

—The leadership of the Jamestown S'Klallam Tribe remains actively involved in both NCAI and NIHB and has participated in numerous national forums to discuss and prioritize program funding and budgets. We are extremely supportive of the requests from these organizations.

PREPARED STATEMENT OF THE KERN COUNTY VALLEY FLOOR HABITAT CONSERVATION PLAN INDUSTRY AND GOVERNMENT; WESTERN STATES PETROLEUM ASSOCIATION; INDEPENDENT OIL PRODUCERS ASSOCIATION; OCCIDENTAL OF ELK HILLS, INC.; AND BUENA VISTA WATER STORAGE DISTRICT

Madam Chairman and members of the subcommittee: On behalf of the California Industry and Government Coalition for the Kern County Valley Floor Habitat Conservation Plan (KCVFHCP), we are pleased to submit this statement for the record in support of our funding request for the Interior appropriations bill for fiscal year 2010.

First, the Coalition supports the President's budget request for the Department of the Interior's Cooperative Endangered Species Conservation Fund, especially funding for Habitat Conservation Plan (HCP) land acquisition.

Second, the Coalition urges the subcommittee to appropriate additional funding for land acquisition above the funding requested by the President. The additional funding requested by the Coalition anticipates that $1 million will be needed by the Kern County program to be used for purposes of acquiring and maintaining habitat preserves.

The Coalition's request is supported by the timely need to implement the KCVFHCP. The County's local oil and gas production industry and Water Districts have contributed more than $550,000 to the development of this program. In 1997, the U.S. Fish and Wildlife Service (FWS) allocated $500,000 of Federal Endangered Species Act section 6 funds to assist in program implementation. The California State Government has authorized $1 million to augment the Federal funds. In order to secure the $3 million total necessary to assist in the implementation of the plan, we will require $1 million for fiscal year 2010 and $500,000 for fiscal year 2011.

The Coalition requests that the subcommittee appropriate the maximum possible amount for this program, so that the funding pool can accommodate our request and need. We are confident that the plan's merits and urgency support this request.

Kern County's program is unique from other regions in the Nation in that it contains some of the highest concentrations of plant and animal species protected by the Endangered Species Act (ESA) within the continental United States. The region is occupied by 11 wildlife species and 14 plant species covered as threatened or endangered under the program. The potential for conflict with the Federal ESA is great in Kern County because of the extensive oil and gas production activities, water conveyance efforts and the urbanization that is occurring. Since Kern County is the top oil producing county in the Nation and experiencing rapid urban growth, potential conflicts with the ESA and their resolution through a proactive conservation program has significant national importance.

In recognition of the conflicts posed to economic growth by Federal and State endangered species laws, a joint agency Memorandum of Understanding was entered into by FWS, Bureau of Land Management, California Energy Commission, California Division of Oil and Gas and Geothermal Resources, California Department of Fish and Game, and Kern County. The participating agencies agreed to develop a unified conservation strategy with the goal of providing a streamlined and consistent process of complying with State and Federal endangered species laws, yet at the same time allow important industry activities such as oil and gas, water conveyance, and other industry activities to continue.

Preparation of the KCVFHCP began in 1989 and involved a number of Federal, State, and local government agencies, as well as the oil and gas industry, agricultural interests, utilities, and environmental groups.

Kern County's Valley Floor Habitat Conservation Plan is one of the largest and most diverse endangered species conservation programs under development in the Nation encompassing more than 3,110 square miles. The program represents a departure from traditional endangered species conservation programs which utilize prohibitory controls to assure conservation of species habitat. Instead, it is based on an incentive-based system of selling or trading habitat credits in an open market. This innovative approach, for the first time, provides landowners with real incentives and more importantly, the ability to choose how best to manage their own private property. The KCVFHCP is in the final stages of preparation. The HCP document is completed. An environmental impact statement is being prepared for public review in the near future. Final approval will occur in 2010.

Numerous agencies, in concert with the State of California and local government entities, as well as the private oil and gas industry have contributed funding, time and other resources toward developing the KCVFHCP. The KCVFHCP program will be completed in 2010, provided there is the necessary Federal funding for the acquisition of habitat to mitigate for oil and gas operations and development. Additional funding is critical to completing the HCP. This is one of the final steps necessary to implement the conservation strategy. Because of the extensive private, local, and State government financial support that went into the development of this program, Federal participation in program implementation will demonstrate that the burden of ESA compliance is not being placed exclusively on private property owners. Program funding will also contribute to eventual species recovery.

PROGRAM FUNDING NEEDS

In order for the KCVFHCP to be implemented, the program requires funding in the amount of $1.5 million (augments the $1.5 million in State and Federal funding received in 1997) that could be funded in increments over the first 2 years of the program. The purpose of this funding is described as follows:

Oil Development Issue

A mitigation strategy has been devised that is intended to acknowledge existing oil field activities within Kern County. The strategy proposes to acquire 3,000 acres of endangered species habitat to mitigate for species loss resulting from oil field development outside of established oil field production areas, but within proximity of those areas. This is to allow for reasonable expansion of oil field activities over the life of the HCP program. The program strategy allocates $3 million for acquisition and perpetual maintenance of species reserve areas. With this type of strategy, oil field expansion activities would be provided for in the program. This strategy would be of great benefit to the small independent oil and gas companies within the program area.

Urban Development/County Infrastructure Issue

The conservation program includes an Urban Development/County Infrastructure mitigation strategy that mitigates for species habitat loss through the use of an incentive-based system of selling or trading habitat credits in an open market. This innovative program will add market value to land that is needed by project proponents to comply with endangered species laws which will encourage the owners of such properties to offer lands for the benefit of species conservation. Protected species of plants and animals will benefit from a program that promotes private property owners to conserve permanent habitat preserves consistent with the objectives of the ESA.

Water District Activity Issue

A Water District Strategy is included in the program to address Covered Species protection due to the construction of new facilities and the operation and maintenance of existing water management and conveyance facilities. The Covered Species will benefit from reduced and less intrusive operation and maintenance measures than have been conducted historically due to concerns for conflicts with endangered species laws.

Federal Funding Support will Augment Local Government and Private Industry Efforts to Comply with the Endangered Species Act

The $1.5 million required for the oil field strategy would help contribute to satisfying the program's endangered species conservation goals, while also providing for continued economic growth of Kern County's oil and urban development activities.

Protected species would benefit from a comprehensive long-term program that promotes the creation of permanent habitat preserves.

Numerous private businesses, in concert with the State of California and local government entities, are attempting to do their part, and we come to the appropriations process to request assistance in obtaining a fair Federal share of financial support for this important effort. This unique cooperative partnership involving State and local government, as well as private industry, has contributed substantial funds to date, to assist in the development of this program.

The California Industry and Government Coalition appreciates the subcommittee's consideration of this request for a fiscal year 2010 appropriation to support implementation of this significant program.

PREPARED STATEMENT OF THE KEWEENAW LAND TRUST

Madam Chairman and honorable members of the subcommittee: I thank you for this opportunity to present testimony in support of the acquisition of a 1,258-acre property at Prickett Lake in the Ottawa National Forest (NF) in Michigan. An appropriation of $2.8 million from the Land and Water Conservation Fund (LWCF) is needed for the U.S. Forest Service (USFS) to protect this important property.

I also respectfully request a substantial increase in overall funding for the LWCF, specifically urging the subcommittee to provide $325 million for the Federal LWCF in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill. I applaud the LWCF funding increases provided by this subcommittee in fiscal year 2009. And, we are most thankful that the Obama administration budget recognizes the importance of these programs by proposing significant increases for fiscal year 2010 and setting a goal to achieve full funding of the LWCF in the next 5 years.

The LWCF is our Nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units, and other Federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the Nation. Public lands provide innumerable social and economic benefits including enhanced quality of life, healthy lifestyle opportunities, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and expanses of habitat supporting wildlife and fisheries and their capacity to adapt to climate change. We urge you to renew this wise investment in America's natural heritage and take steps to toward full and consistent funding of these vital programs.

The Ottawa NF is located within the formerly glaciated landscape of Michigan's Upper Peninsula, with hundreds of lakes and tributaries across nearly 1 million acres. The forest, which is defined by Lake Superior to the north, offers a remote sense of solitude that is unique to the Upper Midwest. A core value of the forest is its many diverse ecosystems, and is known in particular for hardwood forests, bountiful streams, rivers, lakes, spectacular fall foliage, and heavy winter snowfall. The forest offers a wide variety of outdoor recreation opportunities and provides habitat for deer, fox, snowshoe hares, bald eagles, loons, wolves, bears, and other wildlife.

Located within the Ontonagon Ranger District of the Ottawa NF and within a semi-primitive motorized area, the Prickett Lake property has been selected as the highest-ranked acquisition within the eastern region of the USFS. Prickett Lake immediately adjoins the Sturgeon River Gorge Wilderness, which was designated by Congress in 1987 and is approximately 14,000 acres in size. Among its outstanding attributes, the Wilderness includes the spectacular Sturgeon River Gorge—a distinctive landform and unique geologic feature unlike anything else in the United States and the deepest canyon in the State of Michigan. Congress designated the Sturgeon River part of the national wild and scenic river system in 1992 and it is considered a national treasure by many. In 2008, the Ottawa NF acquired a 2,000-acre inholding of the Sturgeon River Gorge that includes 6 miles of the Wild and Scenic River corridor upstream of Prickett Lake.

Previously owned by the Upper Peninsula Power Company, the entire property lies within the boundary of the Ottawa NF and surrounds Prickett Lake, which was created as part of a hydroelectric facility on the Sturgeon River. Upstream and downstream of Prickett Lake are designated sections of the Wild and Scenic Sturgeon River, which flows directly into Lake Superior. This property is located in the northeast corner of the Ottawa NF in Baraga and Houghton Counties. The North Country National Scenic Trail runs right through the property, enhancing recreational access for visitors.

The wilderness on the southern edge of Prickett Lake hosts a diverse range of wildlife habitat supporting gray wolves, Canada lynx, ruffed grouse, bald eagles, minks, woodcocks, foxes, black bears, white-tailed deer, and a variety of fish. Approximately half of this tract contains wetlands or riparian areas. Prickett Lake is upstream to one of the last remaining productive spawning areas for lake sturgeon in the Lake Superior watershed. This area's pristine water quality helps protect the overall health of the Sturgeon River watershed.

An immediate and short-lived opportunity exists this year to acquire the 1,258 acre Prickett Lake property. As both the Michigan Department of Natural Resources and the Ottawa NF have recently acquired acreage upstream, the opportunity to add additional acreage in the watershed via conservation of Prickett Lake represents a tremendous opportunity to further enhance the previous conservation successes. If the Prickett Lake property were sold for fragmented ownerships, the Sturgeon River Gorge Wilderness would be irreparably harmed and its wilderness character lost forever. Being entirely surrounded by USFS lands, acquisition of the Prickett Lake Property by the Ottawa NF will yield effective and consistent oversight and management of the larger holding and benefit the entire Sturgeon River watershed.

An appropriation of $2.8 million from the Land and Water Conservation Fund in fiscal year 2010 is critical and necessary for the immediate protection of the 1,258-acre Prickett Lake property, ensuring the integrity of the wilderness experience and the protection of a truly superb and unique natural resource area.

Thank you, Madam Chairman, for the opportunity to present this testimony in support of this critical forest and lake protection project in Michigan.

PREPARED STATEMENT OF THE LEAGUE OF AMERICAN ORCHESTRAS

The League of American Orchestras urges the subcommittee to approve fiscal year 2010 funding for the National Endowment for the Arts (NEA) at a level of $200 million. Congressional support for the NEA has strengthened in recent years, evidenced by meaningful funding increases, particularly in fiscal year 2008 when Congress approved a $20.3 million restoration of NEA funds and in fiscal year 2009 when Congress approved a $10.3 million increase. Still, the NEA has yet to recover from a 40 percent budget cut in fiscal year 1996 and the current level of funding for the NEA is still well below the 1992 appropriation of $176 million.

Founded in 1942, the League of American Orchestras is the national service organization for symphony, chamber, youth, and collegiate orchestras. Orchestras exist in all 50 States, in virtually every community. We estimate that there are approximately 1,800 orchestras in the United States, with annual budgets ranging from less than $12,000 to more than $83 million. Orchestras in this country are supported by a network of citizens that sustain the presence of music in their communities—instrumentalists, conductors, managers, board members, volunteers, staff members, and business partners.

As a Nation we have long turned to the arts for their unique capacity to offer comfort in times of distress, to provide meaning amidst uncertainty, to spark unity during conflict, and to mark many of our most historically significant moments. America's orchestras give voice to the creativity of individuals, the composer, and the listener; and they serve their communities through education, partnerships, community engagement, and by bringing people together to share the experience of music. Direct funding from the NEA is just one element of Federal leadership that supports the presence of orchestras in communities nationwide. More than 40 years of support from the NEA has increased the capacity of orchestras to serve and strengthen communities across our country.

A significant increase in funding will expand the NEA's ability to serve the American public through grants supporting and promoting the creation, preservation, and presentation of the arts in America through the NEA's core programs—Access to Artistic Excellence, Challenge America: Reaching Every Community, Learning in the Arts for Children and Youth, and Federal/State partnerships—and through important national initiatives.

In fiscal year 2009, the NEA's Grants to Organizations included 119 grants to orchestras and the communities they serve, supporting arts education for children and adults, preserving great classical works, fostering the creative endeavors of contemporary classical musicians, composers, and conductors, and expanding public access to performances.

NEA FUNDING LEADS TO INCREASED PUBLIC ACCESS TO THE ARTS

The NEA, together with the arts organizations that receive Federal support, is committed to improving public access to the arts. NEA grants reach every congressional district in the country. Grants awarded to orchestras through the Access to Artistic Excellence program support educational activities, concerts, festivals, professional development, and residencies in communities across the country. With Federal support, orchestras are extending the reach of their activities beyond their home cities, bringing music to communities in surrounding towns and regions. The Milwaukee Symphony Orchestra, Omaha Symphony, and West Virginia Symphony Orchestra, for example, each received Access to Artistic Excellence, Part Two grants to support statewide programs that will allow them to reach communities across Wisconsin, Nebraska, and West Virginia, respectively.

In addition to the Access to Artistic Excellence program, the Challenge America: Reaching Every Community Fast-Track Review Grants offer support to small- and mid-sized organizations for projects that extend the reach of the arts to underserved populations. These communities do not frequently have the opportunity to experience the arts due to limitations of geography, ethnicity, economics, or disability. The Richmond Philharmonic is a Challenge America grant recipient, which received assistance to help run the "Discover the Orchestra" program, featuring cellist Andre Gaskins, which targets inner-city residents. Another Challenge America grant recipient utilizing NEA funds to broaden access to the arts is the Williamsport Symphony Orchestra, which produced a concert performance, master classes for college students, a pre-concert demonstration for middle school students, and a workshop for low-income families, all featuring percussionist Lisa Pegher.

NEA-FUNDED ARTS PROGRAMS NURTURE DIVERSITY AND MULTICULTURAL AWARENESS

Americans enjoy a rich and diverse cultural heritage in the arts, and NEA grants to orchestras allow for creative expression to overcome cultural divides in order to help improve our ability to understand and honor our history. The arts wonderfully showcase the diversity of our society and provide a vehicle to engage and connect with audiences across our country. Orchestras such as the Atlanta Symphony and Chicago Sinfonietta dedicated tributes to Dr. Martin Luther King, Jr. with the support of the NEA. The Atlanta Symphony Orchestra's 17th Annual "A King Celebration" honored the life and work of Dr. King; in collaboration with Morehouse College, the project includes performances, educational outreach activities, and a national radio broadcast. The Chicago Sinfonietta, meanwhile, offered a series of concerts and related educational activities in honor of Dr. King. Music programming was inspired by oceans, lakes, and rivers and one concert reached out to the rising generation of musicians by featuring young opera singers.

Orchestra programming increasingly reflects the cultural diversity of cities large and small, such as the programs offered by the Los Angeles Philharmonic, the Louisiana Philharmonic, Philadelphia Classical Symphony, and Baltimore Symphony Orchestra in the 2009 fiscal year. The Los Angeles Philharmonic's California Festival explores the State of California as a national cultural nexus, for example. The festival features orchestral, jazz, and popular music concerts and also offered a symposium and multidisciplinary events. The Louisiana Philharmonic Orchestra's "Purely Percussion" program will showcase a wide variety of percussion instruments and include community activities honoring Euro-Afro-Latin-Caribbean drumming traditions of New Orleans. Meanwhile, the Philadelphia Classical Symphony's "First Pennsylvanians" project is based on the culture of the Lenni-Lenape Indians of Delaware. Composers Curt Cacioppo and Maurice Wright have been commissioned to compose new works and participate in an artist residency to include educational programming for school children in Philadelphia and surrounding counties. Lastly, the Baltimore Symphony Orchestra will use its NEA support toward producing the International Folk Arts Project, a series of concerts with related educational activities, featuring classical orchestral works influenced by folk and traditional music styles.

NEA FUNDING ENCOURAGES NEW WORKS AND PROGRAMMING

NEA grants to orchestras help support the creative capacity of America's musicians and composers. By identifying and supporting projects that connect the arts—and artists—to their broader communities, the NEA encourages creative collaboration and building artistic strength. Projects supported by the NEA must demonstrate artistic excellence and a strong capacity to reach new audiences. Orchestras such as the Los Angeles Chamber Orchestra, Oakland East Bay Symphony, and ProMusica Chamber Orchestra are examples of NEA-assisted orchestras that are in

turn supporting new works or performances of works by living American composers. The Los Angeles Chamber Orchestra utilized its NEA grant for its 40th Anniversary New Music Initiative, which includes the commissioning and premiere of new works by three composers: Damian Montano, Lalo Schifrin, and Christopher Theofanidis. The Oakland East Bay Symphony, a regional orchestra dedicated to reaching individuals in the community who might otherwise never hear live symphonic music, received NEA funding to premiere works by American composers Nathaniel Stookey and Nolan Gasser, as well as works by Peteris Vasks, Giuseppe Verdi, and Jerome Kern. The ProMusica Chamber Orchestra presents the best of traditional chamber orchestra repertoire and promotes the understanding and appreciation of contemporary American music. To that end, the orchestra received an NEA grant to support the commission and performance of a new work by American composer and violinist Mark O'Connor. His concerto for chamber orchestra and piano trio will premiere with the renowned Ahn Trio at Southern Theatre in Columbus, Ohio.

NEA GRANTS UNIQUELY SUPPORT CREATIVITY IN COMMUNITIES NATIONWIDE

Audiences across the country are currently experiencing an NEA-funded project that exhibits the hallmarks of the agency: reaching new audiences, attracting additional financial support, and providing access to the arts to communities nationwide. The "Ford Made in America" project is a collaborative commissioning, performance, and outreach project that involves smaller-budget orchestras, including at least one from each of the 50 States. On September 20 and 21, 2008 the Reno Chamber Orchestra premiered Pulitzer Prize-winning composer Joseph Schwantner's Chasing Light.; the Reno performance alone attracted approximately 1,000 concertgoers and National Public Radio reporter Jeff Lunden was on-hand for the concerts and prepared a feature that was broadcast on National Public Radio's news program "All Things Considered." Over the course of the 2008–2009 and 2009–2010 seasons more than 50 other participating orchestras will perform Chasing Light., including the Nashua Symphony Orchestra, which received NEA support for a statewide tour and performances of Schwantner's work in the cities of Keene and Derry and in New Hampshire's North Country. Education and community engagement activities are developed specifically for this round of the Ford Made in America program, and these activities are designed to be aligned with national music education standards.

Thank you for this opportunity to illustrate the value of NEA support for orchestras and communities across the Nation. The NEA's unique ability to provide a national forum to promote excellence, both through high standards for artistic products and the highest expectation of accessibility, remains one of the strongest arguments for a Federal role in support of the arts. We urge you to support creativity and access to the arts by approving $200 million in funding for the NEA.

PREPARED STATEMENT OF THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

I am Carl Edwards, President of the Lac du Flambeau Band of Lake Superior Chippewa Indians, located in Wisconsin. Today, I am pleased to submit this testimony, which reflects the needs, concerns and issues of the tribal membership for the fiscal year 2010 budget. The tribe is optimistic that the Obama administration takes seriously the United States' unique and binding obligations to tribes and Indian people. While the details of the President's fiscal year 2010 budget are not known, we are pleased with the broad outlines that have been shared with us.

In particular, we are very supportive of the $3.9 billion for the EPA's Clean Water and Safe Drinking Water Programs. This would provide Indian country with $59 million, which is almost double the amount received in fiscal year 2009. This funding is vital to improving the most basic of infrastructure in Indian country. Another area in the President's budget that the Band is excited about is the Great Lakes Initiative program. As the Committee knows, the Great Lakes represent three quarters of the world's supply of fresh water. But for us, the indigenous people of Wisconsin, the Great Lakes represent the life blood of our economies and our culture. The protection and preservation of the Great Lakes is necessary to the protection and preservation of the tribal communities that have made the Great Lakes their home since time immemorial. We would urge, however, that Congress ensure that tribes are fully engaged in this process and that we are full partners in this important initiative.

Again, while the specifics of the President's budget are not known, we must make the Committee aware of some of our most pressing needs, which we fear will not be addressed in the President's proposal.

INDIAN SELF-DETERMINATION ACT CONTRACT SUPPORT COSTS

Inflation, Cost of Living, and Fixed Costs.—Under the Indian Self-Determination Act, many tribes have assumed responsibility for providing core services to their members. If these services were provided by the Federal Government, employees would receive pay cost increases mandated by Federal law, but Congress and Interior have failed to fulfill their obligation to ensure that tribes have the same resources to carry out these functions. For example, tribes received only 75 percent of the pay cost adjustment in fiscal year 2002, 15 percent in fiscal year 2003 and 30 percent in fiscal year 2004. To make matters worse, the BIA and IHS have steadfastly refused to provide tribal contractors with full contract support costs, ensuring that when tribes take over these programs, they will be placed in an untenable position. This inequity is undermining tribal self-determination. In fiscal year 2008 (the most recent year for which the IHS has data) the IHS estimates that the contract support cost shortfall was $128 million. In fiscal year 2007, the BIA shortfall was $52 million.

The subcommittee also has to understand the impact of the increasing cost of health insurance on our ability to provide services to our tribal members. In order for us to maintain a $10/hour employee (approximately $20,000 a year), the tribe faces an associated healthcare benefit cost of $20,350 for a family health insurance plan. When the tribe is forced to supplement underfunded BIA and IHS programs in order to cover these costs, direct services to our members suffer. We have less money available to provide counseling to students, collect water samples, put more officers in the field, provide basic health service, etc. Without substantial increases in this basic contract support cost funding, the tribe will continue to decrease services to our tribal membership because we cannot afford to absorb these costs. We may be forced to eliminate the health insurance benefit, which will seriously impact our ability to recruit and maintain our labor force.

Our highest priority is to keep existing programs from failing. We ask that the subcommittee provide cost of living increases and fully fund contract support costs.

BUREAU OF INDIAN AFFAIRS

Natural Resources and Conservation Officers.—Tribes are leaders in natural resource protection and BIA natural resource funding is essential to maintain our programs. Lac du Flambeau has a comprehensive Natural Resources Department and dedicated staff with considerable expertise in natural resource and land management. Our activities include raising fish for stocking, conservation law enforcement, collecting data on water and air quality, developing well head protection plans, conducting wildlife surveys and administering timber stand improvement projects on our 86,000-acre reservation. Unfortunately, natural resource programs have been cut or flat-funded for many years now, and tribes have been forced to lay off staff and shut down programs, leaving critical resources in jeopardy.

One of the critical elements of our Natural Resource program is our Conservation Law Enforcement Officers. These officers are primarily responsible for enforcing hunting and fishing regulations related to the exercise of treaty rights, but they also have a much larger role in law enforcement. They are often the first to respond to emergency situations, and are the first line of defense for any meth labs found on or near the reservation. Our Conservation Officers are now 100 percent dependent on tribal funds. This costs the tribe $343,000 annually, in addition to the $893,000 the tribe pays for its nonconservation law enforcement programs. The BIA does not provide any resources for this activity, which is critical to maintaining and protecting our treaty rights. Thus, we appreciate the increase provided for law enforcement in fiscal year 2009 and the anticipated requested increase in fiscal year 2010, but we ask that the subcommittee direct a portion of any increases in law enforcement funding to conservation officers, so that more communities can enjoy the benefit of this funding.

Forestry.—The Band requests that the subcommittee increase funding for the BIA Forestry Department. The reservation contains 46,000 acres of forested land that supports hunting, gathering and employment opportunities for tribal members. Proper management of the forest is essential not only to sustain our subsistence lifestyle, but also to provide economic growth for the Band. Two foresters and one technician undertake a broad range of management activities, including tree planting, prescribed burning, forest road design and maintenance, and timber sale establishment and administration. The total cost of operating the forestry program is approximately $217,000. In the last several years the level of funding from the BIA has been less than half of this. Significantly, the program has not received a substantial funding increase since 1991. The additional funding is necessary to maintain forest development, timber sale management and wildfire control activities.

Proper forest management is even more important now to maintain and develop this vital component of our tribal economies.

Wetlands Waterfowl/Circle of Flight Funding.—We urge Congress to restore $600,000 to continue funding for the BIA Wetlands Waterfowl Program (Circle of Flight). Circle of Flight provides critical resources necessary to restore and preserve wetlands and waterfowl populations, which are vital to the culture and economy of the Great Lakes region.

Great Lakes Indian Fish and Wildlife Commission.—Related to the tribe's natural resource needs, we would like to voice our continuing support for the Great Lakes Indian Fish and Wildlife Commission. The tribe is a member of the Commission, which assists the tribe in protecting and implementing its treaty-guaranteed hunting, fishing, and gathering rights.

IHS PROGRAMS

Contract Health.—A perennial need remains in contract healthcare funding. Federal funding for health services has fallen dramatically behind the rising cost of healthcare over the past 5 years. We anticipate the fiscal year 2009 shortfall to be in excess of $3 million. A much more substantial increase is needed to address the need across Indian county. We urge the subcommittee to significantly increase funding for contract health services, and not to limit this increase to emergency CHEF funding, which can be difficult for tribes to access.

Medical Technology and Telemedicine Initiative.—We are encouraged by Congress's commitment to fund medical technology and telemedicine improvements in the IHS. However, we are concerned that the resources will not reach tribes, who provide more than 84 percent of the healthcare in Indian country. We would urge the Committee to direct IHS to make a proportional share of this funding available to tribal healthcare providers. Unless this happens, we fear that the resources will be consumed by IHS either at headquarters or only at direct service locations and tribal providers will not benefit from this initiative.

NATIONAL PARK SERVICE PROGRAMS

Historic Preservation.—In 1995, Congress began encouraging tribes to assume historic preservation responsibilities as part of self-determination. There are currently 76 tribes in the United States—8 in Wisconsin—approved by the Secretary to administer historic preservation programs. These programs conserve fragile places, objects, and traditions crucial to tribal culture, history, and sovereignty. As was envisioned by Congress, more tribes qualify for funding every year. In fiscal year 2001, there were 27 Tribal Historic Preservation Officers (THPOs) with an average award of $154,000; now there are 76 THPOs, and Lac du Flambeau only receives approximately $50,374. Paradoxically, the more successful the program becomes overall, the less each tribe receives to maintain professional services, ultimately crippling the programs. We ask that $13 million be provided for THPOs, which would provide a modest base funding amount of $170,000 per THPO program.

PREPARED STATEMENT OF THE LUMMI INDIAN BUSINESS COUNCIL

Good morning to the distinguished subcommittee members, thank you for this opportunity, I am honored to represent before you the appropriations requests of the Lummi Nation for the fiscal year 2010 Department of the Interior (DOI) in the Bureau of Indian Affairs (BIA), U.S. Fish and Wildlife Service (FWS), and the Indian Health Service (IHS).

THE LUMMI NATION SPECIFIC REQUESTS

BIA/FWS

+$7.2 million.—Fisherman disaster assistance funding; *+$11.64 million*.—Salmon/shellfish hatchery (skookum, Lummi Bay, sea ponds); *+$300,000*.—Administrative streamlining project (education); *+$500,000*.—Tribal community safety center; and *+$7 million*.—Slater elevated road project.

IHS

+$2.3 million.—Lummi Nation dental facility/staffing/equipment; and *+Contract Health Costs*.—Request for weighted contract health funds allocation formula.

NATIONAL REQUESTS AND RECOMMENDATIONS

BIA

Increase Johnson O'Malley funds ($21.4 million) and Housing Improvement Funds ($13.6 million) to tribal base programs; Provide $50 million general increase to BIA Tribal Priority Allocation (TPA) for inflationary and fixed costs; increase law enforcement program by 10 percent for Indian programs in BIA's budget for law enforcement program and activities; and $25 million for tribal courts program; and provide $45 million increase for BIA Contract Support Cost (CSC), including direct CSC.

$500,000 for BIA data management funding of Office of Program Data Quality.

IHS

Provide $486 million for IHS mandatory, inflation, and population growth increase to maintain existing healthcare services (President's budget proposes a cut of $21.3 million); $152 million increase for Contract Health Services (CHS); and a $160 million increase for IHS to fully fund CSC, including direct CSC (recent increases have been dedicated for new and expended Public Law 93–638 programs).

Regional Requests and Recommendations.—Support all requests and recommendations of affiliated tribes of Northwest Indians Northwest Portland Area Indian Health Board and Northwest Indian Fisheries Commission and Pacific Salmon Commission.

LUMMI NATION—BACKGROUND INFORMATION

The Lummi Nation, is located on the northern coast of Washington State, and is the third largest tribe in Washington State serving a population of more than 5,200. The Lummi Nation is a fishing nation. We have drawn our physical and spiritual sustenance from the marine tidelands and waters for hundreds of thousands of years. Now the abundance of wild salmon is gone. The remaining salmon stocks do not support commercial fisheries. Our fishers are trying to survive from shellfish products. In 1999, we had 700 licensed fishers who supported nearly 3,000 tribal members. Today, we have about 523 remaining. This means that more than 200 small businesses in our community have gone bankrupt in the past 9 years. This is the inescapable reality of the Lummi Nation fishers face without salmon. We were the last hunter/gatherer society surviving within the co

Our people have diseases that were unknown to us at the beginning of the 20th century. Our people are seeking a return to health and to practice our traditional healthy lifestyles. Our families are struggling to hold traditional values against the onslaught of poverty, drug abuse, and mental and physical illness. Domestic violence among our people is three times the rate experienced by our non-Indian neighbors. Our children and elders go without the food clothing, shelter, and community support that is due to them.

Our people have problems and needs but we also have solutions. Today I am presenting a coordinated set of proposals to address the prolonged economic and cultural disaster impacting our people through the loss of our sockeye salmon; starting more than 10 years ago, in 1999.

FISHERMAN DISASTER ASSISTANCE NEEDS

In 2008, the Department of Commerce reissued the disaster declaration (see also—Congressional Research Services—CRS Report to Congress, Commercial Fishery Disaster Assistance, (RL–34209) May 2, 2008)), and we now seek ways to turn this scenario around to have a more positive outcome.

Our strategy is to consolidate our native and scientific knowledge of fish biology, behavior, and management into the Northwest Indian Marine Education and Research Center for Excellence. Collecting our professionals and traditional practitioners and field workers into a team to plan, design, finance, construct, and operate hatcheries. The same group would instruct and train hatchery workers needed by theses facilities, through Northwest Indian College. Hatcheries are the only way to ensure salmon populations large enough to support our families and our way of life.

Our goal is to increase fish returns by improving hatchery production. This creates a reliable backup resource to salmon fishers by increasing other salmon stocks. Additionally, we seek to raise the value of these harvests through advanced marketing, the introduction of a fishermen's co-operative, and grow out operations for shellfish products.

LUMMI NATION SPECIFIC REQUESTS—BIA

+*$7,200,000.—Fisherman Disaster Assistance Funding (Eight Northwest Tribes)*.—$7,200,000 to BIA—Welfare Assistance Program (WAP) to support the West Coast fisherman disaster declaration. Lummi Nation is requesting funding to support emergency relief services for our fishers. This assistance is needed to help fishers make the transition from sockeye salmon to other salmon species and other commercial fishery resources. Lummi Nation is requesting the subcommittee provide the BIA WAP an additional $7.2 million to address the Lummi Nation fishers and west coast fisherman impacted by economic fisheries disaster.

+*$11,650,000.—Salmon/shellfish Hatchery (Skookum, Lummi Bay, Sea Ponds)*.—To DOI, FWS hatchery operations program. The Lummi Nation currently operates three salmon hatcheries and one shellfish hatchery that support tribal and other fisheries in the region. The tribal hatchery facilities were originally constructed in the early 1970s. Predictably some of the original infrastructure needs to be repaired or replaced as it approaches the end of its useful life. Other infrastructure needs to be developed or modified to ensure compliance with the Clean Water Act and/or the Endangered Species Act. Lummi Nation fish biologists estimate that these facilities are now operating at 40 percent of their productive capacity.

+$2,200,000—LUMMI SKOOKUM HATCHERY—SALMON

$720,000—Hatchery Intake.—South Fork Nooksack Chinook recovery program; replace intake system that has high operations and maintenance and often fails.

$625,000—Large Pond Improvement.—Increase annual production capacity.

$855,000—New Raceways.—Replace originally constructed infrastructure that is deteriorating and falling apart.

+$5,370,000—LUMMI BAY HATCHERY

$5,370,000—Nooksack River Pump Station.—This will increase the production capacity of Lummi Bay hatchery by improving water pumping capacity and resource.

+*$570,000—Lummi Shellfish Hatchery*.—Multiple operation and maintenance issues for increasing production capacity in areas of feed, building insulation, heating and cooling systems, increase grow out tank space, results in increased seed production.

+*$3,510,000—Lummi Pond Tide Gates Improvements*.—This project rehabilitates current shellfish hatchery to optimize production capabilities. Increased shellfish seed production increases enhancement activities on Lummi tidelands to create jobs for tribal shellfish harvesters and increase sales to the west coast shellfish industry to create jobs for growers and businesses.

+*$300,000. Education—Lummi Nation Education Future Project*.—For the Bureau's School Operation Program fund. The Lummi Nation is no longer willing to bear the combined burden of five different administrative oversight structures of its education programs, services, functions and activities. This oversight burden includes the Bureau Office of Indian Education Programs, the Department of Education, and the State of Washington Office of the Superintendent of Public Instruction, the Ferndale School District, and the Lummi Nation administrative oversight structures. The weight of this combined oversight literally crowds out the only legitimate concern for school operations and maintenance, student learning successes. To address the need to streamline the administrative process, while still providing appropriate oversight, the Lummi Nation is reque

+*$500,000.—Northwest Tribal Detention Facility Project*.—Through the BIA Detention Center Maintenance and Construction Program. The Lummi Nation has been able to organize eight federally recognized tribal governments to support the development and operation of a Community Public Safety Center, which would serve as a regional alternative jail. The facility would feature a variety of incarceration services from the least restrictive forms of community-based services through limited maximum-security incarceration services.

PLANNING/TRANSPORTATION—BRIDGE PROJECT

+*$7 million—Slater Elevated Road Project Funding Increase*.—(Joint Inter-local Agreement) through the Bureaus Indian Reservation Roads Program

Project Description.—The Lummi Nation is partnering with the Federal Emergency Management Agency and Whatcom County to elevate the eastern approach to the Slater Road Bridge over the Nooksack River. This section of Slater Road is frequently flooded by Silver Creek, which runs parallel to the Nooksack River. The project is an extension of the Slater Road Bridge over Sliver Creek, which is a salmon spawning stream.

Need for the Project.—When this section of Slater Road is flooded, access to the Lummi Reservation, Lummi Island, the Cherry Point heavy impact industrial zone, and the City of Ferndale are severely limited. Most years these limitations last for days at a time. The impact threatens public health and safety and has substantial negative economic impacts for the retail, commercial, and manufacturing businesses in the area.

Project Funding.—The FEMA provided a $3 million grant for the project through the Pre-Disaster Mitigation Program (the maximum grant allowable) and Whatcom County has committed $3.66 million to the project based on initial project cost estimates. The design for the project is completed but, due to increase material costs, the engineer's cost estimate based on the 100 percent design is approximately $7 million greater than the available budget. Value engineering efforts did not substantially lower the costs and would have a greater environmental impact.

LUMMI NATION SPECIFIC REQUESTS—IHS

Request for Contract Health Funds Allocation Formula Methodology

The Lummi Nation is requesting that the subcommittee direct the IHS to develop an allocation plan for contract healthcare funds that recognizes that tribes who are not served by an IHS hospital incur greater contract health costs than those tribes who are provided services by such a facility.

+$2,300,000—Lummi Nation Dental Facility/Staffing/Equipment Increase.—Through the IHS small ambulatory expansion of health clinics program.

LIBC received partial funding for this construction project and is requesting full project funding and the inclusion of staffing and equipment costs.

+$1,100,000—Facility.—This funding is needed to all the Lummi Nation to return to its original plan approved by the IHS and the Lummi Nation. Lummi Nation funding the was allocated for this project is no longer available due to the current national.

+$1,200,000.—Lummi Nation needs additional equipment (eight dental chairs at $100,000 each) and staffing to support operations. (four dentists at the rate of $100,000 annually each).

PREPARED STATEMENT OF THE LEECH LAKE AREA WATERSHED FOUNDATION

Madam Chairman and honorable members of the subcommittee: I want to thank you for this opportunity to present testimony in support of the acquisition of two properties in the national forests of Minnesota. An appropriation of $3.1 million from the Land and Water Conservation Fund (LWCF) is needed for the Forest Service (USFS) to acquire the 60-acre Wolf Island tract in the Superior National Forest and the 36-acre Stony Point property in the Chippewa National Forest.

I also respectfully request a substantial increase in overall funding for the LWCF, specifically urging the subcommittee to provide $325 million for the Federal LWCF in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill. I applaud the LWCF funding increases provided by this subcommittee in fiscal year 2009, including $1 million provided for the Superior National Forest (SNF) in fiscal year 2009. And, we are most thankful that the Obama administration budget recognizes the importance of these programs by proposing significant increases for fiscal year 2010 and setting a goal to achieve full funding of the LWCF in the next 5 years.

The LWCF is our Nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units and other Federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the Nation. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change. We urge you to renew this wise investment in America's natural heritage and take steps to toward full and consistent funding of these vital programs.

The Minnesota wilderness land acquisition program includes the Superior and Chippewa national forests in Minnesota. Located in the northeasternmost tip of Minnesota, the SNF spans 150 miles along the United States-Canadian border and is one of the wettest, wildest forests in the entire National Forest System. The deep pine woods of the Superior play host to a landscape of lakes, bogs, and rocky outcrops that are remnants of the glacial period and create the only thriving boreal or northern forest in the continental United States. More than 10 percent of the forest consists of surface water, and another 1,300 miles of cold-water streams and 950 miles of warm-water streams flow within the forest's boundaries.

Visitors to the SNF are attracted by its abundance of outdoor recreational opportunities. For wilderness devotees, there are few areas in the United States that can rival the solitude and timelessness of the Boundary Waters Canoe Area Wilderness (BWCAW), a maze of lakes, rivers, and rocks at the northern edge of the SNF, offering 12,000 miles of canoe trails. Here and elsewhere in the forest, outdoor enthusiasts can enjoy camping, biking, canoeing, fishing, hiking, cross-country skiing, snowmobiling, and dog sledding. The deep foliage and plentiful water also attract a wide variety of wildlife, including bald eagle, common loon, moose, timber wolf, black bear, lynx, and migratory birds. The BWCAW draws more than 200,000 campers and canoeists annually, following in the wake of Native Americans and the voyageurs, those French-Canadian fur traders who canoed these waters 200 years ago.

The Chippewa National Forest is located in the heart of northern Minnesota and within the Leech Lake watershed in the Upper Mississippi River Basin. Within the forest, elements of these two ecosystems are found side by side: red oak next to white pine, wild ginger alongside wild rice, and Canada lynx habitat abutting sandhill crane territory. The Chippewa NF shares borders with the Leech Lake Band of Ojibwe. More than 400,000 acres of the Chippewa NF are actually lakes and wetlands. The Chippewa contains two of Minnesota's five largest lakes, and eight different types of wetlands each with distinct plant and animal life. Sixty-seven of the 314 wildlife species that make their home on the Chippewa NF are dependent on lakes and wetlands. More that 230 species use wetlands and only 20 percent of Minnesota's original wetland remain today. The first national forest west of the Mississippi River, the Chippewa NF is one of the few areas with wetlands essentially unchanged since settlement. This area is unique in that it contains some 40 wild rice-producing lakes.

Through USFS's Minnesota wilderness acquisition program, two properties are available for acquisition in fiscal year 2010 in the Superior and Chippewa NFs.

WOLF ISLAND

The 60-acre Wolf Island property in the SNF is located in Lake Vermilion and is a high priority for protection this year by USFS. Twenty-four miles long, Lake Vermilion is one of Minnesota's largest vacation destination lakes. It is home to healthy population of walleye, northern pike, muskie, bass, and bluegill populations, and was once named by National Geographic as one of the Nation's 10 most scenic lakes. Wolf Island's location affords scenic and beautiful views of the beloved lake as well as the national forest. Its 60 acres are mostly high, rolling land that is densely forested with mature aspen, pine, and maple. Its rich history is well documented by John Jaeger, a prominent Minneapolis architect, who homesteaded the island after first visiting in 1906. Jaeger's drawings identified cultural resources, including burial mounds and a canoe-building workshop plaza.

Wolf Island is at risk of being lost to development. In order to ensure the protection of the island and access to quality resources in areas of second-home development pressure, The Trust for Public Land stepped in at the request of USFS to secure the island in March 2007. The acquisition of the island by SNF will bring into public ownership an outstanding scenic resource and access for paddlers, boaters, and other recreational users who follow in the footprints of both Native Americans and voyageurs of years gone by.

STONY POINT

The 36-acre Stony Point property is located on Leech Lake in the Chippewa NF. Home to thousands of acres of waterfowl and other wildlife, Leech Lake has one of the largest nesting populations of bald eagles in the lower 48 States—almost 200 pairs. The Stony Point bald eagle nesting site contains one-half mile of Leech Lake frontage. The pristine parcel is completely surrounded by national forest ownership. Acquisition by the Chippewa NF would eliminate the need for road access that would otherwise lose more than one-half mile of undisturbed wetlands. It is currently owned by a developer who intends to develop the property into several homesites. This property is a prominent point on the shores of Leech Lake.

Public acquisition of the Stony Point and Wolf Island properties will ensure that the attributes of the northwoods region so treasured by its many visitors—the solitary sound of the common loon, the serenity of an evening paddle, the call of the wild—will be protected in perpetuity. An appropriation of $3.1 million from the LWCF in fiscal year 2010 will secure the public acquisition of Wolf Island and the Stony Point properties to maintain key access for thousands of visitors each month to the waterways of the BWCAW and to protect critical natural resources for the public.

Thank you, Madam Chairman, for the opportunity to present this testimony in support of these critical forest and lake protection projects in Minnesota. Our organization, the Leech Lake Watershed Foundation works closely with USFS, State and local government, and other nonprofit partners to insure the protection of vital natural resources within the 855,000-area Leech Lake watershed. Acquisition of key parcels, such as Stony Point and Wolf Island, are a critical tool to insure that future generations can continue to enjoy these valued resources.

PREPARED STATEMENT OF THE LITTLE RIVER BAND OF OTTAWA INDIANS

My name is Larry Romanelli. I am the elected Ogema of the Little River Band of Ottawa Indians. On September 21, 1994, Public Law 103–324 (108 Stat 2156) was enacted, reaffirming our Federal recognition. When we were recognized our citizen rolls were approximately 500 persons. Since reaffirmation, our rolls have grown to more than 4,000 persons.

Our tribe administers a clinic that includes a family physician, a registered nurse, and a laboratory. We also have community health resource staffs, nurses, and diabetic specialists who make home visits across a nine-county area. We provide outpatient substance abuse treatment services, as well as prevention initiatives, along with additional mental health services. And, for care that goes beyond our provider capacity, we administer an elaborate contract healthcare program under which we collaborate with local private providers. In these programs alone, we employ 38 people from several disciplines. In addition, we also maintain an environmental health program and a range of other services.

Recently our tribe proudly signed a new agreement with the Indian Health Service (IHS) under title V of the Indian Self-Determination Act. This new agreement moves us further along in our quest for greater self-determination and self-governance, by acknowledging our significantly enhanced independence in the manner in which our tribe provides healthcare for our people.

IHS has not honored its bargain with us. Specifically, it has failed to pay us the contract support costs that IHS, itself, calculates that we have been owed.

In its 2007 shortfall report, the IHS admits that it underpaid us by nearly $70,000, an amount that has only increased in the 2 years since.

For us, $70,000 is a whole nursing position, or an additional substance abuse counselor in our understaffed behavioral health department. Or, it could be used to buy a year's worth of vaccine and medical supplies necessary to operate our clinic.

IHS provides only $1.4 million for our program services. Delivering the services we currently offer (exclusive of environmental health) actually cost the tribe more than $4.2 million in 2007. I cannot think of a single contractor we work with that would provide service to us for one-third of the actual costs to do the work. The commitment of the United States to provide healthcare for American Indians is not being met.

But there is yet more. The Bureau of Indian Affairs (BIA) shortfall report for 2007 shows that the BIA failed to pay $220,000 in contract support costs. Our total BIA contract is only $2.3 million, supporting several Tribal functions including public safety, family services, education, governance, and natural resources. $220,000 would enable us to expand education and training programs to prepare our students for the types of jobs that are currently in demand and will be on the cutting edge of the Nation's future. We could expand our economic development through diversification of enterprise ventures that could meet the needs of the current economic recovery. In short, $220,000 would provide the people of my Nation economic stability and employment security in a populace that critically needs help to attain the standard of living most of America enjoys.

These are some of the reasons why I asked to be permitted to testify today.

We understand that economic times are tough for everyone. We, ourselves, have just cut back our employee hours from a 40-hour week to a 32-hour week. We all have to pull together.

So, I come here today to ask that Congress direct the IHS and the BIA to finally honor their contracts with our tribe, and their contracts with all other tribes, by fully paying the contract support costs to which we are entitled, and by adding the necessary appropriations to finally get these sums paid.

Second, I am also here today to ask that Congress address the severe funding disparities that continue to leave tribes in our IHS Bemidji Area severely underfunded relative to other areas.

—The Bemidji Area has the lowest life expectancy of all IHS areas. The Bemidji Area life expectancy (male and female combined) is 65.3 years of age; all IHS is 70.6; all United States is 76.5.

—The Bemidji Area leads all IHS Areas in the cancer rates at 225/100,000; all IHS is 124/100,000; and all United States is 125.6/100,000.

—The Bemidji Area leads Indian country in nearly every significant statistic except the level of funding to address our issues; there, we receive 37 percent Level of Need Formula (LNF).

It is time to create a fund to address the severe disparity that exists between the IHS areas. Such a fund would restore equity among the tribes.

Perhaps it is also time to evaluate the level of per capita expenditures for Contract Health Services Area to area, and dedicate more funding to raise the LNF of those Areas less likely to have access to large, directly served IHS facilities that provide direct healthcare services.

A study conducted by the California Rural Indian Health Board, published in "Medical Science" (a peer review journal), found that "for every 10 points improvement in IHS funding, there was a 12 percent decrease in ambulatory care preventable hospitalizations."

Thank you for the opportunity to testify today on these critical issues.

PREPARED STATEMENT OF THE MARINE CONSERVATION BIOLOGY INSTITUTE,

The Marine Conservation Biology Institute (MBCI) based in Bellevue, Washington, is a national, nonprofit environmental organization whose mission is to advance the science of marine conservation biology and secure protection for ocean ecosystems. We support national wildlife refuge programs that focus on protecting and restoring marine ecosystems, habitats, and species. I wish to thank the members of the Subcommittee on the Interior, Environment, and Related Agencies for the opportunity to submit written testimony on the fiscal year 2010 budget regarding the newly established marine monuments within the Fish and Wildlife Service's (FWS) National Wildlife Refuge System (NWRS). MCBI recommends a funding level of $16,869,000 to support the new marine monuments.

In January 2009, President Obama established three marine national monuments in the Pacific Ocean. The new monuments include eight distinct coral islands areas and their surrounding waters, the Mariana Trench and 21 isolated undersea volcanoes. Many of the islands protected already were part of the NWRS, however declaration of the monument increased the size of these refuges by adding surrounding ocean waters. The three new areas have been named Marianas Marine National Monument, Pacific Remote Islands National Monument, and Rose Atoll National Monument. In total, approximately 192,000 square miles was protected, an area larger than California.

PACIFIC REMOTE ISLANDS MARINE NATIONAL MONUMENT

These areas are some of the last remaining, relatively intact coral reef and pelagic ecosystems in the Pacific. Any one of these islands contains nearly four times as many shallow water, reef-building coral species as the entire Florida Keys. The monument includes habitat for an estimated 14 million seabirds. The islands also provide habitat for many rare, threatened or endangered species such as leatherback, loggerhead, and green sea turtles, humphead wrasse, bumphead parrotfish, and the globally depleted giant clam. An estimated 200 seamounts, most of which have yet to be identified or explored, are predicted to exist in the pelagic zone within 200 nm of this monument.

The terrestrial areas, reefs and surrounding waters out to 12 nautical miles (nm) of Howland, Baker, Jarvis Islands, Palmyra Atoll, and Kingman Reef are part of the U.S. Fish and Wildlife Service National Wildlife Refuge System. The land areas at Johnston and Wake Atolls remain under the Department of Defense's authority, but the waters out to 12 nautical miles are considered units of the NWRS.

ROSE ATOLL MARINE NATIONAL MONUMENT

Rose Atoll, the smallest atoll in the world, is the easternmost Samoan island and the southernmost point of the United States. Rose Atoll is home to a very diverse assemblage of terrestrial and marine species, many of which are threatened or endangered. Rose Atoll supports 97 percent of the seabird population of American Samoa, including 12 federally protected migratory seabirds and 5 species of federally protected shorebirds. Rose Atoll is the largest nesting ground in the Samoan Islands for threatened green sea turtles, and is an important nesting ground for the endangered hawksbill turtle. Rose also provides sanctuary for the giant clam, which is severely depleted throughout the Pacific. Management responsibility was assigned to the Secretary of the Interior, in consultation with the Secretary of Commerce.

MARIANAS TRENCH MARINE NATIONAL MONUMENT

The Marianas Trench Marine National Monument consists of three units which include the Volcanic Unit, the submerged lands within 1 nm of 21 volcanic sites; the Islands Unit, the submerged lands and waters of the three northernmost Mariana Islands; and the Trench Unit, the submerged lands extending from the northern limit of the Exclusive Economic Zone of the United States in the Commonwealth of the Northern Mariana Islands to the southern limit of the Exclusive Economic Zone of the United States in Guam.

The establishment of this monument protects areas of biological, historical, and scientific significance. The volcanic sites support unusual life forms in boiling and highly acidic water conditions. The island unit is home to highly diverse and unique coral reef systems with more than 300 species of stony coral species, which is a greater diversity than any other United States reef. The island unit also has an astonishingly high population of apex predators. The Mariana Trench itself is the deepest ocean area on Earth, deeper than the height of Mount Everest.

The management responsibility for the Marianas Trench Marine National Monument is assigned to the Secretary of the Interior, in consultation with the Secretary of Commerce. The Mariana Trench and Volcanic Units have been placed within the Fish and Wildlife Service National Marine Refuge System.

MARINE NATIONAL MONUMENT MANAGEMENT IMPLEMENTATION

It is imperative that the Secretary of the Interior establish appropriate management measures to adequately protect the land, surrounding water and seafloor of these critical and pristine marine monuments. In particular, the FWS must have adequate funds to develop management plans for each monument with proper management personnel with the intent to effectively protect these areas by conserving these pristine habitats, developing plans to restore damaged reefs and lands, and consult with NOAA to provide proper surveillance and enforcement actions.

Restoration action is desirable at most of the islands, including restoring natural water flows, removing discarded equipment and structures, and dealing with waste disposal sites. In addition, human exploration and occupation brought many invasive species to the islands, including various plants, insects, and cats, which should be removed. Such removals of invasive species have promoted the healthy increase of bird populations and the restoration of nearly extirpated species, like black-footed and Laysan albatrosses.

Additionally, two sunken fishing vessels are causing habitat damage in the Pacific Remote Islands Marine National Monument. In 1991, a 121-foot Taiwanese fishing boat sank on Palmyra Atoll, and an abandoned 85-foot fishing vessel was discovered on Kingman Reef in August 2007. The two islands are some the world's last relatively pristine reefs. The Palmyra wreck sits directly on the reef and continues to damage the ecosystem by accelerating the rapid growth of an invasive corallimorph that smothers the reef ecosystem. Since abandonment, there have been recorded sightings of continued fuel leakage. Nutrient increases from this fuel and corroding metal from the ship is causing devastation to the nearby reef. In response to this increase in nutrients, the corallimorph Rhodactis howesii has experienced explosive growth, quickly outcompeting other organisms (including corals) and covering and smothering the substrate surrounding the vessel. After the covered coral dies, the infested area is difficult to recolonize by corals. According to the report by Thierry Work (USGS) and Greta Abey (University of Hawaii), greater than 100 million corallimorph individuals cover greater than 1 square kilometer (247 acres) of the bottom. The corallimorphs radiate from the ship wreck and were not observed in other parts of the reef, indicating a direct correlation between the corallimorph and the wrecked vessel. To avoid further damage to the reef, the ship needs to be removed by the Federal Government immediately.

The Kingman Reef wreck also is showing early signs of the invasive corallimorph, and an elevated growth of blue-green algae, which in time can cause algal blooms that block sunlight to the reef below. The ship's grounding caused initial gouging of the surrounding reefs and has since continued to cause physical and ecological damage in the form of wave disturbance and cyanobacteria outbreaks. Cyanobacteria, more commonly called blue-green algae, become very abundant when stimulated by increases in limiting nutrients, such as iron from corroding steel and hydrocarbons found in fuel, both of which are supplied by the grounded vessel at Kingman. Cyanobacteria are present on nearly 10 percent of the metal debris (metallic engine parts, piping, cookware, etc.) within 200 meters of the ship. As the ship continues to break apart, more steel will be scattered over the reef crest encouraging expanded cyanobacteria growth. If this growth continues unabated, it is expected to spread toward the north facing shoreline where fragile coral gardens are

located. The growth of cyanobacteria will block needed sunlight to the reef below, as well as smother the coral. There is also concern about accelerated growth of the corallimorph Rhodactis howesii, which is also present within 200 meters of the shipwreck. The corallimorph has caused significant damage at Palmyra Atoll, where its growth was stimulated by another wrecked vessel. Rapid growth of Rhodactis howesii can quickly outcompete other organisms and kill corals.

APPROPRIATION NEEDS

Papahanaumokuakea National Marine Monument, established in 2006, received approximately $8 million its first fiscal year. These monies went to cover basic start-up needs, such as administration and management of the new monument and preparation of management plans. The three new national marine monuments have similar needs, as well as the urgent restoration project of the two sunken vessels. MCBI recommends the following appropriations for the marine monuments within the Fish and Wildlife Service:

	Amount
A manager for each new marine monument: These managers will be responsible for working with the territorial governments in the Rose Atoll and Marianas Trench Monument, coordinate the mandated management plans, etc. ($121,000 each)	$396,000
Public Planning Position.—This individual would help prepare management plans, work on logistics of public meetings, coordinate with the managers in each monument, address agency comments, synthesize public comments, and ensure all Federal regulations for monument management are met, etc.	132,000
Monument Administration.—This allocation would be used for office space costs, vehicle needs, meeting space, office supplies, travel expenses, and development of monument management plan, etc. for all three monuments	141,000
Vessel Purchase.—The Office of Naval Research (ONR) and the FWS are in final discussions concerning refitting of one of the ONR retired vessels. It will cost FWS $5 million to outfit this vessel for use to transport personnel and material (building materials, bulk material, fuel, etc.), maintenance, research and conservation projects, for all Pacific national marine monuments. These changes include adding cabins, increasing fuel capacity, adding a crane for debris removal and other maintenance).	[1] 5,000,000
Ship Operating Needs.—The annual operating funds for the ship will include six crew members at about 100,000 each and $1 million for fuel and maintenance expenses	1,600,000
Ship Removal.—The grounded fishing vessels found in the new monument at Kingman Reef and Palmyra Atoll require immediate removal for their contribution to habitat loss.	[1] 9,600,000
Total	16,869,000

[1] One-time fee.

In summary, MCBI respectfully requests that the subcommittee augment funding for the national wildlife refuge system's national marine monuments by $16.9 million in fiscal year 2010.

Thank you for the opportunity to share our views.

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES

The National Association of Clean Air Agencies (NACAA), representing the State and local air quality agencies in 53 States and territories and more than 165 metropolitan areas across the country, appreciates this opportunity to provide testimony on the fiscal year 2010 budget for the United States Environmental Protection Agency (EPA), particularly Federal grants for State and local air pollution control agencies under sections 103 and 105 of the Clean Air Act, which are part of the State and Tribal Assistance Grant (STAG) program. The President's fiscal year 2010 budget request calls for $226.6 million in grants to State and local air quality agencies. While we appreciate that this reflects a slight increase over fiscal year 2009, it is unfortunately far short of the amount needed. NACAA recommends that grants within the STAG program for State and local air pollution control agencies under sections 103 and 105 of the Clean Air Act be $270 million in fiscal year 2010, which is $43.4 million more than the President's request ($46 million more than the fiscal year 2009 appropriation). Additionally, NACAA requests that grants for the particulate matter and lead monitoring programs not be shifted from section 103 authority to section 105 authority.

WHY IS CLEAN AIR IMPORTANT?

Air pollution is a significant public health concern. Every year tens of thousands of people die prematurely as a result of breathing polluted air. Millions more are

exposed to unhealthful levels of air contaminants, resulting in many other health problems, such as aggravation of existing respiratory and cardiovascular disease, damage to lung tissue, impaired breathing, irregular heartbeat, heart attacks, and lung cancer. In spite of the best efforts of Federal, State, and local authorities, according to EPA's own estimates, more than 150 million people live in areas that violate at least 1 of the 6 health-based "criteria pollutants." This estimate is likely to increase once EPA completes the designation of areas that exceed the new fine particulate matter standard. Additionally, more than 270 million people live in census tracts where the combined upper-bound lifetime cancer risk exceeds 10 in 1 million (1 in 1 million is generally considered "acceptable"). It is very likely that poor air quality results in more deaths than any other problem under the jurisdiction of this subcommittee.

WHAT ARE STATE AND LOCAL CLEAN AIR AGENCIES' RESPONSIBILITES?

State and local air pollution control agencies have the primary responsibility for implementing our Nation's clean air program. They carry out numerous activities, including efforts to develop and implement State Implementation Plans (SIPs), monitor emissions, compile emissions inventories, conduct sophisticated modeling of emissions impacts, inspect sources of pollution, conduct oversight and enforcement, provide technical assistance to regulated sources and respond to citizens' complaints. In order to accomplish this work, they receive funding from several sources, including State and local appropriations, the Federal permit fee program under title V of the Clean Air Act, State and local permit and emissions fees, and Federal grants under sections 103 and 105 of the Clean Air Act. section 105 grants support the foundation of State and local air quality programs, while section 103 grants have typically funded specific monitoring efforts, such as the fine particulate matter ($PM_{2.5}$) monitoring network.

STATE AND LOCAL EFFORTS HAVE BEEN UNDERFUNDED FOR YEARS

State and local air quality agencies have struggled for years with insufficient funding. In addition to the fact that Federal funding levels have been relatively stagnant for a long time, over the past 15 years Federal grants for State and local air quality agencies to operate their programs (not including the separate $PM_{2.5}$ monitoring program) have actually decreased by approximately one-third in terms of purchasing power, due to inflation. This reduced spending power has come at the same time as increasing demands related to new programs, such as developing State Implementation Plans to meet ozone, $PM_{2.5}$ and haze requirements. State and local agencies have felt the repercussions of these limited funds, resulting in adverse impacts on their programs that include: reduction in air monitoring and associated data analysis; stagnation of emission inventories; elimination of air toxics programs; curtailment of small business assistance; loss of trained and experienced staff or an inability to fill vacancies; reduction in staff training; inability to accept delegation of Federal programs (especially related to toxic air pollutants from area sources); decline in enforcement and compliance activities; and cessation of some public education efforts. When State and local clean air agencies are forced to make hard choices and scale back essential air quality-related activities, public health, and welfare suffer.

The proposed budget recommends shifting grants for $PM_{2.5}$ monitoring from section 103 (which does not require a 40 percent match from State and local recipients) to section 105 authority. The $PM_{2.5}$ monitoring program has traditionally been funded under section 103 and this arrangement has worked very well in the past. We recommend that it continue. Therefore, we urge Congress to retain the $PM_{2.5}$ and future lead monitoring programs under section 103 authority.

STATE AND LOCAL FUNDING NEEDS—RESULTS OF A SURVEY

NACAA recently conducted a comprehensive survey of State and local clean air agencies regarding their resource needs and issued a report—Investing in Clean Air and Public Health (April 27, 2009)—which was provided to the subcommittee. The findings include the following.

NACAA received responses from State and local air quality agencies in 35 States. They confirmed, as long suspected, that State and local governments continue to supply more than their fair share of the resources necessary for the Nation's clean air program. section 105 of the Clean Air Act authorizes the Federal Government to provide grants for up to 60 percent of the cost of State and local air quality programs, while States and localities must provide a 40 percent match. In reality, however, State and local air agencies report that they provide 77 percent of their budgets (not including permit fees under the Federal title V program), while Federal

grants constitute only 23 percent. Clearly, State and local agencies are providing the lion's share of the funding. This will become increasingly difficult, however, as State and local budgets continue to shrink due to the country's current economic crisis.

How much additional funding over and above current levels do State and local agencies require on an annual basis? The needs are enormous. Not including title V permit fees, which are intended to support only the permitting program, the survey results indicate that State and local air agencies need increases of 47 percent more than what is currently expended to carry out their current programs and support activities they anticipate they will need to undertake in the next few years. In order to protect public health, State, and local air agencies would need $1.3 billion annually to operate their programs. If EPA supplied 60 percent of that amount, as the Clean Air Act envisions, Federal grants would amount to approximately $778 million annually. Unfortunately, recent annual appropriations under sections 103 and 105 of the Clean Air Act have been only approximately $200 million to $220 million. Thus, Federal grants should be increased by approximately $550 million to $575 million annually more than recent levels to make up this difference and support necessary State and local clean air programs.

Further, as the demands placed on State and local air programs become greater, the effect of the shortfall will intensify. Unless State and local air quality programs receive substantial increases in Federal funding, they will continue to face a serious financial deficit, and their ability to protect and improve air quality will be further compromised.

HOW WOULD ADDITIONAL FUNDING HELP?

According to our preliminary survey results, State and local air agencies report that the two program areas most in need of additional resources are climate change and toxic air pollution, where funding increases of more than 1,000 percent and 100 percent, respectively, are needed. Currently there is little funding available for climate change activities—agencies report that more than a quarter of the total additional funds needed would be for greenhouse gas-related efforts. Some of the specific activities for which additional funding is needed in these two areas include the following, among others: programs to address toxic air pollution from area (small) sources, including accepting delegation of the Federal area source regulations, identifying and inspecting sources, providing compliance assistance and inspecting facilities; air toxics monitoring; modeling of toxic exposures and risk; greenhouse gas planning and permitting; development, review and analysis of emissions inventories for greenhouse gases and toxic air pollutants; greenhouse gas rule development; emission reporting; and public education and outreach on toxics and greenhouse gases.

Other types of programs besides climate change and toxic air pollution are also in need of significant funding increases. According to the survey responses, the general categories of activities, and the percentage of funding increases they need, are ambient monitoring (38 percent), SIP efforts (34 percent), visibility work (15 percent), and compliance and enforcement (27 percent). Additionally, there are activities that do not fall within one of these categories that require increased grants as well, including programs to address environmental justice, asbestos, odors, complaint response, indoor air, training, outreach, small business assistance, management, administration, information technology, and many others.

While State and local agencies identified many specific activities for which they would most need additional funds, certain efforts appeared repeatedly in the survey responses. In addition to those listed above related to toxic air pollution and climate change, these activities include: placement of additional monitors and commencement or continuation of monitoring activities related to new standards for fine particulates, ozone and lead; development of and/or improvements in emission inventories for criteria pollutants; development of SIPs for the new fine particulate matter, ozone and lead standards; increased frequency of compliance evaluations, inspections and enforcement, specifically for smaller sources; modeling for criteria pollutants; small business assistance; public education; regulation of emissions from animal feeding operations; programs to address emissions from minor sources; retention of experienced staff and hiring of additional staff to take on new programs and/or fill vacancies; and staff training.

GRANTS SHOULD BE INCREASED TO FACILITATE REGIONAL SHIFTS

In addition to the funding shortfalls revealed by the NACAA survey, there is another argument to be made for additional Federal grants. For more than a decade, EPA has used a formula to distribute State and local section 105 grants among the various regions of the country. The formula was developed several years after the

passage of the Clean Air Act amendments and reflected the conditions, priorities and population distribution that existed at the time. Over the intervening years, some adjustments have been made to the formula to account for new priorities and to apportion grant increases and decreases. However, a re-examination of the methodology and formula that serve as the foundation of the grant allocations had not been done and was overdue. For many months, EPA has been developing an updated methodology and is close to completing the project. Based on preliminary evaluation of EPA's efforts, it appears that the updated formula could result in substantial shifts in grants from certain regions of the country to others. During these difficult economic times, few if any agencies can easily afford to withstand any reductions in resources, including those that reallocations might create, and certainly not of the size reflected in the proposal under consideration. Since full and even partial implementation of the revised formula could create unacceptable disruptions in certain regions, NACAA believes that the most essential element of the reallocation process would be for the Federal Government to provide grant increases sufficient to ensure that no agency suffers a decrease, while those that are slated for an increased share of the total receive additional funds. At a minimum, grant increases of the size NACAA is recommending—$43.4 million more than the President's request—would facilitate these shifts.

NACAA'S RECOMMENDATION

While significant grant increases are warranted, NACAA realizes that there are many competing priorities for Federal funds and that the current economy is very poor, and recognizes that full funding (an increase of $550 million to $575 million) is not viable right now. Therefore, for fiscal year 2010, NACAA is proposing an increase in Federal grants to State and local clean air agencies under sections 103 and 105 of only $43.4 million more than the President's fiscal year 2010 request ($46 million more than the fiscal year 2009 appropriation), for a total of $270 million. This is a modest increase, considering that the real needs are over an order of magnitude higher. Additionally, NACAA recommends that particulate matter and lead monitoring programs be funded under section 103 authority, as such expenditures have been in the past.

Thank you for this opportunity to testify on this critical issue and for your attention to the importance of adequate funding for air quality and public health programs.

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF FOREST SERVICE RETIREES

As a result of severely constrained budgets in recent years and a dramatic shift of money from all accounts to fund the increasing costs of wildfire suppression, the capacity of the Forest Service (FS) to carry out its missions in protecting and managing the national forests and grasslands, research, State and private forestry, and international forestry have been severely compromised. It is essential that this capacity be rebuilt. For fiscal year 2010 National Association of Forest Service Retirees (NAFSR)[1] recommends the following increases more than the levels appropriated for 2009.

[In millions of dollars]

	Fund at most recent 5-year average projected to 2010
Wildland fire management:	
Suppression	.....
Preparedness	10
National Forest System: Land management planning	10
Inventory and monitoring	10
Recreation, wilderness, and heritage	20
Wildlife and fish habitat management	10
Forest products	10
Vegetation and watershed management	15
Land ownership management	10
Research	20

[1] The National Association of Forest Service Retirees is composed of people who spent their careers involved with the management of the national forest system, research, State and private forestry, and international forestry programs. Members remain committed to the proper stewardship of our forest lands and to the statutory multiple-use mission of the U.S. Forest Service.

[In millions of dollars]

	Fund at most recent 5-year average projected to 2010
State and private forestry	10
Forest stewardship	20
Forest health—Federal lands	10
Forest health—coop lands	10
Urban and community forestry	10
National Conservation Education Center	4

WILDLAND FIRE SUPPRESSION

It is essential that the costs of wildland fire suppression be considered separately from the regular discretionary budget of the FS. As Chairman Rahall of the House Natural Resources Committee observed last year, "the dramatic rise in these costs is eroding other nonfire programs and impacting the core missions of the Federal land management agencies." For 2010, NAFSR recommends funding fire suppression based on the most recent 5-year average cost projected to 2010 based on the cost trend for that period. This should reduce the necessity of fire transfers.

The bulk of the costs for fire suppression are associated with large fires that escape initial and extended initial attack. It is essential that the agency maintain its capability to successfully stop at least 98 percent of the fire starts during the initial stages. In recent years there has been a reduction in the number of trained crews available for prompt reinforcement of initial attack forces, NAFSR recommends an increase of $10 million for preparedness to fund 10 additional, inter-regional hotshot crews.

NATIONAL FOREST SYSTEM

Land Management Planning

The National Forest Management Act requires that all activities on the national forests be conducted in accordance with approved land management plans. It requires revision of these plans at 10- to 15-year intervals in order to reflect changing conditions, new knowledge, and changing public needs and desires. Revisions of 60 percent of the plans are overdue. Revisions must be completed to comply with the law, avoid legal challenges, and keep national forest and grassland management relevant to the needs of the people. NAFSR recommends an increase of $10 million for land management planning.

Inventory and Monitoring

Regular monitoring of forest resource conditions and the results of management activities is fundamental to sound forest management. It is particularly important during this time of climate change. Further implementation of ecosystem management and the use of adaptive management, key to obtaining public acceptance of vegetative management activities, cannot be accomplished without assurance of appropriate inventory and monitoring of resources and project outcomes. NAFSR recommends an increase of $10 million for inventory and monitoring.

Recreation, Wilderness, and Heritage Management

The national forests include some of the most scenic, historic, and culturally important areas of our country. Some 192 million visitors enjoy recreation activities on these lands each year. But the quality and access to recreation activities is being lost. The capacity of recreation sites managed to standard declined from 93,600,000 people at one time (PAOT) in fiscal year 2002 to 70,230,000 PAOT in 2008. Priority heritage sites managed to standard declined from 8,112 to 2,294, and the miles of trail maintained to standard declined 30 percent in this period. Restoration of these facilities would provide badly needed jobs in rural communities. NAFSR recommends an increase of $20 million for recreation, wilderness, and heritage management.

Wildlife and Fisheries Habitat Management

The national forest system includes some of the most important wildlife and fish habitat in the country. Proper stewardship of these resources requires on the ground management by biologists and technicians. But while the pressures on these important resources continues to grow, the personnel available to care for the habitat has declined. From 2002 to 2008, the wildlife and fisheries staff was reduced by 39 percent. NAFSR recommends and increase of $10 million for wildlife and fisheries.

Forest Products

There is widespread recognition of the need to thin our overstocked forests to reduce their vulnerability to fire, insects, and disease. Funding for hazardous fuel reduction is important and must be continued, but it is clearly inadequate to accomplish the needed work. Annual growth on the currently roaded portion of the timberlands on the national forests is about 4 billion cubic feet. Not all of the material that needs to be removed has economic value, particularly under current market conditions, but portions are suitable for conventional wood products. Much more is suitable for energy production. Capturing these economic values is essential to making real progress in improving the condition of our forests. It has much potential for contributing to meeting our need for renewable energy. NAFSR recommends an increase of $10 million for identifying markets and preparing conventional and stewardship contracts for material that needs to be removed to promote forest health.

Vegetation and Watershed Management

One of the primary purposes for the national forests is to provide favorable conditions of water flow. National forest watersheds provide much of the water used by our growing population, particularly in the West. Resource management specialists and supporting technicians available to protect and enhance our watersheds have declined by 44 percent in the last 6 years. This decline must be reversed.

With the serious fire seasons of recent years, the backlog of needed reforestation has grown, but the reforestation program has been shrinking. FS estimates the backlog of needed reforestation is about 1 million acres. This does not include some 250,000 acres on recent large fires that have been identified as potentially needing reforestation based on remote sensing, but where on the ground examinations have not been completed. NAFSR recommends an increase of $15 million for vegetation and watershed management.

Land Ownership Management

The national forest system is a vast estate. Millions of acres of land share thousands of miles of property boundary with other agencies, small, and large property owners, Proper stewardship of this Federal estate requires maintenance of property lines, monitoring for trespass, and administering thousands of special use permits. The national forests should be good neighbors to adjacent landowners and communities. With a 19 percent reduction in staffing for this activity, the national forests are instead becoming, unresponsive, absentee landlords. NAFSR recommends an increase of $10 million for land ownership management.

RESEARCH

Forest research in this country has declined significantly, both in the private sector at major forest product companies and at universities. This trend makes the reduction in research scientists and support personnel in the FS over the last few years particularly untimely. We urgently need more information on the response of forests and the resources they provide to changing climate and on management practices needed to respond to and mitigate the adverse impacts of these changes. We need leading-edge technologies to effectively use the available forest resource, particularly small diameter, overstocked material in fire-prone areas, which can enhance rural economies and provide alternative energy sources from wood. With water problems in many areas of the country, forest management practices to enhance water yield and quality are urgently needed. NAFSR recommends increasing funding for research by $20 million with emphasis on response to climate change, economic uses for small diameter trees (including energy), and water.

STATE AND PRIVATE FORESTRY

Two-thirds of our Nation's forests are in small, nonindustrial ownerships. These lands are vital to meeting our wood product needs and providing other forest values. The importance of proper management of these forest lands is growing as the forest industry continues to divest its timberlands. The continued fragmentation of these lands presents serious challenges to assuring proper stewardship and sustainable management. The State and private forestry program, in cooperation with State foresters, has a proven record in helping to promote sustainable practices on these lands.

Continued drought has increased fire, insect, and disease problems on private forest lands, just as it has on Federal lands. Continued assistance in forest protection and management is needed so that private land owners will make the needed long-term investments in the management of these lands. The National Conservation Education Center and Repository in Missoula, Montana (National Museum of Forest

Service History) offers an outstanding opportunity to interpret the history of the national forests and other FS programs. NAFSR recommends $4 million for this facility. NAFSR recommends an increase of $10 million for forest stewardship; $10 million for forest health on Federal lands; $10 million for forest health on coop lands, and $10 million for urban and community forestry.

REPAYMENT OF FIRE TRANSFERS

In 5 of the last 7 years, the FS has been forced to transfer money from other agency programs to cover the cost of fire suppression. These transfers have disrupted on-going activities, increased costs, and damaged relationships with other agencies and cooperators. The continuing resolution for fiscal year 2009 repaid the nearly $400 million transferred in fiscal year 2008 and $100 million in K–V Funds transferred in prior years. This leaves some $289 million in transfers that have not been replaced. This transferred money includes commitments for hazardous fuel reduction, noxious weed treatment, watershed improvements, fisheries enhancements, and wildlife improvements. It includes money deposited into working capitol funds for vehicle replacement and facilities maintenance. NAFSR recommends that the Congress complete reimbursement of money from trust funds transferred for fire suppression.

The NAFSR believes the national forests and grasslands should be managed so they are an asset to the communities in and adjacent to them. In all too many instances, rather than an asset, the overstocked, insect-infested, fire-prone, poorly maintained, and understaffed forests are becoming a liability. We believe the funding increases recommended above will began the process of restoring the capability of the FS to provide proper stewardship of these national treasures and to carryout the other vital missions of the agency.

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS

Madam Chair and members of the subcommittee, I am Dub Taylor of Texas, and Chair of the National Association of State Energy Officials (NASEO). NASEO represents the energy offices in the States, territories, and the District of Columbia. NASEO is submitting this testimony in support of funding for the Energy Star program (within the Climate Protection Division of the Office of Air and Radiation) at the U.S. Environmental Protection Agency (EPA). NASEO supports funding of at least $105 million, including specific report language directing that the funds be utilized only for the Energy Star program. We were extremely disappointed with the $50 million fiscal year 2010 request and the final fiscal year 2010 funding level. At the present time, Congress is seriously considering climate legislation. The Energy Star programs are successful and cost effective. They should be expanded, not reduced. With energy prices increasingly volatile, Energy Star can help consumers quickly.

The Energy Star program is focused on voluntary efforts that reduce the use of energy, promotes energy efficiency and renewable energy, and works with States, local governments, and businesses to achieve these goals in a cooperative manner. NASEO has worked very closely with EPA and more than 40 States are Energy Star Partners. In 2005, EPA and NASEO announced a new Clean Energy and Environment State Partnership program, which has many State members, including California. We are working closely with EPA on the Action Plan for Energy Efficiency, the Energy Star Challenge, Home Performance with Energy Star, etc. We worked with EPA to have over half the States declare "Change a Light" Day. With very limited funding, EPA's Energy Star program works closely with the State energy offices to give consumers and businesses the opportunity to make better energy decisions, without regulation or mandates.

Energy Star focuses on energy efficient products as well as buildings. In 2008 550 million Energy Star products were purchased. The Energy Star label is recognized across the United States. It makes the work of the State energy offices much easier, by working with the public on easily recognized products, services and targets. In order to obtain the Energy Star label a product has to meet established guidelines. Energy Star's voluntary partnership programs include Energy Star Buildings, Energy Star Homes, Energy Star Small Business and Energy Star Labeled Products. The program operates by encouraging consumers, working closely with State and local governments, to purchase these products and services. Marketplace barriers are also eradicated through education. State energy offices are working with EPA to promote Energy Star products, Energy Star for new construction, Home Performance with Energy Star (especially for existing homes), Energy Star for public housing, etc.

In addition to the State partners, the program has more than 2,400 manufacturers using the label, 1,000 retail partners, 6,500 builder partners, 4,500 businesses, 550 utilities, and thousands of energy service providers. The "Home Performance with Energy Star" activity allows us to focus on whole-house improvements, not simply a single product or service. This is extremely beneficial to homeowners. Programs have already been undertaken in California, New York, Illinois, Maryland, Oregon, Texas, and Wisconsin. For example, a Mid-Atlantic regional effort has been initiated. We are also working closely with EPA in the implementation of the Energy Star Challenge, which is encouraging businesses and institutions to reduce energy use by 10 percent or more, usually through very simple actions. We are working with the building owners to identify the level of energy use and compare that to a national metric, establish goals and work with them to make the specified improvements. Again, this is being done without mandates.

The State energy offices are very encouraged with progress made at EPA and in our States to promote programs to make schools more energy efficient, in addition to an expanding Energy Star business partners program. This expansion will continue. EPA has been expanding the technical assistance work with the State energy offices in such areas as benchmark training (how to rate the performance of buildings), setting an energy target and training in such areas as financing options for building improvements and building upgrade strategies.

The State energy offices are working cooperatively with our peers in the State environmental agencies and State public utilities commissions to ensure that programs, regulations, projects, and policies are developed recognizing both energy and environmental concerns. We have worked closely with this program at EPA to address these issues. The level of cooperation from the agency has been extraordinary and we encourage these continued efforts.

EXPANSION OF ENERGY STAR

The Energy Star program saves consumers billions of dollars every year. The payback is enormous. NASEO supports an approximate doubling of this program to $105 million in fiscal year 2010. The elements of the expanded program are as follows:

—$12.5 million should be appropriated to expand the program to upgrade energy-inefficient homes. Consumers could save $500 per year on their energy expenditures, which is $10,000 over 20 years (nominal dollars). This is real money in the pockets of consumers. It can help them stay in their homes and help the economy. There are significant, off-the-shelf energy efficiency measures that can be utilized. A large expansion of the Home Performance with Energy Star is the critical element of this initiative. Additional work to encourage quality installation of heating and cooling equipment would also produce real savings.

—$7.5 million should be appropriated for an expansion of energy performance ratings systems for the Nation's buildings. Information on energy use per square foot is a key motivating tool. This can help commercial building owners make the right decisions.

—$10 million should be appropriated for expansion of Energy Star to medium and small manufacturers and small businesses. The State energy offices are working hard to preserve and expand jobs in this difficult economy. Energy Star is a powerful tool to help reduce operating costs and maintain profits and jobs.

—$10 million should be appropriated for an expanded outreach program for energy efficiency to States, utilities, local governments, schools, and other potential program sponsors. Energy Star provides crucial technical assistance to help work with these entities to expand energy efficiency programs throughout the economy.

—$10 million should be appropriated for additional outreach to State and local governments. Energy Star has been helpful, but is woefully underfunded in efforts to share best practices.

—$5 million should be appropriated to offer new opportunities to incorporate new technologies into Energy Star.

The funds delineated above should be added to the existing appropriation. It is especially critical for the Energy Star program to work with the States and local governments as they distribute stimulus funds for the State Energy Program ($3.1 billion), the Energy Efficiency and Conservation Block Grant (for local and State governments) ($3.2 billion), the Weatherization Assistance Program ($5 billion) and the Appliance Rebates Program ($300 million). The funding provided in this bill will help spend this money more effectively.

STATE EXAMPLES

In California, residents and businesses are projected to save more than $14 billion through the Energy Star investments that have already been made. Well more than 10,000 California homes have earned the Energy Star. California also has a tax credit for the construction of a new, or purchase of an existing, Energy Star Home. The State Green Building Action Plan requires State agencies to only lease Energy Star space and purchase Energy Star equipment. The State also has an Energy Star Residential Fixture promotion program.

In Colorado, Energy Star investments in qualified products, homes, and buildings are projected to save well more than $2 billion over the life of these efforts. Approximately 10,000 homes in the State have earned the Energy Star and more than 900 buildings (more than 130 million square feet) have been rated utilizing the performance rating system. Approximately 100 Colorado companies are now building Energy Star-rated homes. Aggressive Energy Star efforts are occurring in schools throughout the State. With the passage of new State legislation and actions by the Governor, aggressive new Energy Star promotion activities have had a significant impact.

Maryland passed a group of major energy bills promoted by the Governor. The Maryland Energy Administration is tasked with leading the charge to promote energy efficiency and reduce energy consumption quickly. One hundred forty companies and public entities are participating in Energy Star in the State. One hundred thirty million square feet of buildings in Maryland have been rated for energy efficiency. Tax incentives are also available to consumers for the purchase of Energy Star-qualified products.

Thirty companies and public entities in Mississippi are participating actively in Energy Star product promotions. Millions of square feet of buildings have been rated for energy efficiency. The State is also working with other Southeastern States to promote energy efficiency in commercial buildings through the Southeast Rebuild Collaborative. The State Energy Office (Mississippi Development Authority) has been providing training to schools and Government agencies in Energy Star tools.

Six hundred million dollars will be saved in the Energy Star investments that have already been made in Nebraska. Twenty-one million square feet of buildings in the State have been rated using energy performance rating system tools. The Nebraska Energy Office has also been promoting the program and sponsored an energy-efficient prototype home in Lincoln that is demonstrating affordable yet energy-efficient housing techniques. The Energy Office provides loans to finance residential energy efficient improvements. Many companies are now building Energy Star homes in the State.

Seventy-eight companies and public entities in New Hampshire have been actively promoting Energy Star. Two thousand homes so far have earned the Energy Star and 14 million square feet of buildings have been rated. Scores of New Hampshire companies are building Energy Star homes and the first three residence halls in the country to earn the Energy Star are located on the University of New Hampshire campus in Durham.

Rhode Island businesses and residents will save more than $400 million through Energy Star investments they have already made. More than 2,000 homes have been rated utilizing Energy Star tools. The State has held a sales tax holiday for Energy Star labeled products. The State, in cooperation with National Grid, has been promoting Home Performance with Energy Star.

Five million square feet of building space in South Dakota has been rated for energy efficiency utilizing EPA's performance rating system. The State has been aggressively promoting a variety of Energy Star efforts, including Energy Star Change a Light Day. In Tennessee, well more than 100 companies and public entities, including significant numbers of small businesses, have been participating in Energy Star. Businesses and residents are projected to save more than $2 billion through Energy Star investments that have already been made. The State Energy Office has taken the lead in promoting the Energy Star Challenge and the Change a Light campaign, urging consumers to shift to CFLs. Participants in the program range from Nashville Habitat for Humanity to Clayton Homes, Inc.

Utah residents and businesses will save more than $700 million through investments they have already made in Energy Star products, homes, and buildings. Well more than 100 companies are actively participating in the Energy Star program. 7,500 Utah homes have earned the Energy Star and more than 17 million square feet has been rated for energy efficiency in the State.

Vermont has aggressively promoted energy efficiency for many years and scores of public entities and companies have been involved in the program. Approximately 5,000 homes in the State have earned Energy Star, which is a high percentage. In

addition, 120 buildings covering 8 million square feet have been rated for energy efficiency utilizing EPA's energy performance rating system. As a result of an Executive Order (14–03), State agencies are only permitted to purchase Energy Star products.

Residents and businesses in West Virginia will save more than $400 million as a result of Energy Star investments that they have already made. More than 13 million square feet of building space has been rated utilizing EPA's energy performance rating system. The State Energy Office (West Virginia Development Office) has been helping county school systems throughout the State by providing both Energy Star benchmarking tools and other financial mechanisms to help implement improvements. Giant Eagle and Food Lion have been Energy Star leaders in the State.

Wisconsin has approximately 500 companies and public entities that have been promoting Energy Star. More than 8,000 homes have earned Energy Star and more than 180 million square feet of building space, across 1,500 buildings, have been rated for energy efficiency. Energy Star is now part of the State's procurement guidelines. A 2005 study found that Wisconsin Energy Star new homes utilize 23 percent less energy per square foot for heating than older Wisconsin homes, even though the new homes are generally 22 percent larger.

CONCLUSION

Significant increases in funding for the Energy Star programs are justified. NASEO endorses these activities and the State energy offices are working very closely with EPA to cooperatively implement a variety of critical national programs.

PREPARED STATEMENT OF THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

Thank you Chairwoman Feinstein, Ranking Member Alexander, and the members of the Senate Appropriations Subcommittee on Interior, Environment, and Related Agencies for the opportunity to provide testimony. I appreciate this chance to share the State Historic Preservation Office's (SHPOs) 2008 historic preservation accomplishments, discuss the SHPOs' role in the economic stimulus, and review historic preservation's contribution to economic and environmental sustainability.

SHPOS ARE THE NATION'S PRESERVATION PROGRAM

In 1966, Congress affirmed the importance of historic preservation in the National Historic Preservation Act (NHPA 16 U.S.C. 470). This Federal historic preservation program is carried out by the SHPOs for the National Park Service (NPS) and the Advisory Council on Historic Preservation. Appropriations to SHPOs constitute the operational funding for this Federal mandate. The NHPA directs SHPOs to sustain the foundation of historic preservation in America by: (1) locating and recording historic resources; (2) nominating significant historic resources to the National Register of Historic Places; (3) fostering historic preservation programs at the local government level and promoting the creation of preservation ordinances; (4) providing funds for preservation activities; (5) commenting on Federal preservation tax projects; (6) reviewing all Federal projects for their impact on historic properties; and (7) providing technical assistance to Federal agencies, State and local governments, and the private sector.

HISTORIC PRESERVATION AND THE AMERICAN REINVESTMENT AND RECOVERY ACT (ARRA)

SHPOs need $50 million now more than ever to weather "the perfect storm" created by State budget reductions and ARRA project activity increases.

A recent survey of SHPOs found that the impact of State budget reductions includes the following.

—Nearly half the SHPOs expect State cuts in fiscal year 2009 at an average 13 percent.

—Thirteen States out of 35 report loss of staff and 30 reported hiring freezes.

—In Nevada, funding for the State historic preservation office could be cut in half, and the Nevada Historical Society's 10-person staff would be reduced to 5.

While SHPOs operate under these fiscal restraints, Federal stimulus projects are being "fast-tracked" to create jobs and generate investments. Handling the unprecedented volume of projects for historic preservation reviews with fewer resources is a challenge. For projects that are controversial or fall short of "shovel-ready" status, Federal law directs SHPOs to resolve and mitigate any issues in a timely manner.

Providing $50 million to SHPOs in fiscal year 2010 will add critically needed resources to expedite the implementation of ARRA and stimulate the economy.

It is also worth noting that this subcommittee acknowledged the value of restoration projects in stimulating the economy by including $50 million to the SHPOs for restoration grants in the initial stimulus proposal. We were disappointed that the final version eliminated the funding. Since SHPOs across the country have long lists of SHPO approved, shovel-ready projects, just waiting for funding, we look forward to working with the appropriations subcommittee to enact this program.

HISTORIC PRESERVATION IS ECONOMIC DEVELOPMENT

Preserving the physical reminders of our past creates a sense of place and community and generates a wide range of economic benefits. Historic preservation creates jobs, brings people to downtowns and main streets, supports affordable housing and small businesses, and generates tax revenues while revitalizing communities and neighborhoods.

SHPOs administer the rehabilitation tax credit program which has spurred private investment on a 5 to 1 ratio and is a powerful job creation tool. More than $50.82 billion in private investment has been leveraged from its inception in 1976 and each project approved by the NPS creates, on average, 42 new and principally local jobs. The following statistics are typical of the positive findings of preservation's economic benefits:

—Historic preservation activities generate more than $1.4 billion of economic activity in Texas each year.

—Each $1 of Maryland's historic preservation tax credit leverages $6.70 of economic activity within that State.

—Massachusetts benefits from historic preservation include a gain of about 87,000 jobs, $2.6 billion in income, $3.5 billion in GSP, and $944 million in taxes.

—In New York State, $1 million spent rehabilitating an historic building ultimately adds $1.9 million to the State's economy.

Dollar for dollar, historic rehabilitation creates more jobs than most other investments. According to a 1997 study on the economic impacts of historic preservation, "preservation's benefits surpass those yielded by such alternative investments as infrastructure and new housing construction." In Michigan, $1 million in building rehabilitation creates 12 more jobs than manufacturing. In West Virginia, $1 million of rehabilitation creates 20 more jobs than mining $1 million worth of coal. A 2010 $50 million appropriation will allow SHPOs to encourage more owners to undertake rehabilitation projects and to expedite reviews.

PRESERVATION IS SUSTAINABILITY

Historic preservation can—and must—be an important component of any effort to promote sustainable development. The conservation and improvement of our existing built resources, greening the existing building stock, and reinvestment in historic communities, is crucial to using our past to create a better future for generations to come.

The National Historic Preservation Program and SHPOs are responsible for the administration of public and private initiatives that advance sustainability. Environmental responsibility is achieved in the preservation industry through recycling, waste reduction, saving landfill space, saving energy, reducing carbon emissions, and promoting renewable resources. The sustainable economic benefits include fiscally viable communities, the use local labor forces, increases in property values and tax bases and heritage tourism. Historic preservation also promotes social and cultural responsibility through creating affordable housing, giving people a sense of place and community and incorporating smart growth principles. A 2010 $50 million appropriation will provide resources to promote sustainability.

IMPORTANCE OF DIGITAL RECORDS

The key to protection of our Nation's historic resources lies not only in identifying them, but in making information about their location and importance widely available. Yet, in this age of electronics, spending hours upon hours—if not days—traveling to one location, only to spend additional hours searching through piles of maps, charts and documents, is typical for anyone who needs access to SHPO documents. Five million dollars for competitive grant funds for digitization and inventory will accelerate SHPOs' move into the electronic era.

Specifically, inventory funds would be used for two purposes (1) to convert existing paper records to electronic formats (databases, GIS) and (2) to conduct inventory fieldwork, filling in the current patchwork of identified sites which is essential for

Federal project review (section 106) and lays a foundation of every future preservation activity (e.g., National Register).

The State of Washington, and a select few other SHPOs have made remarkable progress assembling multiple-source funding to initiate digital access to inventory information, other SHPOs around the country are not as fortunate. After 40 years of the national preservation program we, as a Nation, still do not know the location of hundreds of thousands of our historic resources. Knowing what we have and defining the location and significance of the Nation's historic assets, is fundamental for all historic preservation activities. (NHPA 1966)

2008 SHPOS ACCOMPLISHMENTS

SHPOs used their HPF allocations well in 2008. While virtually every State experienced cut backs and reductions, SHPOs are still charged with implementing the requirements of the NHPA to their fullest extent. Highlights of 2008 historic preservation accomplishments include:

—More than $5.64 billion of private investment in the rehabilitation of commercial historic properties under the rehabilitation tax credit program.
—An estimated 67,705 jobs created by the tax credit program in 2008.
—10,392 low- and moderate-income housing units created through the FRTC.
—Approximately 11 million acres surveyed for cultural resources and more than 132,300 properties evaluated for their historical significance.
—1,319 new listings in the National Register of Historic Places.
—SHPOs reviewed 114,000 Federal undertakings, providing 98,700 National Register eligibility opinions.
—51 new communities became Certified Local Governments (CLGs)
—CLG's newly designated 48,200 properties, and 86,600 properties took part in local preservation review, programs, and incentives.

FUNDING FOR ADDITIONAL HISTORIC PRESERVATION PROGRAMS

In addition, from the HPF NCSHPO supports $20 million for tribes. We also would like to see $30 million for Save Americas Treasures and $10 million for Preserve America. Additionally, adequate funding for the Advisory Council on Historic Preservation and NPS historic preservation programs is needed to carry out their missions of promoting the preservation of historic resources.

CONCLUSION

Congress stated in 1966 that "The spirit and direction of the nation are founded upon and reflected in its historic heritage." Historic preservation recognizes that what was common and ordinary in the past is often rare and precious today, and what is common and ordinary today may be extraordinary, 50, 100, or 500 hundred years from now. I would like to thank the subcommittee for their commitment to historic preservation. The Federal Government's role in preserving our Nation's history is only possible through our partnership. SHPOs stand committed to identify, protect, and maintain our Nation's historic heritage.

Thank you.

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2010

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

NONDEPARTMENTAL WITNESSES

[CLERK'S NOTE.—The subcommittee was unable to hold hearings on nondepartmental witnesses. The statements and letters of those submitting written testimony are as follows:]

PREPARED STATEMENT OF THE NATIONAL ENVIRONMENTAL SERVICES CENTER

Chairwoman Feinstein, Ranking Member Cochran, and members of the subcommittee: We request an appropriation of $1.5 million for fiscal year 2010 directed to the National Small Flows Clearinghouse (Clearinghouse) under the Environmental Programs and Management (EPM) account for the U.S. Environmental Protection Agency (EPA). The Clearinghouse programs assist small and rural communities throughout the United States in meeting their wastewater treatment needs.

Introduction

My name is Gerald Iwan and I am the Executive Director of the National Environmental Services Center at West Virginia University (WVU). Our center conducts both EPA- and USDA-funded programs that address a national need for environmental services to small communities and rural areas. For the past 30 years, our work has focused on drinking water, wastewater, and community resiliency. We assist the USEPA and USDA in providing information, training, and technical assistance essential to their drinking water and wastewater public mission.

Need

Nearly 1 in 4 households in the United States depends on individual septic or other types of onsite systems to treat their wastewater. Many of these households are in small and rural communities that have limited financial and personnel resources to address wastewater treatment problems. Underperforming wastewater treatment systems can have considerable quality of life, environmental, and public health impacts. Recognizing the need to assist small communities in meeting wastewater treatment mandates, Congress, through the 1977 Clean Water Act (CWA), authorized the National Small Flows Clearinghouse and mandated that it collect and distribute information and also provide training to small and rural communities about wastewater treatment.

The Clearinghouse and its training arm, the National Environmental Training Center for Small Communities, are cornerstone programs administered by the National Environmental Services Center at WVU. Through these programs the USEPA is able to meet its mission of providing wastewater-related information, technical assistance, publications, products, and training services for little or no cost to the public. Such services are especially critical to the small and rural communities least likely to be able to assist themselves. Under the CWA, Congress mandated annual funding for the Clearinghouse through EPA's Construction Grants Program, signaling its commitment to assist these small communities through the Clearinghouse's services.

While the Clearinghouse had been included in subsequent reauthorizations of the act, the Construction Grants Program was phased out in 1991 and replaced by the

Clean Water State Revolving Loan Fund. As a consequence, the statutory funding provision for the Clearinghouse was lost. This loss of directed funding has jeopardized the Clearinghouse's ability to provide essential wastewater services that continue to be needed by our Nation's small communities. Reinstatement of the Clearinghouse formula funding provision was approved by the House in H.R. 1262, The Water Quality Investment Act of 2009.

Since the expiration of the CWA funding provision, the Clearinghouse's 25 employees have continued to provide essential wastewater services to the public through congressional appropriations, competitive grants, and supplemental funding by WVU. However, congressional appropriations ended in fiscal year 2006, University funds are limited and competitive funding opportunities in the relevant EPA programs are scarce. Most national rural water technical assistance organizations (e.g., NRWA, RCAP, and GWPC) providing complementary services to EPA are supported through congressionally directed funding on an annual basis. Congressional support for reinstatement of the Clearinghouse and its formula funding provision under H.R. 1262 would enable the Clearinghouse programs to continue with uninterrupted services on a firm financial footing. However, until the bill is enacted, we need an appropriation of $1.5 million to enable these programs to continue their work of serving our Nation's small communities.

Request

We request $1.5 million in congressionally directed funding for the National Small Flows Clearinghouse programs to support our work until the CWSRF legislation is reauthorized and enacted.

PREPARED STATEMENT OF THE NORTHERN FOREST ALLIANCE

Mr. Chairman, and distinguished members of this subcommittee, we are grateful for the opportunity to submit testimony today on behalf of the member organizations of the Northern Forest Alliance (NFA). The NFA is a coalition of 55 national, regional, State, and local conservation, recreation, and forestry organizations united by a commitment to work together to protect and enhance the ecological and economic sustainability of natural and human communities in the Northern Forest. Our priorities include: conserving wildlands in the Northern Forest to help protect the forest's ecological integrity, its recreational opportunities, and it's timber production; encouraging well-managed private forests to support the forest-based economy, including high-value timber products, recreational tourism, and the jobs these industries support; and building strong, diverse, local economies that support vibrant communities throughout the Northern Forest.

With these priorities and goals in mind, we respectfully request an increase in overall funding for the Land and Water Conservation Fund (LWCF) and the Forest Legacy Program (FLP) and specifically urge the subcommittee to provide $325 million for the Federal LWCF, $125 million for the LWCF stateside program, and $125 million for the FLP in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill. In addition, we respectfully urge the subcommittee to provide a minimum of $10 million for the Community Forest and Open Space Conservation Program, $45 million for the Forest Stewardship Program, $36 million for the Urban and Community Forestry Program, $53 million for the Cooperative Lands Forest Health Program, $45 million for the State Fire Assistance Program, and $85 million for the State Wildlife Grants Program. Finally, we're strongly supportive of funding the authorized amount of $5 million for the new Community Wood Energy Program.

We applaud the LWCF and FLP funding increases provided by this subcommittee in fiscal year 2009. And, we are most thankful that the Obama administration budget recognizes the importance of these programs by proposing significant increases for fiscal year 2010 and setting a goal to achieve full funding of the LWCF in the next 5 years.

FLP and LWCF have proven to be the most important tools to fund land conservation in the Northern Forest. It is critical that funding for these programs be expanded to ensure that as opportunities for productive conservation arise, we continue the strong tradition of conservation that ensures public access, sustainable forestry, and a multitude of recreational opportunities.

Passage in 2008 of the Community Forest and Open Space Conservation Program is exciting for the NFA and for all communities looking toward a more empowered and locally controlled future. This new program will provide matching funds to help local government entities, Indian tribes, and nonprofit organizations to create new community forests. It will also offer technical assistance to develop and implement

management plans for each new community forest. We urge you to provide funding for the Community Forest and Open Space Conservation Program in the fiscal year 2010 budget for the U.S. Forest Service (USFS). This should include funding for the States to administer the program and to provide technical assistance, as directed by the program's authorizing language.

NFA is firmly committed to the effort to support a suite of programs that support resilient communities, sound forest stewardship, and the forest-based economy within the USFS's State and private forestry program. The economies and forests of New Hampshire, Vermont, Maine, and New York and across the Nation can not afford to lose the professional assistance provided by our State Foresters and Cooperative Extension Foresters. Programs including the Forest Stewardship Program, urban and community forestry, the Cooperative Lands Forest Health Program, and the State Fire Assistance Program are critical to the needs of Northern Forest communities. This suite of programs ensures that resources are available to support the shared goal of landowners, State, and local governments to manage their forestlands to the highest standards of sustainability.

The Forest Stewardship Program and Urban and Community Forestry Program support the ability of State and country foresters to provide technical services to forest landowners, providing educational services in urban areas and communities, developing forest stewardship plans, providing training for natural resource professionals, increasing public awareness of forest resources in rural and urban areas, providing training for the public in the coverts programs, and supporting the implementation of forest stewardship plans. These services benefit not only private landowners, but all in the region who benefit from the sustainable and healthy management of forests and of trees and urban forests in our communities.

The Cooperative Lands Forest Health Program provides assistance on our non-Federal forestland, the majority of forests in the Northern Forest and the eastern half of the Nation, to address forest health issues including the prevention, detection, and suppression of damaging insects, diseases, and plants. As you're well aware, the spread of invasive plants and insects into the forests of the region are causing and may cause incredible losses to the value of our crucial forestlands.

The State fire assistance program provides essential financial and technical assistance to State and local fire departments for wildland fire management. It helps to ensure preparedness in the advent of forest fires. In addition, to direct first-responder support, it provides funding for fuel reduction work and is one of the only programs that help communities develop community wildfire protection plans.

The State Wildlife Grants Program, created by Congress in 2000, provides funding to support cost-effective conservation aimed at preventing wildlife from becoming endangered. The work of the State Wildlife Grants program is done by State Fish and Game agencies implementing their wildlife action plans. Every State has completed a comprehensive wildlife action plan, as mandated by Congress. These action plans detail each State's species of greatest conservation need, their habitats, the problems and data gaps that confront them, and the conservation actions that are needed to prevent them from becoming endangered.

The Community Wood Energy Program is designed to assist communities in creating wood-energy systems to provide heat and/or power for municipal buildings and enable them to utilize locally sourced wood for their heat and power. This program will be critically important as our communities seek to provide fiscal certainty and the opportunity to utilize heat and power resources found within the region, rather than exporting our hard-earned funds to other regions and other nations.

In addition to these critically important program requests, NFA strongly supports funding for the following specific projects.

FLP Projects

Maine—Katahdin Forest Expansion ($3.7 million); Maine—Rangeley High Peaks ($3.5 million); New Hampshire—Cardigan Highlands ($3.8 million); New Hampshire—Mahoosuc Gateway II ($5 million); New York—Follensby Pond ($7 million); Vermont—Eden Forest ($2.2 million); and Vermont—Adams Pond ($1.6 million).

LWCF Projects

New Hampshire—Mahoosuc Gateway I ($1.375 million); New Hampshire, Maine—Umbagog NWR ($4.5 million); Vermont—Green Mountain NF ($2.25 million); Vermont—Chateauguay—No Town ($1.25 million); and New Hampshire, Vermont, Connecticut, Massachusets—Silvio O.Conte NWR ($2.965 million).

In closing, we thank the subcommittee for your continuing leadership on Federal land conservation and forestry assistance. The NFA stands ready to work with you to secure full and consistent funding for the LWCF, for the FLP, and for the critically important State Fire Assistance Program that ensure that our conserved lands

and private forests are all well-managed heading into the future. Thank you for the opportunity to provide this testimony.

MEMBER ORGANIZATIONS OF NFA

Adirondack Communities Advisory League; Adirondack Council; Adirondack Mountain Club; American Hiking Society; Appalachian Mountain Club; Appalachian Trail Conservancy; Association for the Protection of the Adirondacks; Audubon New York; Audubon Vermont; Biodiversity Legal Foundation; Catamount Trail Association.

Chewonki Foundation; Citizens Campaign for the Environment; Conservation Law Foundation; Defenders of Wildlife; Environmental Advocates; Environment New Hampshire; Forest Guild; Forest Watch; Garden Club of America; Gorham Trails Land Trust; Green Mountain Club.

Greensboro Land Trust; Jay Ericson Photography; Keeping Track; Maine Appalachian Trail Land Trust; Maine Audubon; Massachusetts Audubon Society; MetaFore; National Parks Conservation Association; National Wildlife Federation; Natural Resources Council of Maine; Natural Resources Defense Council.

New England Forestry Foundation; New York League of Conservation Voters; New York Rivers United; North Woods Stewardship Center; Residents' Committee to Protect the Adirondacks; Rural Vermont; Sierra Club; Student Environmental Action Coalition; The Wilderness Society; Trout Unlimited—Basil Woods Jr. Chapter; Trout Unlimited—National.

Trust for Public Land; Trust to Conserve Northeast Forestlands; Vermont Alliance of Conservation Voters; Vermont Businesses for Social Responsibility; Vermont Land Trust; Vermont Natural Resources Council; Vermont Public Interest Research Group; Vermont Woodlands Association; Vermont Woodnet; Vermont Youth Conservation Corps; World Wildlife Fund.

PREPARED STATEMENT OF THE NATIONAL FISH AND WILDLIFE FOUNDATION

Madam Chairman and members of the subcommittee: Thank you for the opportunity to submit testimony regarding fiscal year 2010 Department of the Interior appropriations and funding for the National Fish and Wildlife Foundation (NFWF). We appreciate the subcommittee's past support and respectfully request your approval of funding at the following levels:

—$10 million through the U.S. Fish and Wildlife Service's (FWS) resource management general administration appropriation;
—$3 million through the FWS's resource management endangered species appropriation to conserve and restore Pacific salmon in Washington State;
—$5 million through the Bureau of Land Management's (BLM) management of lands and resources appropriation; and
—$5 million through the Forest Service's (FS) National Forest System appropriation.

This funding request for fiscal year 2010 is within the authorized levels and would allow the NFWF to uphold our mission and expand our successful partnerships with the FWS, BLM, and FS. Mr. Chairman, I would like to make one very important point: we are asking for your continued support of well-established conservation programs with national significance. The NFWF is required by law to match each federally appropriated dollar with a minimum of one non-Federal dollar. We consistently exceed this requirement by leveraging Federal funds at a 3:1 ratio while providing thought leadership and emphasizing accountability, measurable results, and sustainable conservation outcomes.

In 2009, the NFWF is celebrating its 25th anniversary and a remarkable history of bringing private partners together to leverage Federal funds to conserve fish, wildlife, plants and their habitats. As of fiscal year 2008, the NFWF had awarded more than 10,000 grants to more than 3,500 national and community-based organizations through successful partnerships with the FWS, BLM, FS, and other Federal agencies. Our collaborative inter-agency model has grown to include partnerships with the Environmental Protection Agency, National Oceanic and Atmospheric Administration, USDA Natural Resources Conservation Service, and several other Federal agencies. This effective model brings together multiple Federal agencies with State and local government and private organizations to implement conservation strategies that directly benefit diverse habitats and a wide range of fish and wildlife species.

This subcommittee's funding has been critical to our success in attracting additional funding for conservation through corporate contributions, legal settlements, and direct gifts. As a neutral convener, the NFWF is in a unique position to work

with the Federal agencies, State and local government, corporations, foundations, conservation organizations, and others to build strategic partnerships to address the most significant threats to fish and wildlife populations and their habitats. Currently, the NFWF has active partnerships with more than 30 corporations and foundations and 17 Federal agencies.

IMPLEMENTATION OF STRATEGIC CONSERVATION INITIATIVES

It is widely known that climate change will endanger some wildlife populations and ecosystems more than others. In fiscal year 2008, the NFWF-initiated grant-making through new keystone initiatives, which focus on select species of birds, fish and sensitive habitats. With modest funding increases in fiscal year 2010, we will accelerate implementation of these strategic initiatives, many of which seek to address the affects of climate change through wildlife and natural resource adaptation. To ensure success in these investments, we are incorporating monitoring and evaluation into the entire lifecycle of the keystone initiatives in order to measure progress, promote adaptive management, demonstrate results, and continuously learn from our grant-making. With our partners, the NFWF has identified several species and ecosystems in need of immediate conservation action, a few of which are described below.

FISH AND WILDLIFE MOVEMENT AND MIGRATION

In the Western United States, maximizing wildlife movement opportunities and implementing targeted conservation strategies is critical to ensure that future generations can enjoy the diversity of America's natural resources. The NFWF is specifically launching initiatives focused on wildlife movement and migration that will improve the resilience of large mammal populations in the Rocky Mountains, Green River Basin of Wyoming and Sky Islands region of southern Arizona and New Mexico. We are also focusing our efforts on sage grouse conservation activities and developing initiatives to improve the resilience of imperiled migratory fish species including the native fishes of the upper Colorado River basin.

The Green River Basin of Wyoming—Sublette County and other areas in the southwest corner of the State—are a major area for U.S. natural gas production and provide some of the highest-quality sagebrush, riparian habitats, and forest for wildlife in the west. The area also supports a large sage grouse population, as well as mule deer, pronghorn, and elk populations. Energy development impacts on wildlife movement and habitat are being addressed by energy companies, BLM, and other Government agencies. Our goal is to work with public and private partners to accelerate these efforts through several key strategies which include eliminating fence and other barriers that obstruct wildlife movement, reducing road mortality along important migratory pathways, and protecting key parcels of private ranchland from development and subdivision with conservation easements.

WATER SUPPLY AND STREAM RESTORATION

We also recognize that climate change will greatly exacerbate two existing water supply problems which impact wildlife and the public—too little water and the seasonality of freshwater supplies. The NFWF is working proactively with Federal, State, and local partners to expand voluntary water transaction programs and launching new initiatives to increase natural water storage. These efforts will benefit a diversity of wildlife species while improving water flows year-round for human use.

For example, California faces a likely future climate that drops more rain and less snow on the Sierra Nevada Mountains. More water will flow off the mountains in the winter and spring, leaving less for fish, wildlife, and people during the drier summers to come. Sierra Nevada alpine wetlands, or "wet meadows", are hotspots within the Sierra Nevada ecosystem for wildlife diversity. Federal agencies manage about 40 percent of the area of these mountain ranges, but wet meadow habitat along valley bottoms is primarily private land. Our challenge is to foster large-scale restoration efforts to positively impact stream flow in the dry season. To that end, the NFWF will invest in partnerships that provide incentives to private landowners to conserve springs and wet meadows and provide artificial water sources to protect stream habitats.

In the Klamath Basin, the NFWF will be focusing on spring systems either by acquisition, easement, or voluntarily modifying agricultural practices as it is the soundest strategy for recovery of both endangered Suckers and Coho salmon. This strategy will provide these species and other fishes the ability to withstand climate change (resilience) much longer into this century. Similarly, an investment strategy

of protecting and restoring spring systems in the Shenendoah River Basin will allow for the return of Eastern Brook Trout and 18–24 additional native species.

In the Upper Colorado River Basin, locating areas at the warmwater-coldwater interface which contain Colorado Cutthroat trout and native suckers and chubs is providing the framework to sustain these fishes into the next century, on both public and private lands. The NFWF has successfully implemented a water transactions program in the Columbia Basin in partnership with the Bonneville Power Administration, local water trusts, and willing landowners. All of these approaches for stream restoration will be necessary to sustain or recover the 700 fish species in decline in North America.

Increased funding through FWS, BLM, and FS in fiscal year 2010 will also support the NFWF's ongoing conservation grant programs including Bring Back the Natives, Pulling Together Initiative, Great Lakes Watershed Restoration Fund, Long Island Sound Futures Fund, and Chesapeake Bay Stewardship Fund. FWS funding is also critical to our marine and coastal initiatives, such as the Coral Reef Conservation Fund and International Sea Turtle Conservation Fund. These grant programs, which effectively leverage funds from multiple Federal agencies and corporate partners, continued positive results in 2008 with priority project requests far exceeding available funds.

The Washington State Community Salmon Fund provides community-based grants to assist rural communities, farmers, ranchers and other private landowners with salmon habitat conservation projects. We appreciate the subcommittee's continued support of this partnership, which has also includes funding and participation from the Washington Salmon Recovery Funding Board, the Washington Conservation Commission, King County, Washington and Pierce County, Washington and benefits every major salmon-bearing watershed across Washington. As of January 2009, the Fund has supported 391 grants, resulting in improved fish passage and habitat on more than 1,000 miles of streams, rivers, and marine shorelines and restoration of more than 30,000 acres of complex ecosystems. Federal funds are more than doubled by partners and grantees at the local level and more than 20,000 local volunteers have assisted with projects in all 27 lead entity salmon recovery areas of Washington State.

EFFICIENCY, PERFORMANCE MEASURES, AND ACCOUNTABILITY

As you know, the NFWF has taken important strides to strengthen our performance measures and accountability. For example, the NFWF is working with scientists and other experts to develop species-specific metrics for each of our keystone initiatives that we will use to measure our progress in achieving our conservation outcomes. Our grant review and contracting processes have been improved to ensure we maximize efficiency while maintaining strict financial and evaluation-based requirements. We have enhanced our Web site with interactive tools such as webinars and a grants library to enhance the transparency of our grant-making, and instituted a new paperless application and grant administration system. In 2009, we will continue our efforts improve communication between and among our stakeholders and streamlining of our grant-making process.

The NFWF's grant-making involves a thorough internal and external review process. Peer reviews involve Federal and State agencies, affected industry, nonprofit organizations, and academics. Grants are also reviewed by the NFWF's issue experts, as well as evaluation staff, before being recommended to the Board of Directors for approval. In addition, according to our congressional charter, the NFWF provides a 30-day notification to the Members of Congress for the congressional district and State in which a grant will be funded, prior to making a funding decision.

Once again, Madam Chairman, we greatly appreciate your continued support and hope the subcommittee will approve funding for the NFWF in fiscal year 2010.

PREPARED STATEMENT OF THE NATIONAL HUMANITIES ALLIANCE

Chairman Feinstein and members of the subcommittee: On behalf of the National Humanities Alliance and its 102 member organizations and institutions, we write to express strong support for the National Endowment for the Humanities (NEH). Our members, and the thousands of teachers, scholars, humanities organizations, and institutions they represent, use NEH grants to maintain a strong system of academic research, education, and public programs in the humanities. We urge you to provide the NEH with at least $230 million in fiscal year 2010, including: $50 million for competitive grant programs and $25 million for operating grants to State humanities councils. This funding level would represent a $75 million increase more

than the fiscal year 2009 enacted level, and would allow NEH to meet significant unmet needs at both the Federal and State levels.

UNMET NEEDS

As the single largest source of support for the humanities, NEH funding is critical to the health of our Nation's education and research infrastructure. NEH represents a unique funding source for nonprofit institutions central to the education and the cultural life of our Nation's citizens, including: 2- and 4-year colleges, universities, local education associations, museums, historical societies, libraries, independent research institutions, scholarly societies, and State humanities councils. Unfortunately, demand for humanities project support, as demonstrated by NEH application rates and feedback from the field, far exceeds funding available. In fiscal year 2008, applications for NEH grants in all programs represented $421 million in requested funds, more than three times the program dollars obligated for that year.

At the national level, only 16 percent of competitive, peer-reviewed project proposals were funded, compared to a 26 percent funding rate for merit-reviewed projects at the National Science Foundation (an agency similar to NEH in its mission to strengthen education and research at all levels in its sector). We estimate that at least $40 million would be required to help close this opportunity gap by allowing NEH to increase the number of applications accepted for critical, underfunded programs, such as:

—fellowships for college/university faculty and independent scholars;
—classroom curriculum and materials development;
—preservation of historically significant collections and resources;
—digital humanities workshops for teachers and faculty;
—public media projects in film, radio and television; and
—capacity-building challenge grants to humanities institutions.

Additional funding of at least $10 million is also needed to allow NEH to begin to introduce or expand targeted support in several areas where Federal leadership is essential, including: international education and global society perspectives (at all levels of learning), digital humanities projects, graduate education, and data collection and dissemination of information on the state of the humanities.

NEH is the only Federal research agency that does not have funding to support graduate students, or engage in regular collection and analysis of data on the health of the fields it serves.

Our request would also strengthen the capacity of State humanities councils to support local cultural and educational institutions, teaching and learning resources, family literacy programs, community discussion groups, and programs for new citizens. A recent survey of State council capacities and resources has identified $150 million in funds needed for programs and infrastructure support in their States. State councils seek to secure half this figure in Federal funding over the next 3 years.

NEH has the capacity to operate at much higher funding levels. While NEH has made much-needed funding gains in recent years, its current budget of $155 million is still far below historical levels. For example, in 1994, NEH was funded at $258 million when adjusted for inflation; and at its peak in 1979, NEH was funded at $431 million in 2008 constant dollars. While some additional administrative funds would likely be needed to oversee grants at the levels suggested, the structure is already in place for NEH to immediately fund more, excellent projects in a way that is proven, competitive, transparent, and accountable.

THE HUMANITIES AND THE ECONOMY

In an increasingly knowledge-based global economy, study of the humanities—languages, literatures, philosophy, the arts, religion, anthropology, government, and other related fields—are prerequisites for vocational mobility, personal growth, and civic participation. In addition, the humanities impart practical knowledge and skills needed by all Americans, including reading, writing, language proficiency, critical thinking, moral reasoning, effective communication, historical knowledge, civic awareness, and cultural literacy.

Investment in broad-based education through the humanities is essential to our Nation's long-term economic well-being, and to our continued status as a world leader. The 1965 legislation that established the NEH states:

"An advanced civilization must not limit its efforts to science and technology alone, but must give full value and support to the other great branches of scholarly and cultural activity in order to achieve a better understanding of the past, a better analysis of the present, and a better view of the future."

Unfortunately, in the 40 years since NEH's founding, Federal investment in the humanities has lagged behind other fields; and it continues to fall further behind as billions of Federal dollars are rightly invested in science and engineering research and education each year. (For example, NEH funding today represents only 2.5 percent of National Science Foundation funding, compared to 16 percent 30 years ago.) We cannot allow this gap to grow unheeded.

As the economic recession deepens, it is critical that the Federal Government reinvigorate its investment in the humanities, or we risk losing a generation of young students, scholars, and researchers. Serious long-term challenges posed by rapid globalization, economic crisis, and threats to our national security require solutions informed by the humanities. As a Nation, we must cultivate deep expertise and knowledge in all areas of learning, and support the full range of our citizens' talents—from math and science, to history and foreign languages. And we must also ensure broad, equitable access to high-quality humanities instruction throughout our Nation's K–12 and higher education institutions.

John Hope Franklin, a leading U.S. historian who passed away this year at the age of 94, once stated:

"I want to be out there on the firing line, helping, directing or doing something to try to make this a better world, a better place to live."

His words express the sentiments of scholars around the country who are working to address pressing policy issues, from cultural anthropologists lending their expertise to make sure that vaccines are used effectively in developing countries, to historians re-examining current issues like race, poverty, and immigration in America, to college/university faculty volunteering with family literacy programs, to linguists documenting disappearing languages among Native Americans and populations around the world, to curators repairing documents and other artifacts damaged by flood waters.

The humanities workforce should be recognized as a driver of our Nation's long-term recovery efforts, as well as a sector deserving of Federal investment to address serious economic pressures facing these fields. The humanities workforce is significant—according to data published in the newly released Humanities Indicators (www.humanitiesindicators.org), more than $2.5 million Americans are engaged in a broad range of humanities professions, including:

—K–12 teaching;
—postsecondary teaching (including college/university, business, and Government posts);
—newspaper, periodical, book, and directory publishing;
—humanities professions (librarians, editors, writers/authors, archivists, curators, museum technicians, interpreters, translators, historians); and
—other related professions (news analysts, reporters, correspondents, tour guides, audiovisual collections specialists).

Unfortunately, negative pressures are threatening the humanities workforce. Especially troubling are threats to the pipeline of young scholars and teachers, as exemplified by field reports and data from the humanities indicators:

—In 2000, the percentage of middle (29 percent) and high school (37.5 percent) students taught by a highly qualified history teacher was lower than for any other major subject area.
—Since 1990 mean math SAT scores have been higher than verbal scores, so that by 2006 the mean math score was 15 points higher than the mean verbal score (a reversal of historical trends).
—Humanities faculty receive the lowest salaries of all fields. They also have a higher proportion of part-time, nontenured positions than their counterparts in the sciences and engineering.
—As college/university departments face tightening budgets, the availability of tenure-track positions is constricting; humanities disciplinary associations report decreased numbers of job openings through publication ads and annual meetings in 2009.

NEH cannot single-handedly address these issues, but its leadership in these areas—research, education, preservation, public engagement, data gathering—is needed now more than ever. Each year, NEH grants support strengthened institutional capacity, jobs, and professional development for thousands of scholars, educators, curators, librarians, public historians, museum professionals, filmmakers and others around the country. These funds are not only vital for the direct support provided, but for the additional, non-Federal dollars stimulated by NEH seed money—especially as endowments, State, and local funding, individual giving, and other traditional sources of non-Federal support constrict.

NEH CORE PROGRAMS

The NEH's national, core program competitions are at the center of the agency's mission to create, preserve, and disseminate knowledge in the humanities. Since 1994, these programs have suffered disproportionately from budget cuts and inflation. Requested funds would reinvigorate:

—NEH Research Grants, which support fellowships, stipends, collaborative research, and scholarly editions. NEH application success rates (less than 12 percent overall, and between 5.7–7.8 percent for individual fellowships) confirm findings from a recent questionnaire by the National Humanities Alliance that identified funding for humanities research as the leading priority among its members. Fiscal year 2008 application requests in this division totaled $115 million.

—NEH Preservation and Access Grants, which support the preservation of historically significant materials; training and education of curatorial staff; the creation of reference materials and new methods to increase access to them. According to the Heritage Health Index, a 2004 survey conducted by Heritage Preservation, only 37 percent of collecting institutions in the United States report adequate storage and more than one-half report damage to collections due to poor environmental conditions for their collections. Fiscal year 2008 applications totaled $85.8 million.

—NEH Challenge grants, which help local, State, and national institutions secure humanities resources and activities through fundraising as a means of building permanent resources for the future. Since the program started, NEH Challenge grants have leveraged $1.58 billion in non-Federal support. Fiscal year 2008 applications totaled $54.5 million.

—NEH education programs, which support professional development workshops for teachers and faculty members, model curricula, and classroom resources for the humanities for all grade levels. Fiscal year 2008 applications totaled $48.7 million.

—NEH public programs, which support traveling exhibits and community programs in local museums and libraries; film, television and radio productions. NEH public programs reach literally millions of Americans each year. Fiscal year 2008 applications totaled $61.7 million.

Launched in fiscal year 2007, the Office of Digital Humanities offers grants to support the use of digital technologies in conducting research and presenting scholarship. Fiscal year 2008 applications totaled $13.7 million.

CONCLUSION

We recognize that Congress faces difficult choices this year. We ask the subcommittee to fund a significant increase for the NEH in fiscal year 2010 as a necessary investment in the long-term well-being of our Nation's economic, cultural, and civic institutions. We are grateful for the subcommittee's vigorous support for the arts and humanities, and would especially like to recognize the subcommittee's leadership for the $10 million increase received by NEH for fiscal year 2009. Thank you for consideration of our request.

Founded in 1981, the National Humanities Alliance is a coalition of nonprofit humanities organizations and indications dedicated to the advancement of humanities education, research, preservation and public programs (www.nhalliance.org).

PREPARED STATEMENT OF THE NORTHWEST INDIAN FISHERIES COMMISSION

Mr. Chairman and the other honorable members of the subcommittee, I am Billy Frank, Jr., Chairman of the Northwest Indian Fisheries Commission (NWIFC). It is indeed a privilege to be among such a distinguished cadre of tribal leaders who are also here to present funding requests of their people. On behalf of the membership of the NWIFC, I will speak to our natural resource management funding request for the fiscal year 2010 budget for the Bureau of Indian Affairs (BIA) and the Environmental Protection Agency (EPA). Without the details of the President's fiscal year 2010 budget request, my comments are based on my best analysis of what could be the outlook. Summary of NWIFC-specific appropriations requests are:

Secure and Enhance Western Washington Fisheries Management Base Funding

$1.8 Million.—Restore reduction incurred in the President's fiscal year 2009 budget: BIA/natural resources management/rights protection implementation/U.S.-Canada Pacific Salmon Treaty (PST).

$12 Million Enhancement of Western Washington Fisheries Management Base Funding.—BIA/natural resource management/rights protection implementation/western Washington boldt.

Secure Funding for Newly Mandated Management Responsibilities

$4 Million—Increase Shellfish Management and Enforcement Funding.—BIA/natural resource management/rights protection implementation.

$1.5 Million—New Funding for Tribal Groundfish Management Responsibilities.—BIA/natural resource management/rights protection implementation.

Maintain the Timber-Fish-Wildlife (TFW) Program

$1.74 Million TFW Program.—BIA/natural resource management/rights protection implementation.

Maintain the Mass Marking Program

$2.4 Million Mass Marking Program.—BIA/natural resource management/rights protection implementation.

Protect Marine Resources of Puget Sound and Co-manage Natural Resources

$2 Million.—EPA/National Estuaries Program/Puget Sound Partnership.

Protect Tribal Water Resources Through Cooperative Partnerships

$3 Million.—BIA water resource management.

$500,000.—United States Geological Survey (USGS) investigations.

Support and Enhance Tribal Water Quality Programs

$67 Million.—EPA's Nationwide General Assistance Program (GAP).

$3.5 Million.—Development of EPA GAP implementation.

Recover Salmon Through Hatchery Maintenance/Rehabilitation and Reform

$1.5 Million—Hatchery Maintenance/Rehabilitation.—BIA natural resource management/fish and wildlife projects/fish hatchery repair.

$3.34 Million—Hatchery Reform Implementation.—BIA/natural resource management/fish and wildlife projects.

Strengthen Tribal Wildlife Management and Assure Treaty-protected Hunting Rights

$5 Million—Tribal Wildlife Management—Treaty Hunting Rights.—BIA/Natural Resource Management/Rights Protection Implementation.

THE NORTHWEST INDIAN FISHERIES COMMISSION

Indian tribes have always inhabited the watersheds of western Washington, with cultures based on harvesting fish, wildlife, and other natural resources in the region. In the mid-1850s, a series of treaties were negotiated between the Federal Government and the tribes in the region. Through the treaties, the tribes gave up most of their land, but also reserved certain rights to protect their way of life. The promises of the treaties were quickly broken in the decades that followed as the tribes were systematically denied their treaty-protected rights by the State of Washington. In 1974, the tribes won a major victory in *United States* vs. *Washington (Boldt Decision)*, which reaffirmed their treaty-protected fishing rights. The ruling—which has been upheld by the U.S. Supreme Court—established the tribes as co-managers of the resource who were entitled to 50 percent of the harvestable number of salmon returning to Washington waters. Following the ruling, the tribes created the NWIFC to assist them in conducting orderly and biologically sound fisheries. More recent Federal court rulings upholding treaty-reserved shellfish harvest rights have further expanded the role and responsibilities of the tribes as natural resource managers. Those rulings, combined with the interconnectedness of all natural resources, mean that tribal participation is today necessary in nearly all aspects of natural resource management in the region.

REQUESTS JUSTIFICATION NARRATIVE

BIA/Natural Resource Management/Rights Protection Implementation

—*$1.8 Million Restoration of cut in the President's Budget*.—This reduction, which targeted the PST, affects the NWIFC, as well as the Columbia River Inter-Tribal Fish Commission and the Metlakatla Indian Community. The NWIFC portion of this cut is about 67 percent, or a reduction of $1.2 million. The tribes and the NWIFC perform essential governmental services for the BIA and the PST process, representing, negotiating, performing research and monitoring, policy coordination, technical assistance, and other contractual support. These

monies are critical for the successful renegotiation and implementation of the treaty.

—*$12 Million Enhancement of Western Washington Fisheries Management Base Funding*.—The tribes and the NWIFC request an increase of $12 million for the base Western Washington Fisheries Management program funding due to long-term increased management obligations and costs. Base funding levels for Tribal Natural Resources was initially set more than 30 years ago. Funding declines in recent years are attributable to many reasons; inflationary costs, rescissions and the overall appropriations climate. Hence, today we are receiving less funding than we did three decades ago but the level of management responsibility has dramatically increased.

—$4 million for shellfish management and enforcement

The tribes request an increase of $4 million for base program funding to support increased shellfish management needs. In 1999, the Supreme Court denied cert. and let stand the favorable decision of the 9th Circuit Court which included guaranteed tribal rights to harvest and gather shellfish for their commercial, ceremonial and subsistence needs. Tribes need monies to implement this right, in much the same way as they did after the original *United States* vs. *Washington* case was decided. Tribes need new resources to develop several dozen new management plans, collect information to assess treaty/nontreaty sharing arrangements, to implement the shellfish sanitation consent decree and to better monitor and enforce tribal regulations on deep-water fisheries.

—$1.5 million for tribal groundfish management

The tribes request an increase of $1.5 million for base program funding to support increased groundfish management needs. This appropriation would fund groundfish management, monitoring and enforcement for the four coastal treaty tribes who do not currently receive funds for these activities such as data collection, analysis, and monitoring. The transition to greater regional- and species-specific management increases the demand for information and staff.

—*$1.74 Million to Maintain TFW Program*.—TFW has served as the cornerstone-funding source for tribal habitat management capabilities for almost 20 years. Since 2000, Congress has provided an allocation for additional Tribal participation in TFW and the Forest and Fish Report (FFR) development. Originally at $3.08 million, this level was decreased in fiscal year 2006, but has been supplemented by annual funds from the State of Washington. An additional $1.74 million is needed to supplement the State funding to make the tribal program whole as it implements the adaptive management provisions of the TFW/FFR Plan, which has been made a part of a section 10, Habitat Conservation Plan under the Endangered Species Act.

—*$2.4 Million to Maintain the Mass Marking Program*.—These funds are needed to fully mark salmon at tribal hatcheries and to use these marked fish to scientifically monitor salmon populations and watersheds in Western Washington pursuant to the Federal requirement to mass mark Pacific Salmon reared in facilities funded by Federal dollars. Plans to implement more extensive selective fisheries require additional funding with the total cost expected to be at least $2.4 million in fiscal year 2010.

—*$5 Million Tribal Wildlife Management—Treaty Hunting Rights*.—Wildlife management is a new initiative needed to ensure that tribal treaty rights to hunt are being fulfilled. An appropriation of $5 million is requested to allow each tribe to develop basic infrastructure to deal with tribal wildlife management and treaty hunting rights. This funding would also provide project monies for competitive grants.

BUREAU OF INDIAN AFFAIRS/U.S. GEOLOGICAL SURVERY/COOPERATIVE WATER RESOURCES PLANNING

—$3.5 million for tribal water resource protection

This funding request of $3.5 million supports a partnership between tribes and the Department of the Interior through the USGS and the BIA. This partnership will provide for the collection and organization of water resources data important to supporting tribes individually and collectively in the management and planning necessary to protect their treaty and reserved water rights. This will require new funding from the BIA to the individual tribes. The tribes are seeking new financial resources to refine and implement the technical strategy. While tribes have in place some of the expertise to accomplish components cited above, most notably biology and water quality, inadequate levels of personnel and expertise hinder our ability to accomplish the other tasks.

BUREAU OF INDIAN AFFAIRS/HATCHERY MAINTENANCE/REHABILITATION AND REFORM

—*$1.5 Million Salmon Restoration*.—BIA/natural resource management/fish and wildlife projects/fish hatchery repair

—*$3.34 Million Salmon Restoration*.—BIA/natural resource management/fish and wildlife projects/hatchery reform implementation or NOAA/pacific salmon/Pacific Coastal Salmon Recovery Fund (PCSRF)

This package supports hatchery maintenance and rehabilitation and hatchery reform implementation funding, which in recent years has come from both the BIA/fish hatchery repair and the NOAA fisheries/PCSRF accounts. In fiscal year 2009, the BIA/fish hatchery repair account was increased by $500,000. In fiscal year 2010, $1.5 million is needed in fiscal year 2010 to address the backlog of repair within the BIA fish hatchery system; $3.34 million is needed to address currently identified hatchery reform projects.

ENVIRONMENTAL PROTECTION AGENCY/NATIONAL ESTUARIES PROGRAM/PUGET SOUND PARTNERSHIP/GAP IMPLEMENTATION

—*$2 Million Puget Sound Partnership*.—Marine resources are essential to all NWIFC tribes. The emerging Puget Sound Partnership conveniently brings together key marine issues and focuses on salmon recovery, land use management and regulatory changes. There is a huge need for additional funding. Tribes will need to be funded at $2 million so that they can participate in the necessary scientific work and process and policy discussions that this partnership entails.

—EPA/GAP

We support full funding of the EPA Indian GAP at $67 million as this capacity funding is critical to the tribes' ability to sustain their important water quality programs.

—EPA/GAP implementation

We support the development of an implementation program that logically follows the capacity building under the GAP. These existing programs represent a substantial investment from the tribes and EPA and are the foundation that will support new programs. Tribes in western Washington have agreed to partner with EPA region 10 toward development of a pilot demonstration project effort to create a pathway from capacity development to implementation. The initial cost for this effort would be $3.5 million, which would provide coordination, technical assistance and start up costs.

Thank you for allowing me to present these requests to you today.

PREPARED STATEMENT OF THE NATIONAL INSTITUTES FOR WATER RESOURCES

Mr. Chairman, thank you for this opportunity to provide a statement in support of funding programs authorized under the Water Resources Research Act (42 U.S.C. 10301 et seq.), which Congress unanimously reauthorized in 2006 in Public Law 109–471. The act authorizes a program of grants through fiscal year 2011 to the Nation's 54 State and territorial water resources research institutes for research, education, and outreach focused on water supply improvement. The National Institutes for Water Resources (NIWR) respectfully recommends an appropriation of $8,800,000 in the fiscal year 2010 U.S. Geological Survey (USGS) budget for the Water Resources Research Institute Program (the act authorizes an appropriation of $18,000,000.) These funds will be allocated as follows:

—$7,000,000 for competitive water supply research seed grants, technology transfer, professional education, and outreach to the water-user community by the Institutes ($125,000 per institute);

—$1,500,000 to support the national competitive research grants program; and

—$300,000 for program administration by the USGS.

I am Will Focht, Director of the Oklahoma Water Resources Research Institute. In addition, I am president-elect of the NIWR, the association of the individual Institutes established under the Water Resources Research Act.

Urgency of Water Supply Improvement.—Two National Research Council (NRC) reports ("Envisioning the Agenda for Water Resources Research in the Twenty-First Century" in 2001 and "Confronting the Nation's Water Problems: The Role of Research" in 2004) thoroughly examined the urgency and complexity of water resources issues facing the United States. The following challenges are cited as reasons for these studies:

—Abundant evidence demonstrates that the condition of water resources in many parts of the United States is deteriorating;

—Demand for water resources to support population and economic growth continue to increase, although water supplies to support this growth are fully allocated in most areas;
—In some areas, the availability of sufficient water to service growing domestic uses is in doubt, as is the future sufficiency of water to support agriculture in an increasingly competitive and globalizing agricultural economy;
—Repair of the aging water infrastructure will require hundreds of billions of dollars;
—The frequency and magnitude of damages attributable to droughts and floods are increasing, providing evidence of increasing vulnerability to extreme climate and weather events;
—The threat of waterborne disease remains, as exemplified by outbreaks of cryptosporidium, as well as chronic exposure to agricultural contaminants such as nitrates and pesticides; and
—Resource management institutions have limited capacity to manage aquatic habitats to improve species diversity and provide ecosystem services, while also meeting human needs.

These reports identify 43 areas where the need for improved water resources management is critical. The following examples highlight the importance of increasing our understanding of the interdependence of water quantity and quality; the balance between human and ecological water uses; and the legal, institutional, and social factors that contribute to sustainable water resources management.

—Improvement of existing supply enhancing technologies such as wastewater treatment, desalinization, and groundwater banking.
—Understanding of the impact of land-use changes and best management practices on pollutant loading to waters, ecosystem services, and biodiversity.
—Understanding and prediction of the frequency and causes of floods and droughts.
—Understanding of global climate change and associated hydrologic impacts.
—Development of more efficient water use strategies and optimization of the economic return for the water use in all sectors.
—Development of legal regimes that promote conjunctive use of surface and ground water.
—Development of adaptive management as the best approach to water resources management.
—Understanding of the role of the private sector in achieving efficient water services.
—Development and evaluation of alternative processes for stakeholder participation in the formulation and implementation of water policies and plans.

Justification for Federal Funding of Water Resources Research.—Several reasons for Federal support of water resources research can be given. First, authorized by Congress in 1964 the Institutes conduct "research that fosters (A) improvements in water supply reliability; (B) the exploration of new ideas that (i) address water problems; or (ii) expand understanding of water and water-related phenomena; (C) the entry of new research scientists, engineers, and technicians into water resources fields; and (D) the dissemination of research results to water managers and the public."

Second, water resources are defined not by State boundaries but by physical geography. What happens to surface and ground waters in upstream States affects water availability and quality in downstream States. Federal support of water research can more effectively address interstate water resource management challenges than can individual States.

Third, most water problems faced by a State are shared by many States. Federally funded research allows an efficient, nonduplicative, and comprehensive approach to these problems.

Fourth, the Federal Government already plays a significant role in water resource management through its water quality regulations administered by the Environmental Protection Agency as well as water management programs administered by the Army Corps of Engineers and Bureau of Reclamation.

Fifth, the water resource research Institutes leverage Federal funds to obtain at least two non-Federal dollars for each Federal dollar. Thus, the Federal appropriation results in a larger pool of research funding. Without this leverage, research support would decrease by far more than the Federal funds allocated. In Oklahoma, for example, Federal research dollars are matched with State dollars to sponsor research totaling $750,000 over 5 years in support of the State's comprehensive water planning process. This Federal/State/university effort would not exist without the funding from the Water Resources Research Act.

Sixth, the national competitive research program authorized under the Act provides Federal grants that focus on regional and interstate water resources problems beyond those affecting single States, which must also be matched dollar-for-dollar with non-Federal funds. By continuing and enhancing these collaborative efforts, Institutes can better address critical issues on long-term water planning and supply that exceed the resources of any one State.

Seventh, Federal support of water research, outreach, and education is consistent with the concept of water as a public good. As such, State and local governments and private entities cannot produce as much as can be justified by the overall value of the resource.

Institutes Conduct Applied Water Research Tailored to State and Regional Priorities.—Our Institutes are uniquely positioned to conduct water resources research in several ways.

—Institutes are not limited by a policy-driven or regulatory mission and thus can address the entire spectrum of water resources issues, including gaps between Government agencies. By focusing on science, the program serves as an objective broker of information among a wide range of constituencies.

—Institutes examine long-term consequences of policies and recognizing long-term problems across all water-related disciplines.

—Institutes are more flexible in addressing emerging problems and more adaptable to local cultures, institutions of governance, and regional socio-economic and physical conditions.

—Institutes and academic researchers are more likely than mission-driven agencies to consider institutional, in addition to technical, solutions.

—Institutes provide hands-on educational opportunities to develop the highly trained workforce necessary to build national capacity for sustainable water resource management.

—Technology transfer programs at each Institute provide scientifically credible communication of research needs and results upward from the States and localities to Federal agencies and downward from these agencies to users of research results.

—Institutes are experienced in assessing priorities for research through advisory boards with representatives from virtually all interested agencies and nongovernmental organizations.

—Institutes provide information to increase the efficiency of Federal water resources research investment by identifying research gaps and avoiding redundancies.

—Institutes fill research gaps to improve the effectiveness of water resources management.

—Institutes are held accountable for expenditures as well as for the quality and relevance of scientific results and the vigor of outreach programs via a triennial quality-review process.

—NIWR is an established network of immense and geographically diverse capabilities on the cutting edge of virtually every facet of water resources. The network facilitates regional as well as State and local cooperation.

—Institutes operate their competitive research programs through a single computerized research management system managed by NIWR and the USGS. There is no other comparable avenue for such multidirectional coordination and communication.

—Institutes have direct access to expertise in the many disciplines related to water resources. Institutes are uniquely positioned to address the interdisciplinary challenges of sustaining the reliability of water supplies in the face of new challenges and uncertainties. For 44 years, Institutes have conducted independent, objective, and scientifically credible research that links science to innovative and cost-effective policies.

Conclusion.—The activities authorized under the Water Resources Research Act are high-quality, cost-efficient, relevant, and needed.

Quality.—In both the State and national research programs, projects are selected for funding on a competitive basis, relying on the reviews of peer scientists, economists, and engineers. The performance of each Institute is evaluated every 3 years by an independent, USGS-appointed panel. The most recent USGS evaluation report stated, "The vast majority of institutes are strong and thriving and a significant subset is very strong and distinguished . . . *the institute program, with its federal-state matching requirement, is an important and significant part of the nation's water resources research infrastructure*." (emphasis in original)

Efficiency.—The water institutes must match each Federal dollar from their base grants with two non-Federal dollars. This is the highest match requirement of any Federal research program. The national competitive grants program requires a 1:1

match. The overall leveraging ratio for all of the Institutes, counting funding from all sources, is more than 14:1. During fiscal year 2008, Institutes sponsored 1,042 research projects across the Nation, generated nearly 1,000 technical publications, conducted 142 conferences and workshops, and supported the research of 983 students. Only 6.8 percent of the programs' expenditures are dedicated to administrative overhead, which is quite frugal.

Activity Relevance.—Congress was quite deliberate in directing the establishment of water Institutes at land grant universities because they specialize in identifying problems within their States, developing solutions, and conducting technology transfer. The act requires that Institutes' consult with panels of external advisors representing the water interests in their States. Regional and national priorities are addressed when the Institutes collaborate on larger projects or conduct research under the national competitive grants program.

Need.—Congressional designation of water resources research institutes as focal points of water investigation and outreach enable the Institutes to exist and leverage Federal funding against funding from non-Federal sources. It is likely that 30 percent of the institutes would cease to exist without the Federal funding authorized by the Water Resources Research Act. Others would greatly curtail their activities. In many States, it is doubtful that the university system would be such a strong contributor to the water resources knowledge base without this "seed money" provided by Congress.

The investments the subcommittee makes in the USGS and its programs underpin responsible natural resource stewardship and contribute to the long-term health, security, and prosperity of the Nation. Together, the Survey and the institutes address critical public needs and are a reasonable priority within an appropriations bill. We commend Secretary Salazar and the new administration for requesting $6,500,000 for the Water Resources Research Act program in fiscal year 2010. The administration's request recognizes the value this collaborative research program brings to solving national, regional and State water problems, but we believe more should be done. Respectfully, we urge the subcommittee to provide $8,800,000 for the Water Resources Research Act program for the upcoming fiscal year.

Mr. Chairman, the water Institute directors appreciate the strong support this subcommittee has given to the Water Resources Research Act program and to the USGS. I hope that the Nation's water resource research institutes have earned your continued confidence. The Institute directors are ready to work with you and other stakeholders to address the water challenges we face in the future through research, education, professional training, technology transfer, and information exchange.

PREPARED STATEMENT OF THE NATIONAL MINING ASSOCIATION

NATIONAL MINING ASSOCIATION (NMA) RECOMMENDATIONS

Department of the Interior

U.S. Geological Survey (USGS)—Mineral Resources Program (MRP).—Fund the MRP at the increased level of $53 million in the administration's request and support increased funding of $16 million for the Minerals Information Team (MIT).

Bureau of Land Management (BLM)—Mining Law Administration.—Support the $2 million increase for administration of the mining law program.

Office of Surface Mining.—Reject the administration's proposal to eliminate mandatory payments to States and tribes that have been certified as having completed reclamation of their abandoned coal mines under the Surface Mining Control and Reclamation Act's abandoned mine land (AML) program.

U.S. Environmental Protection Agency (EPA)

Methane to Markets.—Support funding for EPA's coordination of and participation in the Methane to Markets program.

MINERAL RESOURCES PROGRAM—MINERALS INFORMATION TEAM (MIT)

The USGS is the source for the majority of the United States' statistical data on mining and mineral commodities. The collection, analysis and dissemination of this information is a Federal responsibility that cannot be duplicated in either the private sector or by other levels of government, and is in fact mandated by the Defense Production Act of 1950, as amended in 1980 and 1992.

The Mineral Resource Program's MIT within USGS is the leading source of unbiased research on the Nation's mineral resources. The guidance and research the program provides is vital in maintaining the growing value of processed materials from

mineral resources that accounted for $609 billion in U.S. economic activity in 2008, as well as assessing the environmental impacts of mining.

The statistical and analytical information provided by the MIT provides the basis for informed policy decisions and is extensively used by Government agencies, members of Congress, State and local governments, as well as industry, academia, and nongovernmental organizations. Collection of this information provides a fundamental service to the Nation. Specifically, the U.S. Federal Reserve Board uses the data for calculating the Nation's leading economic indicators, the U.S. Department of Commerce's Bureau of Industry and Security uses the data and analysis to resolve trade disputes, the Federal Reserve Board uses global minerals information to prepare economic forecasts, and U.S. intelligence agencies use the data to understand the effect changes in natural resource markets have on economic and political stability of developing countries.

Mineral resource supply and demand issues are global in nature, and our Nation is becoming more dependent upon foreign sources to meet our metals and minerals requirements. For example, the United States has become more than 50 percent reliant on 43 of the 81 mineral commodities essential to the economy and 100 percent reliant on 18.

In real terms, the MIT has been severely constrained by an ever-decreasing budget (a nearly 30 percent decline) since 1996 when the mineral assessment group was incorporated in to the USGS. In order to restore its budget to levels intended when the group was moved to the USGS more than a decade ago, MIT would need to be funded at $24 million. NMA encourages full funding for this important program.

MINING LAW ADMINISTRATION PROGRAM

NMA believes BLM's Mining Law Administration Program (MLAP) is an agency facing ever-growing responsibilities and obligations to process notices and plans of operations necessary for domestic exploration and mining projects. NMA supports the administration's request for $2 million in additional funding. The number of mining claims filed over the past 6 years has increased by more than 600 percent. In 2002, only 15,407 new mining claims were filed as compared to 92,284 in 2007. During the same time frame, the number of full-time equivalent (FTE) employees assigned to the program fell from 359 to 298.

Additional staffing and other resources are necessary in order to process the notices and plans of operations required for expanding our domestic mineral supplies. Delays in obtaining permits and other authorizations remains a substantial impediment to the financing and development of mining projects in the United States. The National Academy of Sciences found that the permitting of domestic mining projects entails an inordinate amount of time and resources. According to Behre Dolbear, the United States ranks among the lowest of the top 25 mining nations in terms of time and expense for obtaining required permits for mineral exploration and development. The consequence of this state of affairs is substantially longer lead times to get projects up and running so that they begin to generate a return on investment. As a result, permitting delays discourage companies from exploring in the United States and impair the ability to attract the capital investment required for mine development. In short, investment capital flows to where investors will experience a quicker return on their investment.

In a 2005 report to Congress, BLM identified insufficient staffing as one cause of permitting delays, noting that many BLM offices were not backfilling positions as they were vacated. BLM recommended that a portion of the increased location and maintenance fees could be used to maintain adequate staffing levels needed to review, analyze and approve plans of operations. NMA agrees that the increased location and maintenance fees should be used to address MLAP budget needs.

To address this regulatory bottleneck that impairs our Nation's economic growth and security, NMA provides the following recommendations:

—Some portion of the location and maintenance fees collected that exceed the MLAP budget should be dedicated to the MLAP instead of being deposited to the General Fund—in 2007, the amount collected from such fees exceeded the budgeted amount by more than $24 million. Such funds would allow the hiring by BLM State offices of approximately 100 FTEs to allow either backfilling of currently vacated positions or new hires; and

—Allocation of funds to the State offices should be prioritized based on the number of notices and plans filed in each office and current unfilled openings in MLAP.

OFFICE OF SURFACE MINING—ABANDONED MINE LAND PROGRAM

NMA supports the administration's request of $127 million for regulation and technology for the Office of Surface Mining, an increase from the $120 million enacted in 2009. However, we oppose the proposal to cut the abandoned mine reclamation fund to $32 million and eliminate mandatory payments to States and tribes that have been certified as having completed reclamation of their abandoned coal mines under the Surface Mining Control and Reclamation Act's abandoned mine land program.

METHANE TO MARKETS

NMA supports the EPA's coordination of and participation in the Methane to Markets program. Methane to Markets is an international private sector and Government partnership initiative launched in 2004 that aims to lower emissions by promoting methane recovery and use and it targets coal mines, landfills, and natural gas facilities. The United States provides administrative support to the program, chairs the partnership's steering committee and is also co-chair of the programs' coal subcommittee.

PREPARED STATEMENT OF THE NEW MEXICO GAME AND FISH COMMISSION

Madam Chairman and honorable members of the subcommittee: I appreciate the opportunity to present testimony in support of an important land acquisition project in the Gila National Forest (NF) in New Mexico. An appropriation of $3 million in fiscal year 2010 from the Land and Water Conservation Fund (LWCF) is needed for the Forest Service to acquire the 730-acre second phase of the 1,560-acre Bear Creek Ranch.

I also respectfully urge a substantial increase in overall funding for the Land and Water Conservation Fund (LWCF), specifically urging the subcommittee to provide $325 million for the Federal LWCF in the fiscal year 2010 Interior and environment appropriations bill. And, we are most thankful that the Obama administration budget recognizes the importance of these programs by proposing significant increases for fiscal year 2010 and setting a goal to achieve full funding of the LWCF in the next 5 years.

At more than 3.3 million acres, the Gila NF in southwestern New Mexico is the sixth largest national forest in the contiguous United States. The forest is marked by rugged mountains, isolated canyons, quiet meadows, and desert. The biological and geographical diversity of the forest is measured by the range of elevation, from 4,200 feet to 10,895 feet at the summit of White Water Baldy mountain. The varying landscapes provide habitat for elk, deer, antelope, bighorn sheep, wild turkey, black bear, and mountain lion.

The Gila NF is noted for its contribution to wilderness protection in the United States. Aldo Leopold, an ecologist, writer, forester, hunter, fisherman, and environmentalist, worked for the U.S. Forest Service (USFS) in the Southwest for more than a dozen years in the early 20th century. Many of those years were spent in the Gila forests and mountains, conserving the land, observing nature, and enjoying its recreational splendor. Leopold successfully argued for special protection of the forest, and in 1924, the Federal Government recognized a portion of the Gila as wilderness. It was the first such designation and predated the passage of the landmark Wilderness Act by 40 years. Today, the Gila NF includes two large wilderness areas: the Aldo Leopold and Gila wilderness areas. Together they protect more than 760,000 acres of forestland—more than in any other national forest in the Southwest—and are a treasure for backpackers and outdoorsmen.

One outstanding natural feature of the national forest is the Gila River. Running east to west from New Mexico into Arizona over a course of nearly 650 miles, the river is one of the longest desert rivers in the world. The Gila River watershed, the headwaters of which lie in the center of the national forest, is a significant stopover point for more than 250 species of migratory birds. Within New Mexico, the river is unobstructed by dams, but its waters are heavily used for agricultural and drinking supplies. Concerned about the future of the river and its exceptional watershed, "American Rivers" named the Gila to its 2008 America's Most Endangered Rivers list.

Available for acquisition in fiscal year 2010 is Bear Creek Ranch. At 1,560 acres, the ranch is the largest private inholding remaining in the Gila NF. Instead of having a dense contiguous acreage, the property extends for 8 miles along Bear Creek, a tributary of the Gila River. It is rare for the Forest Service to have the opportunity in New Mexico or indeed anywhere in the West to acquire a tract covering

such a long stretch of an important riparian corridor and watershed. Accordingly, the parcel is a top priority acquisition for the USFS in New Mexico and in the region for fiscal year 2010. The acquisition of the property will be divided into two equal phases of 780 acres. The first phase is planned for purchase by the Gila NF in 2009 using Sisk Act funds accumulated in New Mexico.

Given the property's shape and overlap with the Bear Creek watershed, it has significant ecological and water resource value. Close to the creek are numerous cottonwoods and willows, while further away are ponderosa pines, oaks, and meadows. The riparian corridor provides important habitat for wildlife that thrive in the larger national forest. The canyon includes several waterfalls. The course of Bear Creek supports native fish including longfin dace, desert sucker, Sonora sucker, and loach minnow. The documentation of loach minnow—a federally listed threatened species—is the first in New Mexico in several decades. In the United States the species is only found in New Mexico and Arizona. The Sonora sucker and desert sucker are Federal species of concern.

Inclusion of the property in the Gila NF would greatly ease USFS land management demands in the Bear Creek corridor. The inholding is almost entirely surrounded by existing public lands. Upon acquisition, the Forest Service would not need to monitor and maintain the 17-mile boundary along the property. Public acquisition would also improve fire management and public access for outdoor recreation. The Forest Service is planning to convert a dirt road that follows the course of Bear Creek into a recreational trail for hikers, bikers, and equestrians. In addition, both the Continental Divide National Scenic Trail and the federally designated Trail of the Mountain Spirits Scenic Byway run near the property, which lies just south of the Gila wilderness.

Currently the owners of the ranch are working to conserve their land by selling it to the Forest Service. However, if this cannot be achieved, the property is likely to be sold, opening the Bear Creek corridor to fragmented ownership and ranchette development. That scenario would greatly exacerbate public concerns about fire management and access throughout an 8-mile creek corridor and section of the national forest.

The LWCF is our Nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units and other Federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the Nation. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change. We urge you to renew this wise investment in America's natural heritage and take steps to toward full and consistent funding of these vital programs.

Madam Chairman and distinguished subcommittee members, I want to thank you for this opportunity to testify on behalf of this important national protection effort in the Gila NF, and I appreciate your consideration of this funding request.

PREPARED STATEMENT OF THE NEW MEXICO INTERSTATE STREAM COMMISSION

SUMMARY

This statement is submitted in support of fiscal year 2010 appropriations for Colorado River Basin salinity control program activities of the Bureau of Land Management (BLM). I urge that at least $5,900,000 be appropriated for the BLM within the land resources subactivity: soil, water, and air management for activities that benefit the control of salinity in the Colorado River Basin, and of that amount, $1,500,000 be marked specifically for the Colorado River Basin Salinity Control Program. This request represents an increase of $700,000 in that amount requested by BLM to provide for the needed Colorado River Basin salinity control activities of the BLM.

STATEMENT

The Colorado River Basin Salinity Control Forum (Forum) is comprised of representatives of the seven Colorado River Basin States appointed by the respective Governors of the States. The Forum has examined all of the features needed to control the salinity of the Colorado River. Those features include activities by the cooperating States, the Bureau of Reclamation, the Department of Agriculture, and the BLM. The salinity control program has been adopted by the seven Colorado River Basin States and approved by the Environmental Protection Agency as a part of each state's water quality standards. Also, water delivered to Mexico in the Colo-

rado River is subject to Minute 242 of the United States treaty with Mexico that sets limits on the salinity of the water.

About 75 percent of the land in the Colorado River basin is owned, administered, or held in trust by the Federal Government. BLM is the largest landowner in the Colorado River Basin, and manages public lands that are heavily laden with salt. When salt-laden soils erode, the salts dissolve and remain in the river system, affecting the quality of water used from the Colorado River by the Lower Basin States and Mexico. BLM needs to target the expenditure of at least $5.9 million for activities in fiscal year 2010 that benefit salinity control in the Colorado River Basin. In addition, BLM needs to target the expenditure of $1,500,000 of the $5.9 million specifically for salinity control projects and technical investigations. Experience in past years has shown that BLM projects are among the most cost-effective of the salinity control projects.

As one of the five principal soil, water, and air management program activities, BLM needs to specifically target $5.9 million to activities that benefit the control of salinity on lands of the Colorado River Basin. In the past, BLM has allocated $800,000 of the soil water and air management appropriation for funding specific project proposals submitted by BLM staff to the BLM salinity control coordinator. The recently released annual report of the federally chartered Colorado River Basin Salinity Control Advisory Council reports that BLM has identified projects that could utilize funding in the amount of $1.5 million for fiscal year 2010. Consequently, I request that $1.5 million of the soil, water, and air management subactivity be marked specifically for Colorado River Basin salinity control activities. Achieving this level of appropriation for the critically needed cost effective salinity control work by BLM requires an increase of $700,000 in the BLM budget request of for the soil, water and air management subactivity.

I believe and support past Federal legislation that finds that the Federal Government has a major and important responsibility with respect to controlling salt discharge from public lands. Congress has charged the Federal agencies to proceed with programs to control the salinity of the Colorado River Basin with a strong mandate to seek out the most cost-effective solutions. BLM's rangeland improvement programs can lead to some of the most cost-effective salinity control measures available. In addition, these programs are environmentally acceptable and control erosion, increase grazing opportunities, produce dependable stream run-off and enhance wildlife habitat.

The water quality standards adopted by the Colorado River Basin States contain a plan of implementation that includes BLM participation to implement cost-effective measures of salinity control. BLM participation in the salinity control program is critical and essential to actively pursue the identification, implementation, and quantification of cost effective salinity control measures on public lands.

Bureau of Reclamation studies show that quantified damages from the Colorado River to United States water users are about $350 million per year. Unquantified damages increase the total damages significantly. For every increase of 30 milligrams per liter in salinity concentration in the waters of the Colorado River, an increase in damages of $75 million is experienced by the water users of the Colorado River Basin in the United States. Control of salinity is necessary for the Basin States, including New Mexico, to continue to develop their compact-apportioned waters of the Colorado River. The Basin States are proceeding with an independent program to control salt discharges to the Colorado River, in addition to up-front cost sharing with Bureau of Reclamation and Department of Agriculture salinity control programs. It is vitally important that BLM pursue salinity control projects within its jurisdiction to maintain the cost effectiveness of the program and the timely implementation of salinity control projects to avoid unnecessary damages in the United States and Mexico.

At the urging of the Basin States, BLM has created a full-time position to coordinate its activities among the BLM State offices and other Federal agencies involved in implementation of the salinity control program. The BLM's budget justification documents have stated that BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the U.S. Bureau of Reclamation and the U.S. Department of Agriculture and reports salt retention measures to implement and maintain salinity control measures of the Federal salinity control program in the Colorado River Basin. BLM is to be commended for its commitment to cooperate and coordinate with the Basin States and other Federal agencies. The Basin States and I are pleased with the BLM administration's responsiveness in addressing the need for renewed emphasis on its efforts to control salinity sources and to comply with BLM responsibilities pursuant to the Colorado River Basin Salinity Control Act, as amended. While it is commendable that BLM's budget focuses on ecosystems and watershed management, it is essential that funds be targeted on specific subactivi-

ties and the results of those expenditures reported. This is necessary for accountability and effectiveness of the use of the funds.

I request the appropriation of at least $5.9 million in fiscal year 2010 for Colorado River salinity control activities of BLM within the land resources subactivity: soil, water, and air management and that $1,500,000 of that amount be marked specifically for the Colorado River Basin Salinity Control Program, including projects and technical investigations. This request is to provide for the increase of $700,000 specifically for Colorado River salinity control activities without causing any reduction of other activities funded from the Soil, Water and Air Management appropriation. I very much appreciate favorable consideration of these requests. I fully support the statement of the Colorado River Basin Salinity Control Forum submitted by Jack Barnett, the Forum's Executive Director, in request of appropriations for BLM for Colorado River salinity control activities.

PREPARED STATEMENT OF THE NEW MEXICO WILDLIFE FEDERATION

Madam Chairman and honorable members of the subcommittee: I appreciate the opportunity to present testimony in support of important land conservation projects in New Mexico. The first project is in the La Cienega Area of Critical Environmental Concern (ACEC) where a fiscal year 2010 appropriation of $3 million from the Land and Water Conservation Fund (LWCF) is needed for the Bureau of Land Management to acquire the 280-acre first phase of the Canyon Ranch. The second project is the Vallecitos High Country property, where an appropriation of $1.65 million in fiscal year 2010 from the Forest Legacy Program (FLP) is needed to complete Phase II of this project and protect an additional 3,100 acres of the 11,655-acre property.

I also respectfully urge a substantial increase in overall funding for the LWCF, specifically urging the subcommittee to provide $325 million for the Federal LWCF and $125 million for the FLP in the fiscal year 2010 Interior and environment appropriations bill. And, we are most thankful that the Obama administration budget recognizes the importance of these programs by proposing significant increases for fiscal year 2010 and setting a goal to achieve full funding of the LWCF in the next 5 years.

The LWCF is our Nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units and other Federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the Nation. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change. We urge you to renew this wise investment in America's natural heritage and take steps to toward full and consistent funding of these vital programs.

LA CIENEGA ACEC

The La Cienega ACEC is made up of more than 4,500 acres of ecologically and historically significant lands just 8 miles from the City of Santa Fe. In an arid region with little rainfall and few perennial streams, the Santa Fe River, which flows through the ACEC, sustains a thick canopy of cottonwoods and coyote willows, habitat to nesting songbirds such as the southwestern willow flycatcher and to numerous other wildlife species. Ancient rock art can be found etched into the canyon walls, most likely produced in the 14th through the 17th centuries by the inhabitants of La Cieneguilla Pueblo, a prehistoric Native American site with remnants of adobe rooms and stone and pottery artifacts.

Available for acquisition in fiscal year 2010 is a critical property adjoining the boundary of the La Cienega ACEC that would protect the southern side of the dramatic and scenic Santa Fe River Canyon and provide access to this little-seen natural resource gem just a few miles from Interstate 25. The northern rim is already protected through Federal ownership. The 700-acre Canyon Ranch property is located just below the confluence of the Santa Fe River and La Cienega Creek just 10 miles southwest of Santa Fe. The property has approximately 2 miles of frontage on the Santa Fe River Canyon, with the river meandering hundreds of feet below the deep canyon walls. This property also gives access to parts of the ACEC that have been effectively landlocked and inaccessible to the public.

The location of this property, its protections of the southern rim of the Canyon and the improved access it allows to the ACEC make the protection of Canyon Ranch extremely important to the future management of the ACEC. The El Camino Real de Tierra Adentro National Historic Trail, the main road that led from colonial New Mexico to Chihuahua and Mexico City, runs along the Santa Fe River hun-

dreds of feet below the canyon rim. The road dates back to 1598 when the Spanish made their way to northern New Mexico and established the first capital city near San Juan Pueblo. La Cieneguilla Pueblo lies along this historic route, as does a nearby 17th century Spanish hacienda that was burned in the Pueblo Revolt of 1680.

Support for this land protection effort has come from the community, local and State governments, archaeological groups, and local environmental groups. The ACEC and surrounding lands contain important historical and ecological resources that need to be protected as growth from the city of Santa Fe puts additional development pressure on outlying areas.

In fiscal year 2010, $3 million is needed through the LWCF to protect the first 280-acre phase of the 700-acre Canyon Ranch property, before the opportunity to protect this outstanding resource is lost forever.

VALLECITOS HIGH COUNTRY

The New Mexico FLP is devoted to the protection and management of environmentally important forest areas that are threatened by conversion to nonforest uses. In addition, the program gives priority to private forested lands which protect and enhance watershed and water quality, maintain and restore riparian areas, protect important wildlife habitats, and contribute to the cultural and economic vitality of rural communities.

The State of New Mexico has submitted a request for the second phase of a conservation easement on 3,100 acres of the Vallecitos High Country property. The property, located within the Rio Vallecitos watershed in Rio Arriba County, is an 11,655-acre parcel of mixed conifer, aspen, and spruce-fir forests interspersed with mountain meadows and creeks. It adjoins the Carson National Forest on three sides and is visible from the Continental Divide Trail. The Rio Vallecitos, an important cold-water fishery, is managed by the U.S. Forest Service as a wild and scenic river. It provides irrigation and municipal water to the downstream villages of Vallecitos and La Madera. The property boasts critical wildlife habitat that includes old growth forest, wet meadows, and clear creeks. The wide diversity of wildlife on the property includes several threatened and endangered species. In addition, several miles of riparian woodlands, considered relatively rare in New Mexico, are found along the Rio Vallecitos, Jarosa Creek, and North Creek. The important Rio Vallecitos runs 5 miles across the property near the national forest boundary, and another 12 miles of tributary creeks on the property feed the Rio Vallecitos.

The old-growth mixed conifer and spruce-fir forests on this property provide suitable habitat for the federally threatened Mexican spotted owl and the State-threatened boreal owl and pine marten. The property also provides important habitat for peregrine falcon, bald eagle, northern goshawk, and kingfisher. Since it is a large forested property, it is capable of supporting populations of territorial wildlife species with large home ranges such as black bear, mountain lion, bobcat, turkey, and birds of prey. The property is within an area classified as a major wildlife dispersal corridor by the Southern Rockies Ecosystem Project, which strives to maintain a network of undeveloped habitats and migratory pathways in the region. The wet meadows and beaver ponds on the property are suitable reintroduction sites for the extirpated boreal toad. This State-endangered amphibian may still exist as an undiscovered remnant population on the property. Recognizing these critical habitat lands, the landowner has been working with the New Mexico Department Game and Fish to protect the boreal toad habitat.

Due to its spectacular views and abundant fishing and hunting opportunities, the Vallecitos High Country property is highly threatened by the development of seasonal homes. Protection of this property will expand New Mexico's protection of high-quality watersheds and forests by complementing a completed FLP easement on the Vallecitos Mountain Refuge property along the Rio Vallecitos only 2 miles downstream. It will also protect the scenic integrity of the area, as the property is visible from a new segment of the Continental Divide Trail and is part of the viewshed from the Rio Vallecitos Canyon.

In fiscal year 2008, $1.133 million in FLP funds were secured to help protect 2,200 acres of the forested 11,655-acre Vallecitos High Country property. In fiscal year 2010, $1.65 million is needed for the second phase to place a conservation easement on an additional 3,100 acres. These Federal funds will be matched by a 25 percent land value donation from the landowner. Partners in this project are the New Mexico Department of Game and Fish, New Mexico Forestry Division, the Carson National Forest, Forest Trust, Rio Chama Watershed Group, Southern Rockies Ecosystem Project, and Vallecitos Mountain Refuge.

Madam Chairman and distinguished subcommittee members, I want to thank you for this opportunity to testify on behalf of these important national protection efforts in New Mexico, and I appreciate your consideration of these funding requests.

PREPARED STATEMENT OF THE NATIONAL RECREATION AND PARK ASSOCIATION

Thank you Chairman Feinstein, Ranking Member Alexander, and other members of the subcommittee for this opportunity to submit written testimony on the fiscal year 2010 appropriations bill.

The National Recreation and Park Association (NRPA) is a national, nonprofit organization with a mission of advancing parks, recreation, and environmental conservation efforts that enhance the quality of life for all people. There are more than 6,500 parks and recreation agencies throughout the country, a majority of which are members of NRPA. Through our network of more than 21,000 citizen and professional members, we represent cities, counties, and townships' park and recreation departments, regional park authorities across the Nation, and local citizens concerned with ensuring convenient access to parks and recreation opportunities in their communities.

As your subcommittee works to craft the fiscal year 2010 appropriations bill, we request that you include $125 million for the Land and Water Conservation Fund's (LWCF) State assistance program; $50 million to specifically fund urban parks through programs such as the Urban Park and Recreation Recovery Program (UPARR) and to include $1.1 million for program administration.

Funding provided through LWCF and UPARR provide necessary community resources for indoor and outdoor recreation opportunities and stimulate local economies, promote job creation, and provide community health resources and environmental stewardship. Park and recreation agencies are instrumental in helping to address and solve national issues such as climate change, obesity, reduction of crime, and energy and land conservation. Partnership programs such as LWCF and UPARR are living testaments to how local communities impact national issues.

Park and recreation agencies provide the places and opportunities for increased physical activity. While local and State park and recreation systems provide public places for close-to-home recreation and physical activity, they are also vital to the local as well as national economy. These systems stimulate local economies and create jobs, generate visitor tax dollars for local economies, and employ full-time and part-time workers. Studies have shown that for every $1 million invested in parks and recreation infrastructure, 20 jobs are created.

FUNDING LWCF STATE ASSISTANCE

LWCF State assistance is a matching grant program that requires State and local governments to provide 50 percent in non-Federal funds for the acquisition, development, and redevelopment of parks and recreation resources. As a result of LWCF State assistance funding, more than 41,000 projects have been created in local communities. Since its inception in 1965, the program has provided more than $4 billion in matching funds to States and local communities in 98 percent of American counties. The States, cities, counties, and towns that apply for and accept Federal funding from the LWCF State assistance grant program agree to match the Federal investment on a dollar-for-dollar basis, and often match significantly more than the Federal share.

Congress created the LWCF State assistance program ". . . to strengthen the health and vitality of the citizens of the United States," and undoubtedly these projects are playing a critical role in battling our Nation's obesity epidemic. Several medical studies have shown that there is a strong correlation between proximity to recreational facilities and parks and physical activity. According to the Centers of Disease Control and Prevention (CDC), which estimates 65 percent of adults and 16 percent of children are overweight or obese, even small improvements in the lifestyles of Americans would yield marked health improvements. In fact, CDC notes that the creation of or enhanced access to places for physical activity led to a 25.6 percent increase in the percentage of people exercising on 3 or more days per week. Investing in programs such as the LWCF State assistance program would provide a significant return on investment through the reduction in healthcare costs.

The LWCF State assistance program not only meets important national goals and delivers tangible benefits to the American public by improving health, providing recreation opportunities to all Americans, and improving communities through economic development, it also significantly contributes to protecting our environment and promoting environmental stewardship. In fact, Governor Joe Machin of West Virginia notes, "The Land and Water Conservation Fund grant program is one of

the best ways we can be involved in the enrichment of West Virginia's communities for the future." It is obvious that LWCF funds are vital to many States and literally determine whether a local, regional, or State park is acquired or recreation facilities are developed for public use. The need for recreational resources has exponentially increased, but agencies are unable to meet the rising need. In 2008, States reported to the National Park Service (NPS) an unmet need of local parks and recreation resources totaling more than $27 billion in eligible LWCF projects.

The following examples, provided by the NPS, paint a picture of a Federal program, diverse in application and addressing national issues on the local level.

Focal Points of Close-to-Home Access to Health and the Outdoors in Urban Areas

In Coeur d'Alene, Idaho, Tubbs Hill Park received critical LWCF funding to help acquire and preserve a breathtaking urban forest. Today, this 135-acre forest in the middle of the city has a 2.2-mile loop trail, spectacular scenic vistas of Lake Coeur d'Alene and unparalleled access to close to home recreation in the heart of Coeur d'Alene. This park is a hub for community exercise and offered as an ideal healthy resource within the city. In this urban park, you commonly see osprey, common, and hooded mergansers, bald eagles, as well as pied-billed, eared, and western grebes.

Economic Development and Community Benefits of Parks and Access to Recreation

In Rapid City, South Dakota, a community park was built in a part of the community that did not have a public park. With the help of a LWCF grant and a matching grant from Rapid City, several developers donated money to build this community playground. Since the announcement of the park and playground project, three major housing developments have emerged in the surrounding neighborhood thereby generating additional tax revenue.

Environmental Stewardship and Conservation Projects Leverage Regional Impacts

In Ashburnham, Massachussetts, the Commonwealth of Massachusetts used $450,000 in LWCF funds to leverage an additional $675,000 to conserve 460 acres of forest lands along the New Hampshire border. The land provides public access for long-distance hiking, links conservation lands, protects the water quality of the Millers River, and preserves archaeologically sensitive sites once used by the "Harvard Shakers."

FUNDING URBAN PARKS

According to the 2000 U.S. Census, 79 percent of the U.S. population lives in urban areas. Our urban centers are imperative to America's economic prosperity. Urban parks and recreation centers provide close-to-home recreational opportunities for the vast majority of America's citizens and are instrumental in helping our Nation achieve important national goals of improving public health, increasing daily physical activity, reconnecting children with nature, reducing crime, and providing safe, healthy alternatives for at-risk youth.

Historically, UPARR, authorized in 1978, has been the only Federal program that provides direct Federal assistance to urban localities for the rehabilitation of critically needed recreation infrastructure. UPARR requires local matching funds and is administered by the NPS of the Department of the Interior to provide funding for the rehabilitation of deteriorating parks and recreation facilities in cities and urban counties. Since its inception, UPARR has provided more than $270 million in matching grants to nearly 400 cities to rehabilitate and improve their parks and recreational facilities that face pressing needs and have fallen in to disrepair due to lack of investment. However, this program has not been funded since fiscal year 2002.

As the largest public provider of after school programs, parks and recreation agencies significantly improve community safety. According to the Juvenile Justice Bulletin, juveniles are at the highest risk of being victims of violence between 2 p.m. and 6 p.m., and the peak hour for juvenile crime is from 3 p.m. to 4 p.m.—the first hour that most students are dismissed from school. Parks and recreation agencies not only provide a safe haven for children in urban areas, they also work with local educational agencies to provide tutoring services to children before and after school.

Now more than ever we need to ensure safe places for our children and families to recreate. NRPA seeks a new commitment from Congress and the administration to address the critical needs of our Nation's children and urban communities by providing a renewed Federal investment in our cities for the repair and rehabilitation of urban parks and recreation resources. We request that Congress find a way to address the needs and challenges facing urban communities by funding programs that benefit urban parks.

The following examples highlights the unmet need for urban park funding in East Oakland and North Minneapolis and the services that could be provided if funding were available:

Urban Parks Leading to Safe Spaces for Communities

Tassafaronga Recreation Center is located in an area of industrial East Oakland, California that is plagued with high incidences of crime and socioeconomic blight, heightened by a recent housing redevelopment project that will displace hundreds of families over the next 3 years. The center serves all ages in the community, offering year-round adult fitness programs, teen leadership workshops and other youth and adult recreation programs year round. The facility is in dire need of rehabilitation—both exterior and interior. In addition to providing greater opportunities for physical activity, the center serves as a community resource and a safe space for children and families. With UPARR funding, Oakland Parks and Recreation would upgrade the entire facility and existing equipment, address and correct irrigation problems, and make other improvements to better serve the community.

Community Health Benefits Through Urban Park Funding

Creekview Recreation Center in North Minneapolis, Minnesota does not have the capacity to meet growing demand for space, facilities, and equipment for in-door recreation. Given current trends in childhood inactivity and obesity, the park agency is focused on ensuring that children can be physically active, particularly during long periods of cold weather. With investment through UPARR, the park agency would expand and modernize the center to include new space for exercise classes and would install fitness and other equipment. Completing this modernization would improve opportunities for citizens in North Minneapolis to be physically active and healthy.

Unfortunately, in recent years funding for LWCF State assistance and UPARR has significantly diminished, leaving communities with lists of projects and needed repairs they are unable to complete because they do not have funding. LWCF State assistance and UPARR funding for these projects would allow construction to begin almost immediately, thereby putting local residents to work, helping communities to protect our environment while ensuring they provide safe recreational facilities for children and adults alike.

Madam Chairman and members of the subcommittee, parks, and recreation agencies are not merely community amenities; they are essential services which are necessary for the economic and environmental vitality as well as physical wellness of communities throughout this country. By providing funding for LWCF and UPARR, which have proven themselves invaluable to addressing national issues, you would be investing in the health and well-being of communities across this Nation from the standpoint of economic recovery, environmental protection, as well as providing safe and affordable places for recreation. Please include $125 million in funding for LWCF State assistance and $50 million in funding for UPARR in your interior appropriations bill in the 111th Congress.

Thank you for this opportunity to present testimony.

PREPARED STATEMENT OF THE FRIENDS OF THE PRAIRIE LEARNING CENTER

I am appealing to you today to increase funding for National Wildlife Refuges. My own experiences with the Neal Smith National Wildlife Refuge have been varied and enriching, and I fervently wish for these same experiences to be available for my children, my grandchildren, and future generations.

My personal journey with the refuge system began as my husband and I volunteered to help with prairie remnant seed collection 16 years ago. Over time, with the inspiring guidance of the refuge biology staff, we gained knowledge and experience that gave us both the ability to change careers. Facing corporate down-sizing in our respective jobs (credit/financial and information systems) we found ourselves at crossroads and decided to test the waters of new careers in conservation. Without the educational opportunities provided by our refuge, from hands-on stewardship days, to seminars and workshops, and the encouragement of the staff, we would not have been able to take advantage of the opportunities presented to us.

The Neal Smith National Wildlife Refuge and its Prairie Learning Center have the potential to provide many educational opportunities for a variety of folks of all ages:

—School groups (K–12) from communities all across Iowa attend Big Bluestem programs at the Prairie Learning Center. For most, it is their first experience with prairie and the natural history of the State where they live. Many times,

the students will end up bringing their parents and grandparents out to visit the refuge as well.

—College and university students come to our refuge to conduct research on a variety of subjects, anything from carbon sequestration to micorhizae to global warming.

—Both the public services and the biology staff provide valuable information and inspiration as they interact with students and other visitors, on a daily basis and during special events.

The Friends of the Prairie Learning Center/Neal Smith National Wildlife Refuge funds about six internships throughout the year. These interns help conduct tours, interact with school and community groups, provide on-going land stewardship, and conduct research pivotal to future restoration and reconstruction plans. If there were enough staff at the refuge to provide appropriate supervision, it would be possible to increase internship opportunities for these students just beginning their conservation careers.

With the current budget, refuge staff positions are not being filled, creating a void in the ability to continue the education and inspiration that the students and residents of Iowa (and many other States, I am sure) so desperately need. For all of the reasons I've listed above, please consider increasing the funding for the National Wildlife Refuge system, and in particular, the Neal Smith National Wildlife Refuge and Prairie Learning Center. Thank you.

PREPARED STATEMENT OF THE NATIONAL WILDLIFE FEDERATION

On behalf of the National Wildlife Federation, (NWF) the Nation's largest conservation advocacy and education organization, and our more than 4 million members and supporters, we thank you for the opportunity to provide fiscal year 2010 funding recommendations for the Department of the Interior (DOI) and other agencies under the purview of this subcommittee.

NWF's mission is to inspire Americans to protect wildlife for future generations. To achieve this mission the organization is focused on confronting global warming, safeguarding and restoring wildlife, and connecting people with nature. Global warming now constitutes the single greatest threat to the survival of today's most cherished wildlife species; we are at a critical juncture for sustaining the natural systems on which humans and wildlife depend. Congress must take bold steps to address both the underlying causes of climate change, through reductions in greenhouse gas emissions, and adaptation to the now-inevitable impacts of global warming on the Nation's wildlife and natural habitats.

We commend the subcommittee for its efforts to strengthen the scientific basis for addressing climate change impacts on wildlife, and for directing the Secretary of the Interior to develop a national climate change adaptation strategy. We are strongly supportive of the $133 million in new funds included in the President's DOI budget to help Federal and State land managers assess and respond to the impacts of climate change on wildlife. We are particularly pleased with the inclusion of $40 million of these funds for wildlife adaptation by the States.

We are also strongly supportive of the $70 million requested in the President's fiscal year 2010 budget to connect children and families to the great outdoors through DOI's 21st Century Youth Conservation Corps initiative. This investment is critical at a time when research tells us that children today spend half as much time outside as they did just 20 years ago. Targeting $30 million for educating young hunters and anglers, as well as $40 million in funding for Youth Careers in Nature, the initiative will bolster environmental education, recreation, and service programs throughout DOI, and engage thousands of youth in the outdoors.

U.S. FISH AND WILDLIFE SERVICE

State and Tribal Wildlife Grants

The State and Tribal Wildlife Grants program is the Nation's core program for preventing wildlife from becoming endangered in every State. It provides State wildlife agencies and their partners with a broad suite of proactive conservation tools to allow for meaningful and cost-effective species conservation. At the heart of this program is implementation of federally approved wildlife action plans. With global warming posing an increasing threat to wildlife and their habitats, these action plans serve as critical tools for safeguarding wildlife. NWF is working with many States to help them better integrate climate change considerations into these plans. We strongly support the President's request of $115 million for the State and Tribal Grants Program, which includes $40 million in new funding to enable States to better address climate change in their wildlife action plans.

Endangered Species Program

The Endangered Species Act (ESA) is a safety net for wildlife, plants, and fish that are on the brink of extinction. While the act has been extraordinarily successful in preventing the extinction of plants and animals, funding for its implementation has eroded significantly over the past few years. To adequately implement the endangered species program, funding must gradually increase for the four main accounts to at least $305.8 million by 2013. We appreciate the increases to the endangered species accounts included in the fiscal year 2009 appropriations and urge the subcommittee to appropriate at least $217 million in fiscal year 2010 toward the Endangered Species Program ($59 million more than fiscal year 2009 enacted) as follows:

—*Listing Program*.—This program requires $32 million for FWS to address both new species and the backlog of species awaiting action on proposed listings and critical habitat designations.

—*Recovery Program*.—Despite the fact that Congress repeatedly States that recovery is the most important element of the ESA, recovery funding has remained almost stagnant in recent years. For an effective recovery program, FWS needs $95 million.

—*Consultation Program*.—We are grateful to the subcommittee for supporting meaningful consultation under the ESA, and providing a congressional basis for reversing the unwise consultation rules promulgated in the final hours of the previous administration. To ensure an efficient and effective consultation program, we recommend funding of $75 million (an increase of $11.5 million from fiscal year 2009 enacted).

—*Candidate Conservation*.—This program enables candidate and other at-risk species to receive conservation attention so that they will not require formal listing under the act. To address this critical need we recommend funding of $15 million (an increase of $4.3 million more than fiscal year 2009 enacted).

Cooperative Endangered Species Conservation Fund

This fund offers grants to States for participation in a wide array of voluntary conservation projects for candidate, proposed, and listed species. These funds may in turn be awarded to private landowners and groups for conservation projects. Section 6 grants include: Recovery Land Acquisition Grants; Habitat Conservation Plan (HCP) Land Acquisition Grants; HCP Planning Assistance Grants; and Grants to States. We would like to see this program receive $110 million (an increase of $30 million more than fiscal year 2009 enacted).

Landowner Incentive Program and Private Stewardship Program

We support reinstatement of two important programs focused on conservation on private lands. The Landowner Incentive Program (LIP) provides States with grants to protect and restore habitats on private lands to benefit federally listed, proposed, candidate, and other at-risk species. NWF recommends LIP funding of $23.7 million. The Private Stewardship Program provides grants and other assistance on a competitive basis to individuals and groups engaged in local, private, and voluntary conservation efforts that benefit federally listed, proposed, candidate, and other at-risk species. We recommend funding of $7.3 million.

National Wildlife Refuge System (NWRS) Operations and Maintenance

NWRS is crucial for conserving the Nation's wildlife, but has been hobbled for many years by inadequate budgets. Added to existing stressors, climate change holds profound implications for management of these refuges, and FWS will need to evaluate how the system should be managed, and perhaps expanded, to adapt to these changes. The fiscal year 2009 appropriation provided a much needed increase in the NWRS operations and maintenance budget, but still falls short of what is required to adequately manage the system. National Wildlife Federation supports the Cooperative Alliance for Refuge Enhancement (CARE) recommendation of $765 million by fiscal year 2013, and recommends an fiscal year 2010 funding level of $514 million (an increase of $51 million more than fiscal year 2009 enacted).

U.S. GEOLOGICAL SURVEY

National Climate Change and Wildlife Science Center

The National Climate Change and Wildlife Science Center is an important new initiative designed to improve understanding of the impacts of global warming on wildlife and ecosystems, and help land managers better design and implement adaptation responses. We appreciate the subcommittee's leadership in funding the establishment of this Center, and recommend support the President's request of $15 million for this center.

BUREAU OF LAND MANAGEMENT

National Landscape Conservation System

The National Landscape Conservation System (NLCS) is an American treasure that consists of 26 million acres of some of the last best places in the American West. Since its creation in June 2000, however, NLCS has been chronically underfunded and starved for adequate resources to meet its core responsibilities and manage the growing number of visitors. We are heartened by authorizing legislation for this NLCS contained in the recently passed Omnibus Public Lands Management Act of 2009. To ensure adequate management of NLCS, we recommend a budget of $75 million

U.S. FOREST SERVICE

Forest Inventory and Analysis

The Forest Inventory and Analysis (FIA) program is the Nation's only comprehensive forest inventory system that provides credible forest inventory data across all ownerships. FIA data will play an increasingly important role in carbon accounting systems and ensuring the sustainability of biomass energy development. We recommend a budget of $77.9 million (an increase of $17 million from fiscal year 2009 enacted).

Forest Legacy Program

The Forest Legacy Program targets the protection of working forest landscapes, and has a perennial backlog of worthy projects. The program has been especially important in States where there are few Federal land holdings and timber companies are in the process of consolidating and selling their lands. We support the President's request of $91 million for this important program.

Community Forest and Open Space

The Community Forest and Open Space Program provides new authorities for the Forest Service to partner with local communities, Indian tribes, and nonprofit organizations to prevent at-risk forest parcels from being converted to nonforest uses. We recommend that this important new program be funded.

LAND AND WATER CONSERVATION FUND (LWCF)

The LWCF is the Federal Government's primary tool for funding acquisition of valuable wildlife habitat and open space. After years of drastic cuts in the LWCF we are pleased to see that the President's budget puts LWCF back on the road to full funding by 2014. NWF strongly supports the $420 million requested for fiscal year 2010.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

Greenhouse Gas (GHG) Inventory and Comprehensive Climate Strategy

EPA has recently proposed rules for a national greenhouse gas emissions registry, which is an essential component of any system designed to implement a comprehensive climate strategy. The President's budget request includes $19 million for EPA's work on the GHG emission inventory and related activities. NWF supports full funding of this important effort.

Energy Star

The Energy Star program helps businesses, consumers, and State and local governments save energy and money. By promoting opportunities for energy efficiency, the program is helping transform the Nation's energy economy and reduce global warming pollution. NWF recommends funding of $100 million (an increase of $50 million from fiscal year 2009 enacted).

Great Lakes Restoration Initiative

The President's budget request includes a new $475 million initiative to address regional issues in the Great Lakes identified by Federal, State, and local participants in the Great Lakes Regional Collaboration. Funding these critical restoration needs will help mitigate the impacts of global warming in the Great Lakes, and we urge the subcommittee to fully fund this initiative.

Environmental Education

EPA's Office of Environmental Education implements highly successful, nationwide environmental education programs, which are especially critical as we seek to prepare Americans for green jobs and find innovative solutions to global climate

change. We are grateful for the subcommittee's support of environmental education and recommend a funding level of $14 million (an increase of $5 million more than both fiscal year 2009 enacted and the President's fiscal year 2010 request).

PREPARED STATEMENT OF THE NATIONAL WILDLIFE REFUGE ASSOCIATION

Madam Chair and members of the subcommittee: On behalf of the National Wildlife Refuge Association (NWRA) and its membership comprised of current and former refuge professionals, Friends organization affiliates and concerned citizens, thank you for your strong support for the National Wildlife Refuge System (NWRS) including the $28.7 million increase for fiscal year 2009 and approximately $200 million for refuges in the American Recovery and Reinvestment Act of 2009. These funding increases will keep the downsizing plans that had reduced refuge staff by more than 300 positions where they should be: on the shelf. We further thank you for the opportunity to offer comments on the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill. We respectfully request the subcommittee support:

—An overall funding level of $514 million for the operations and maintenance (O&M) budget of the NWRS, managed by the U.S. Fish and Wildlife Service (FWS);
—An allocation of $5 million for Volunteer Community Partnerships for the NWRS;
—An allocation of $25 million for Climate Change Planning for refuges;
—An allocation of $15 million for work to control and eradicate invasive species on and near refuge lands, of which $1 million would continue the highly successful Volunteers and Invasives Program and $5 million would conduct large-scale invasive projects;
—An allocation of $4 million for the new Pacific Marine Monuments to conduct needs assessments, operate a research vessel, and remove two ship wrecks;
—An overall funding level of $100 million for the NWRS construction budget including $12 million for Visitor Facilities Enhancements (VFE) and $5 million for a research vessel retrofit for the Pacific Islands refuges;
—An allocation of $75 million for the FWS' Partners for Fish and Wildlife Program, increasing the FWS' ability to create partnerships and identify, prioritize and implement land and water conservation opportunities beyond refuge boundaries;
—An allocation of $100 million in the FWS land acquisition budget through the Land and Water Conservation Fund (LWCF) to acquire vital refuge habitat from willing sellers;
—A funding level of $85 million for the State and Tribal Wildlife Grants Program;
—An allocation of $10 million for the National Fish and Wildlife Foundation (NFWF) in the FWS' Resource Management General Administration appropriation;
—Prohibition of funds for activities that would advance a road through Izembek NWR in Alaska.

NATIONAL WILDLIFE REFUGE FUNDING—O&M AND CONSTRUCTION

The NWRA is the chair of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 22 sporting, conservation, and scientific organizations representing more than 14 million Americans. NWRS needs at least $765 million, and likely more, in annual operations and maintenance funding by 2013 to properly administer its 150 million acres as mandated in the Refuge Improvement Act. To reach this reasonable goal, we respectfully request that you provide $514 million in fiscal year 2010 for NWRS O&M.

After years of flat budgets, Congress in recent years has demonstrated a commitment to fund our national wildlife refuges. The increases in fiscal year 2008 and fiscal year 2009 allowed for the suspension of workforce downsizing plans that outlined an eventual 20 percent reduction in overall staffing levels. But with more than 10 percent of staff already eliminated since 2004 and a current O&M backlog of more than $3.5 billion, additional increases that build upon the last 2 years are essential.

Within the allocation for refuge O&M, we recommend $15 million for inflationary costs; $25 million for inventory and monitoring to help refuges cope with climate change; $5 million for Volunteer Community Partnerships as authorized under the NWR Volunteer and Community Partnerships Act; $5 million for large-scale invasive species projects; $1 million to continue the Volunteer Invasives Program

and $4 million assess and manage the new monuments in the Pacific, including the removal of ship wrecks currently damaging fragile coral reefs.

We ask the subcommittee to expand funding for NWRS's construction budget to $100 million. The FWS has more than $1 billion worth of construction needs, including the replacement of quickly deteriorating structures that are not energy efficient and are becoming more expensive to maintain. Construction funds also support large-scale habitat restoration projects such as the Salt Pond restoration efforts at the Don Edwards San Francisco Bay NWR or wetland restoration at the Nisqually NWR in Washington. Funds for new visitor/administration centers will be a net benefit with regards to both efficiencies and economic impact to local communities. Refuges with a broad range of outdoor and indoor programs often create more revenue, jobs in service industries, and income for local communities. Recent studies indicate that out-of-town refuge visitors are increasingly accounting for most of the revenue and taxes created for local communities. Importantly, these centers often provide opportunities for refuge Friends to generate increased revenues through bookstore operations. These private funds, in turn, leverage Federal dollars for mission-critical projects. Finally, new centers are required to be green infrastructure models, demonstrating efficient ways to recycle materials and water, green construction techniques, and opportunities for employing alternative energy sources.

Within an allocation of $100 million, we recommend $5 million for the retrofit of a research vessel that will assist the FWS in management of the new Pacific monuments; $5 million for the greening of existing refuge infrastructure and $12 million for visitor facility enhancements, which will create better experiences for visitors and thereby create support for NWRS.

ASSESSING THE NEEDS OF NWRS—CLIMATE CHANGE

NWRS is badly lagging in developing strategies to address climate change. With many Government scientists and biologists now talking openly about their conclusions regarding effects of a changing climate on habitat and wildlife, they are playing a frantic game of catch up. The NWRS is in dire need of dedicated dollars to inventory and monitor the impacts of climate change and to craft a plan to aid species in adapting. We recommend $25 million for inventory, monitoring, and planning. Many innovative modeling tools are now available to aid refuge staff but without funding, they are simply unable to take full advantage. Refuges are perhaps our best natural laboratories to assess impacts to wildlife as a result of global climate change and to demonstrate effective adaptation strategies; a small investment could yield valuable insights that will guide wildlife management and land-use planning well into the future.

INVASIVE SPECIES—CONTROL AND ERADICATION

The NWRS is succumbing to a relentless onslaught of invasive species with more than 2.3 million acres of refuge lands infested with invasive plants and 4,387 invasive animal infestations. Funding is needed to halt their progress and in some cases remove them entirely. In fiscal year 2008, refuges spent more than $15.3 million dollars on invasive species management, a 144 percent increase more than fiscal year 2004. A 2008 GAO report found that the number one management action that had increased in cost was the management of invasive plants. And while volunteers can help, with funding over the past 4 years enabling 4,660 volunteers to contribute more than 73,000 hours on 291,000 acres of refuge invasives projects, there must be aggressive, dedicated funding to bolster volunteer efforts. We urge the subcommittee to continue its strong support of the Volunteers and Invasives Program by again appropriating $1 million and we support an allocation of $5 million for large-scale invasives control projects such as the Spartina grass eradication effort at Willapa Bay NWR. Many invasives projects must be large in scale to be effective but lack of funding has prevented such projects from moving forward.

STRATEGIC GROWTH AND PARTNERSHIPS

While providing adequate funding to operate and maintain the Refuge System is of vital importance, most refuges are too small in size to fully achieve their conservation objectives. Their integrity depends on the health of surrounding lands and waters; and in turn, the health of refuge lands and waters has an enormous impact on surrounding communities. Consequently, there is a growing need to provide funding to ensure that lands and waters outside refuge boundaries are conserved. NWRA encourages a beyond the boundaries approach, which identifies and prioritizes crucial additions to the Nation's conservation estate while improving connectivity between refuges and other conservation lands.

Accordingly, for fiscal year 2010 we respectfully ask that the subcommittee appropriate the authorized $75 million for the FWS' Partners for Fish and Wildlife Program. The Partners program is a powerful tool for working with private landowners to collaboratively conserve refuge landscapes while leveraging Federal dollars. A $75 million investment in the Partners program will conservatively net $300 million worth of additional conservation. On average, for every $1 appropriated, an additional $4 are leveraged; in some cases the return is more than $10.

To strategically grow NWRS, NWRA strongly supports President Obama in encouraging Congress to fully fund the Land and Water Conservation Fund (LWCF) to its authorized annual level of $900 million in the next 5 years. In fiscal year 2010 we urge the subcommittee to allocate $100 million for the FWS to secure high-priority water rights and high-priority lands and conservation easements. Inadequate water quantity and quality represent some of the biggest obstacles for refuges to overcome and unfortunately, many refuges do not own the water rights on the refuge or they are not guaranteed an allocation of water from a river or stream.

Currently, there are roughly 8.3 million acres remaining to be acquired within approved refuge boundaries. At the previous administration's requested rate of refuge land acquisition for fiscal year 2009, it would take more than 16 centuries to acquire these lands. $100 million for refuge land acquisition may seem high, but consider that if Congress appropriated 8 times that amount or about $827 million annually, it would still take a full 20 years before the Refuge System would have acquired all the lands currently in acquisition boundaries.

Within this request, the NWRA encourages the subcommittee to provide funding for the following projects which have willing sellers, are immediately available for purchase and provide increased connectivity between important public and private lands which will ultimately increase species ability to adapt: $1.5 million, Crystal River NWR (Florida); $3 million, Silvio O. Conte NFWR (Massachusetts, Connecticut, New Hampshire, and Vermont); $2 million, Blackwater NWR (Maryland); $2 million, Nestucca Bay NWR (Oregon); $2.7 million, Cache River NWR (Arkansas); $4 million, Upper Ouachita NWR (Louisiana); $7.4 million, James Campbell NWR (Hawaii); $5 million, Rocky Mt. Front Conservation Area (Montana); $3.5 million, Rachel Carson NWR (Maine); $2 million, Sevilleta NWR (New Mexico); $2.8 million, Wallkill River NWR (New Jersey); $1 million, James River NWR (Virginia); $1 million, Supawna Meadows NWR (New Jersey); $1.5 million, Back Bay NWR (Virginia); and $1.5 million, Patoka NWR (Indiana).

The NWRA also urges the subcommittee to appropriate $85 million for the State and Tribal Wildlife Grants Program in fiscal year 2010 to implement State Wildlife Action Plans, and support projects to keep common species common and develop partnerships. These science-based plans can dovetail with refuge Comprehensive Conservation Plans (CCPs) and help fulfill the shared Federal/State responsibility for keeping our Nation's wildlife from becoming endangered.

We encourage the subcommittee to allocate $10 million for the NFWF through the FWS' Resource Management General Administration appropriation. Each year, NFWF receives more project proposals than they are capable of funding. Adequate funding will ensure NFWF has the ability to leverage resources to fund projects that directly benefit diverse species in, around and outside of national wildlife refuges across the country.

IZEMBEK NWR, ALASKAN PENINSULA

The NWRA is strongly opposed to a provision included in the 2009 Public Lands Omnibus which could result in a road through the Izembek NWR, AK should Secretary Salazar determine it is in the public interest. Proponents from King Cove (population 800) argue the road is needed for medical evacuations to reach Cold Bay (pop 80). Congress already met these needs by appropriating $37.5 million in 1998 to upgrade King Cove's medical clinic and airstrip and purchase a state-of-the-art hovercraft, which has met every medical evacuation need since it became operational in February 2007. We urge the subcommittee to prohibit funds for activities that would advance a road.

In conclusion, the NWRA believes the National Wildlife Refuge System can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge volunteers. We extend our appreciation to the subcommittee for its ongoing commitment to NWRS.

PREPARED STATEMENT OF THE PERFORMING ARTS ALLIANCE

Mr. Chairman and distinguished members of the subcommittee, I am grateful for this opportunity to submit testimony on behalf of the Performing Arts Alliance and

its member organizations—American Music Center, Association of Performing Arts Presenters, Chorus America, Dance/USA, League of American Orchestras, National Alliance for Musical Theatre, OPERA America, and Theatre Communications Group. The Performing Arts Alliance is a national network of more than 4,100 members comprising the professional, nonprofit performing arts and presenting fields. For more than 30 years, the Performing Arts Alliance has advocated for national policies that recognize, enhance, and foster the contributions the performing arts make to America.

We urge the subcommittee to designate a total of $200 million to the National Endowment for the Arts (NEA). This testimony is intended to highlight the importance of the Federal investment in the arts to sustaining a vibrant cultural community. With more funding, the NEA's core programs could better bring the best in the arts to all Americans:

—Additional funds would allow the size of individual grants to increase, after having declined steadily since the NEA's budget was cut by 40 percent in fiscal year 1996.

—Inadequate funding has caused many high-quality grant applications to go unfunded.

The NEA increases opportunities for the American public to enjoy and benefit from the performing arts.

Since the establishment of the NEA in 1965, access to the performing arts has improved in communities large and small across the country. The NEA has helped to foster the development of the many regional theatres, opera companies, dance companies, orchestras, and performing arts centers that Americans now enjoy. Despite diminished resources, the NEA awards more than 1,700 grants annually to nonprofit arts organizations for projects that encourage artistic creativity, provide lifelong learning opportunities, and engage audiences in the best the arts have to offer. This modest public investment in the Nation's cultural life has resulted in both new and classic works of art reaching all 50 States.

With more funding, the NEA could do more.

The NEA has never recovered from a 40 percent budget cut in fiscal year 1996, resulting in the underfunding of its programs. We are appreciative of the increased support this subcommittee provided for the NEA last year and are already seeing benefits of increased access to public performing art organizations and artists across the country. The live arts bring communities together, encourage dialogue, and provide innovation and education opportunities to generations of Americans.

THE NONPROFIT PERFORMING ARTS COMMUNITY

The following member profiles of the Performing Arts Alliance, which include national service organizations representing new music, arts presenting, chorus, dance, musical theatre, opera, orchestra, and theatre fields, exemplify the economic, educational, and quality of life benefits that performing arts organizations bring to American communities.

NEW MUSIC

The American Music Center (AMC) is dedicated to building a national community of artists, organizations, and audiences, creating, performing, and enjoying new American music. Since its founding in 1939 by composers Marion Bauer, Aaron Copland, Howard Hanson, Harrison Kerr, Otto Luening, and Quincy Porter, AMC has been a leader in providing field-wide advocacy, support, and connection. AMC advocates for the community through its media programming, supports the community by making grants to composers and ensembles each year, and by offering professional development services to artists. AMC connects the community with an array of information services designed to facilitate performances, including a vast, searchable database of 45,000 works by American composers, publications compiling opportunities in new music and other information useful to industry professionals, and benefits and services for nearly 2,500 members in all 50 States and around the world.

ARTS PRESENTERS

Performing arts presenters bring professional performing artists from all over the world into the communities they serve. They include organizations such as performing arts centers in major urban cities, academic institutions, artists, artist managers, agents, local arts agencies, and outdoor festivals and fairs. Arts presenters facilitate the interaction between artists and audiences, support the creation and touring of new works, and are civically engaged in their communities. The Association of Performing Arts Presenters (Arts Presenters), a national service and advo-

cacy organization, represents an industry of more than 7,000 nonprofit and for-profit organizations, with members hailing from all 50 States and 28 countries on six continents across the globe. Performing Arts Presenters' members bring performances to more than 2 million audience-goers each week and spend in excess of $2.5 billion annually. Their membership includes a range of organizations with multi-million dollar budgets to individuals who are artists or performing arts professionals, representing a diversity of fields, which include all forms of dance, music, theatre, family programming, puppetry, circus, magic, attractions, and performance art.

CHORUS

Chorus America's mission is to build a dynamic and inclusive choral community so that more people are transformed by the beauty and power of choral singing. Chorus America strengthens choral organizations and provides their leaders with information, research, leadership development, professional training, and advocacy to help them deliver the best possible contributions to their communities and to the choral art. The more than 1,600 choruses, individuals, and businesses that are members of Chorus America speak with a strong and unified voice to increase recognition of choral singing as an essential part of society.

DANCE

In 1965, there were approximately 35 nonprofit professional dance companies. Today, there are more than 600. America's dance companies perform a wide range of styles and genres. These include both classical and contemporary ballet, both classical and contemporary modern, as well as jazz, tap, cross-disciplinary fusions and traditional to modern work rooted in other cultures. When the NEA instituted its Dance on Tour program in the 1970's, great dance became accessible to every community in America. NEA programs today, like the National College Choreography Initiative, continue to ensure that the best of American dance is for all of America, and a showpiece for the rest of the world as well. Based on a 2006 survey, Dance/USA estimates that the 81 largest and most visible nonprofit dance companies in the United States do the following:

—Employed more than 6,000 people;
—Performed for total home audiences of nearly 2.9 million people;
—Paid approximately $237.5 million in wages and benefits;
—Had more than 24,300 volunteers, including more than 2,700 members of Boards of Trustees;
—Received $16.7 million, from State, local, and government contributions.

MUSICAL THEATRE

National Alliance for Musical Theatre (NAMT) is the national service organization dedicated exclusively to musical theatre and serving some of the leading musical theatre producers in the world. Last season, NAMT members cumulatively staged more than 27,000 performances attended by 16 million people, and had revenues totaling more than $500 million. NAMT has presented its Festival of New Musicals annually since 1989, bringing together theatre producers and writers, with the goal of furthering the development and production of new musicals. NAMT's festival has showcased more than 300 writers and 200 new musicals, which have had thousands of subsequent productions worldwide.

OPERA

OPERA America members are found in communities all across the country—a total of 133 companies in 43 States. American opera companies are well-known for their innovative and exemplary education and outreach programs, many of which are funded in part with NEA grants. Virtually all U.S. opera companies run such programs in their communities. Opera companies help fill the void left by discontinued arts education in many public school systems and can help young people communicate the realities of their lives via disciplined artistic expression. The audience for education and community programs served by United States and Canadian companies during the 2005–2006 season totaled more than 2 million people. All together, the opera companies of America contribute more than $1.5 billion to the U.S. economy each year and provide more than 20,000 jobs each year.

ORCHESTRA

In its more than 40-year history, the NEA has provided invaluable leadership and support for musicians, orchestras, and the communities they serve through direct grants; support to State arts agencies, and national leadership initiatives. Sup-

ported by a network of musicians, volunteers, administrators, and community leaders, America's adult, youth, and college orchestras total more than 1,800, with annual budgets ranging from less than $12,000 to more than $83 million, and exist in every State and territory, in cities and rural areas alike. They employ (with or without pay) more than 8,000 administrative staff and attract more than 400,000 volunteers and trustees.

In addition to concerts, orchestras offer more than 40 different kinds of programs for their communities, including:

—in-depth, multi-year residencies;
—long-term partnerships with schools;
—after-school and summer camps;
—programs in hospitals and libraries;
—instrumental instruction; and
—educational classes for seniors.

The NEA's fiscal year 2008 grants to organizations included 122 grants to orchestras and the communities they serve, supporting arts education for children and adults, expanding public access to performances, preserving great classical works, and fostering the creative endeavors of contemporary classical musicians, composers, and conductors.

THEATRE

In 1961, nonprofit theatre in America consisted of only 16 theatre companies. Today, thanks in large part to the pivotal role played by the NEA, the number of theatre companies is estimated to be more than 1,900. Almost every Pulitzer Prize winning play since 1976 originated at an NEA-funded theatre.

Theatre Communications Group (TCG), the national organization for the American nonprofit theatre, reports that the estimated 1,910 theatres in the United States employ more than 109,000 workers—actors, directors, playwrights, designers, administrators, and technicians—and constitute a more than $1.7 billion industry. Collectively, these theatres are estimated to have offered 197,000 performances that attracted 31 million patrons. TCG offers grants to theatres and theatre artists, conducts research on the health of the nonprofit theatre field, convenes various meetings around the country to bring theatre professionals together, serves as the U.S. Center of the International Theatre Institute to promote international cultural exchange, produces a wide array of publications about and for the theatre field, and serves as the primary national advocate for the nonprofit professional theatre field.

Based on recent surveys of 196 nonprofit theatres, TCG reports the following:

—More than 1,180 outreach and educational programs are in existence today.
—More than 2.5 million people—including a large number of at-risk children—are served by these programs. This network of educational and outreach programs all across the country, ensures access to all Americans and helps develop new generations of audiences.
—These programs include touring productions, artists-in-the-schools, teacher training, workshops and lectures in local community centers and libraries, programs for at-risk youth, and lifelong learning opportunities.

CONCLUSION

Performing arts organizations are a vital component of community life, allowing citizens to appreciate our Nation's culture and heritage through excellent artistic programming. The arts illuminate the human condition, our history, contemporary issues, and our future. The NEA is an investment that realizes significant returns on the Federal dollars invested, both measurable and intangible. We urge you to designate no less than $200 million to the NEA. Thank you for your consideration of our request.

PREPARED STATEMENT OF THE PELICAN ISLAND PRESERVATION SOCIETY

The Pelican Island Preservation Society is an all volunteer group with more than 350 members whose mission is to support the Pelican Island National Wildlife Refuge. Our organization is greatly concerned about the major funding deficit for operations and maintenance (O&M) facing the National Wildlife Refuge System (NWRS), and the severe impact this is having on the Pelican Island National Wildlife Refuge and other refuges in the system. Our request is that O&M funding be increased to $514 million in fiscal year 2010.

I wish to thank the subcommittee for your support over the past 2 fiscal years in recommending increases in funding for the NWRS. Those increases have helped

stabilize a critical funding deficit which resulted in major losses of personnel and significant loss of capability to manage refuges. While the increases have provided some relief, major funding problems still exist and sizeable annual increases in O&M funding must be forthcoming if the system is ever to even approach its full potential.

Inadequate funding has historically severely hampered the ability of the U.S. Fish and Wildlife Service (FWS) to effectively manage refuges. During my 50 years of exposure to the refuge system I have seen many highs and lows in O&M funding levels, but even during the "highs" the amounts appropriated were totally inadequate to do the job properly. The current backlog of approximately $3.5 billion in operations and maintenance needs is a direct result of many decades of neglect in the budgetary arena. This backlog must be addressed in an aggressive manner.

On our local level, inadequate funding has significantly affected management programs. One central staff currently manages three refuges—Pelican Island, Archie Carr, and Lake Wales Ridge. In 2003, the staff reached its record high level of six permanent full-time employees plus temporaries. As a result of the funding crunch, the staff was reduced to two. More recent funding increases have allowed increasing the staff to three permanent full-time and two term employees. Five employees to manage three refuges, two of which are urban in nature, simply doesn't provide the manpower needed to do an acceptable job of refuge management. Of major concern is the lack of a law enforcement officer to address violations of refuge regulations.

The role refuges can play in helping to alleviate current economic problems should not be overlooked. There are major economic factors associated with the management of refuges. The refuge system attracts 41 million visitors annually who generate more than $1.7 billion for local economies, including 27,000 jobs and $185 million in tax revenues. Further, according to the 2007 report, Banking on Nature, on the average refuges return $4 of economic activity for each $1 appropriated for their operation. Continued underfunding of refuges will result in negative impacts on local economies—something to consider during the tough economic times facing our country.

Invasive species are a major continuing problem facing refuge managers. Despite added emphasis on identification and control, valuable wildlife habitat continues to be lost. We urge the subcommittee to continue its strong support for the control of invasive species.

I urge the subcommittee to support an allocation of $100 million in the FWS budget for land acquisition through the Land and Water Conservation Fund (LWCF). The acquisition of important habitat for endangered species and other fish and wildlife has been severely reduced in recent years due to very low allocations and this situation must corrected.

The inequitable distribution of resource management dollars among the four Federal land managing agencies remains to be a serious concern. On a per-acre basis, funding to manage units of the refuge system is significantly lower than that allocated to manage national forests, national parks, and BLM lands. For example, when including the recently added 54 million acres of national monuments, the NWRS receives slightly more than $3 per acre, by far the lowest of the four agencies. I am not suggesting that the funding level should be the same far all, as the missions vary; however, the current disparity defies reason. I suggest that the subcommittee and the Congress should provide some reasonable level of equity as it contemplates future allocations.

In summary, the NWRS is facing a severe funding deficit which must be addressed. We ask that the subcommittee support increased O&M funding for the NWRS to $514 million in fiscal year 2010. Further, we ask that that the subcommittee support the goal of reaching an O&M funding level of $765 million by fiscal year 2013. And finally, we urge the subcommittee to support an allocation of $100 million from the LWCF for refuge land acquisition in fiscal year 2010.

PREPARED STATEMENT OF THE PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM

Madam Chairwoman and members of the subcommittee: The Partnership for the National Trails System (NTS) appreciates your support over the past 15 years, through operations funding and dedicated Challenge Cost Share funds, for the national scenic and historic trails administered by the National Park Service (NPS). We also appreciate your increased allocation of funds to support the trails administered and managed by the Forest Service (USFS) and for the trails in the Bureau of Land Management's (BLM) National Landscape Conservation System (NLCS). To continue the progress that you have fostered, the Partnership requests that you pro-

vide annual operations funding for each of the 30 national scenic and historic trails for fiscal year 2010 through these appropriations:

—*NPS*.—$15.063 million for administration of 23 trails and for coordination of the long-distance trails program by the Washington office. Construction: $300,000 for the Overmountain Victory and $200,000 for the Pacific Crest Trails. Feasibility Studies and Projects: $200,000 for the Overmountain Victory and $230,000 for the North Country Trails.

—*USDA USFS*.—$10.011 million to administer six trails and $1.1 million to manage parts of 16 trails administered by the NPS or BLM; Construction: $1 million for the Iditarod Trail and $325,000 for the North Country Trail.

—*BLM*.—to coordinate its NTS Program: $250,000; to administer these three trails: Iditarod Trail: $670,000, the Camino Real de Tierra Adentro Trail: $230,000, the Old Spanish Trail: $350,000 and to manage portions of 10 trails administered by the NPS or the USFS: $3.088 million; $3,140,000 for operating five National Historic Trail interpretive centers; Construction: $350,000 for the Continental Divide and $300,000 for the Pacific Crest Trails.

—We ask that you appropriate $4.5 million for the NPS Challenge Cost Share Program and continue to direct one-third ($1,500,000) for national scenic and historic trails or create a separate $1.5 million NTS Challenge Cost Share Program.

—We ask that you add $500,000 to the BLM's Challenge Cost Share Program and allocate it for the national scenic and historic trails it administers or manages.

—We ask that you appropriate $1.253 million to the NPS Conservation and Outdoor Recreation office to support the second year of a 5-year interagency project to develop a consistent systemwide NTS Geographic Information System (GIS).

We ask that you appropriate from the Land and Water Conservation Fund (LWCF) for land acquisition:

—*To the USFS*.—$10.75 million for the Pacific Crest Trail; $6.357 million for the Florida Trail; and $15.02 million for the Appalachian Trail;

—*To the BLM*.—$3 million for the Camino Real de Tierra Adentro Trail in New Mexico; $1 million for the Lewis & Clark Trail in Montana; $4.25 million for the Pacific Crest Trail in Oregon; and $150,000 for the Continental Divide Trail in New Mexico;

—*To the NPS*.—$4.75 million to grant to the State of Wisconsin to match State funds for the Ice Age Trail and $2 million to grant to seven States for the North Country Trail; $1.375 million for the Appalachian Trail; and $1.5 million for the Overmountain Victory Trail.

NPS

We request $1.253 million to fund the second year of a 5-year interagency effort to develop a consistent GIS for all 30 national scenic and historic trails as described in the August 2001 report (requested by Congress in the fiscal year 2001 appropriation) "GIS For the National Trails System." This funding will be shared with the BLM and the USFS. We support the administration's requested $957,000 for the Connect Trails to Parks project to enhance the public's understanding of the NTS and its relationship to the NPS.

The $15.063 million we request for NPS operations includes increases for some of the trails to continue the progress and new initiatives made possible by the additional funding provided by Congress in fiscal year 2001, fiscal year 2004, fiscal year 2005, fiscal year 2006, fiscal year 2008, and fiscal year 2009. Our request includes $150,000 of "start-up" funding for each of the new trails authorized by Congress in 2008 and 2009: the Star Spangled Banner and Washington-Rochambeau National Historic Trails and the New England National Scenic Trail.

We request an increase of $596,000 to expand NPS efforts to protect cultural landscapes at more than 200 sites along the Santa Fe Trail, to develop GIS mapping, and to fund public educational outreach programs of the Santa Fe Trail Association. An increase of $679,000 for the Trail of Tears will enable the Park Service to work with the Trail of Tears Association to develop a GIS to map the Trail's historical and cultural heritage sites to protect them and to develop interpretation of them for visitors. Our requested increase of $308,000 for the Ala Kahakai Trail will enable the NPS to work with E Mau Na Ala Hele and other community organizations to care for resources on the land and with the University of Hawaii to conduct archaeological and cultural landscape studies along the trail. Our requested increase of $315,000 for the Captain John Smith Chesapeake Trail will provide interpretive, access and recreation planning and project development assistance to State, community, and nonprofit trail partners and hasten completion of the Comprehensive Management Plan for the Trail.

We request an increase of $115,000 for the Appalachian Trail to expand the highly successful "Trail to Every Classroom" program of the Appalachian Trail Conservancy. The $969,000 we request for the 4,200-mile North Country Trail will enable the NPS to provide greater support for the regional GIS mapping, trail building, trail management, and training of volunteers led by the North Country Trail Association, hastening the day when our Nation's longest national scenic trail will be fully opened for use. The $1,111,000 we request for the Ice Age Trail includes a $265,000 increase to enable the NPS to develop and begin to implement an Interpretive Plan, to complete trail route planning, and to support stewardship by Ice Age Park & Trail Foundation staff and volunteers of lands acquired for the trail.

Feasibility and Planning Studies.—We request $200,000 for a feasibility study of the location for a headquarters and visitor center for the Overmountain Victory Trail and $230,000 for a GIS-based natural resource inventory and community economic impact studies for the North Country Trail.

Construction.—We request that you appropriate for trail and historic site construction projects $300,000 for the Overmountain Victory Trail and $200,000 for the Pacific Crest Trail.

Challenge Cost Share programs are one of the most effective and efficient ways for Federal agencies to accomplish a wide array of projects for public benefit while also sustaining partnerships involving countless private citizens in doing public service work. The Partnership requests that you appropriate $4.5 million in Challenge Cost Share funding to the NPS for fiscal year 2010 as a wise investment of public money that will generate public benefits many times greater than its sum. We ask you to continue to direct one-third of the $4.5 million for the national scenic and historic trails to continue the steady progress toward making these trails fully available for public enjoyment. We suggest, as an alternative to the annual allocating of funds from the Regular Challenge Cost Share program, that you establish a separate NTS Challenge Cost Share program with $1.5 million funding.

USDA USFS

As you have done for several years, we ask that you provide additional operations funding to the USFS for administering three national scenic trails and one national historic trail, and managing parts of 16 other trails. We ask you to appropriate $9.011 million as a separate budgetary item specifically for the Continental Divide, Florida and Pacific Crest National Scenic Trails, and the Nez Perce National Historic Trail within an over-all appropriation for Capital Improvements and Maintenance for Trails of $136.4 million. Full-time managers have been assigned for each of these trails by the USFS. Recognizing the on-the-ground management responsibility the USFS has for 838 miles of the Appalachian Trail, more than 650 miles of the North Country Trail, and sections of the Ice Age, Anza, Caminos Real de Tierra Adentro and de Tejas, Lewis & Clark, California, Iditarod, Mormon Pioneer, Old Spanish, Oregon, Overmountain Victory, Pony Express, Trail of Tears and Santa Fe Trails, we ask you to appropriate $1.1 million specifically for these trails. We request $500,000 of "start-up" funding for each of the new trails authorized by Congress in 2009: the Arizona and Pacific Northwest National Scenic Trails, which the USFS will administer. We also request $1 million for the Chugach National Forest to begin to develop the Southern Trek of the Iditarod Trail and $325,000 to do NEPA planning for the North Country Trail in the Chippewa and Superior National Forests.

Work is underway, supported by funds you provided over the past 8 years, to close several major gaps in the Florida Trail. In 2008, Florida Trail Association (FTA) volunteers built or reconstructed 65 miles of Trail, 11 bridges, and 508 feet of boardwalk. The Partnership's request of $9.011 million above includes $1.75 million to enable the USFS and FTA to build 5 miles of new trail and to control invasive species, do ecosystem restoration, and otherwise manage 3,418 acres of new FTA land.

The Partnership's request of $9.011 million above also includes $2.1 million to enable the USFS and the Continental Divide Trail Alliance to build or reconstruct 156 more miles of the Continental Divide Trail. This will continue new CDT construction funded each year since fiscal year 1998.

BLM

While the BLM has administrative authority only for the Iditarod, El Camino Real de Tierra Adentro, and the Old Spanish National Historic Trails, it has on-the-ground management responsibility for 641 miles of three scenic trails and 3,115 miles of seven historic trails administered by the NPS and USFS. The BLM recognized the significance of these trails by including them in the NLCS and, for the first time, in fiscal year 2002, by providing funding for each of them. The Partner-

ship applauds these decisions of the BLM and encourages its staff to budget specific funding for each of these trails.

We ask you to provide at least $75 million as new permanent base funding for the NLCS and that you appropriate as new permanent base funding $250,000 for NTS Program Coordination, $670,000 for the Iditarod Trail, $230,000 for El Camino Real de Tierra Adentro Trail, $350,000 for the Old Spanish Trail, and $3,088,000 for management of the portions of the 10 other trails under the care of the BLM. We request $350,000 for construction of new sections of the Continental Divide Trail, $300,000 for maintenance of the Pacific Crest Trail; and $3,140,000 to operate five historic trails interpretive centers.

We ask you to add $500,000 to the Challenge Cost Share program and direct the money for the NTS as you have done for many years with the Park Service's Challenge Cost Share program.

To promote greater management transparency and accountability for the National Trails and the whole NLCS, we urge you to request expenditure and accomplishment reports for each of the NLCS units for fiscal year 2009 and to direct the BLM to include unit-level allocations by major sub-activities for each of the scenic and historic trails, and wild and scenic rivers—as the BLM has done for the monuments and conservation areas—within a new activity account for the NLCS in fiscal year 2010. Existing accounts for Wilderness Areas and Wilderness Study Areas should also be included in this new NLCS activity account. The BLM's lack of a unified budget account for National Trails prevents the agency from efficiently planning, implementing, reporting, and taking advantage of cost-saving and leveraging partnerships and volunteer contributions for every activity related to these national resources.

LWCF

The Partnership requests that you fully appropriate the $900 million annual authorized appropriation from the LWCF and that you make the specific appropriations for national scenic and historic trails detailed at the beginning of this statement and below.

USFS.—The $10.75 million we request for the Pacific Crest Trail (PCT) will continue to support the work and acquisition underway by the USFS Lands Team and the NPS National Trail Land Resources Program Center, protecting 12 miles of PCT in Washington and taking 34 miles off of roads in southern California. The $6.357 million requested for the Florida Trail will continue another successful collaboration between these two agencies to protect 16 critical segments involving another 4 miles of the trail and the $15.020 million requested will protect sections of the Appalachian Trail in the Cherokee and Nantahala National Forests.

BLM.—The $4.25 million requested for the Cascade Siskiyou National Monument will also preserve sections of the Pacific Crest Trail in Oregon, the $1 million requested for the Chain-of-Lakes in Montana will preserve a stretch of the Lewis & Clark Trail, and the $3 million requested for La Cienega ACEC in New Mexico will preserve a significant site along El Camino Real de Tierra Adentro National Historic Trail. The $150,000 requested will purchase easements for the Continental Divide Trail in New Mexico.

NPS.—The National Trails System Act encourages States to assist in the conservation of the resources and development of the national scenic and historic trails. Wisconsin has matched $12.3 million of fiscal year 2000–2006 and fiscal year 2008 LWCF funding with $20.5 million to help conserve the resources of the Ice Age National Scenic Trail by purchasing 42 parcels totaling 7,259 acres. Another 40 parcels are under negotiation, appraisal, or option to purchase. All of the LWCF funds appropriated for the Ice Age Trail have been spent. The requested $4.75 million LWCF grant to Wisconsin will continue this very successful Federal/State/local partnership for protecting land for the Ice Age Trail. We also request $2 million to provide similar grants to the 7 States along its route to close gaps in the North Country Trail and $1.375 million for the NPS to acquire one parcel in New Hampshire for the Appalachian Trail. The $1.5 million requested for the Overmountain Victory Trail will protect key links and sites in North Carolina, Tennessee, and Virginia.

Private Sector Support for the NTS

Public-spirited partnerships between private citizens and public agencies have been a hallmark of the NTS since its inception. These partnerships create the enduring strength of the NTS and the trail communities that sustain it by combining the local, grass-roots energy and responsiveness of volunteers with the responsible continuity of public agencies. They also provide private financial support for public projects, often resulting in a greater than equal match of funds.

The private trail organizations' commitment to the success of these trail-sustaining partnerships grows even as Congress' support for the trails has grown. In 2008 the trail organizations fostered 771,933 hours—an increase of 6.5 percent more than 2007—of documented volunteer labor valued at $15,631,643 to help sustain the national scenic and historic trails. The organizations also raised private sector contributions of $9,108,338 to benefit the trails.

PREPARED STATEMENT OF THE PORCUPINE SCHOOL

On behalf of Porcupine School, thank you for the opportunity to submit views on the fiscal year 2010 Bureau of Indian Education (BIE) funding request that is contained in the Interior, Environment, and Related Agencies appropriations. The Porcupine School is a located within the Pine Ridge Indian Reservation in South Dakota. Our school has operated as a BIE grant school since the 1980s, and serves more than 180 students in kindergarten through eighth grade.

The Porcupine School students, parents, faculty, and administration are all greatly appreciative of the funding Congress provided that enabled us to recently replace our aged school with new construction. Nonetheless, we are disappointed that despite a new administration, the fiscal year 2010 budget proposal does not seek to address much of the chronic underfunding that places a great strain our ability to properly staff and operate our schools. Our testimony focuses on three of the vitally important programs that greatly impact the quality of education we are able to provide our students:

—Administrative Cost Grants;
—Facilities Operations and Maintenance; and
—Indian School Equalization Program.

Administrative Cost Grants

The Administrative Cost Grants (ACG) is provided to tribally operated schools for the administrative costs incurred in the operation of school programs, i.e., fiscal management, overhead services, health insurance, workmen's compensation insurance, pensions, personnel services, etc. The level of need for each school is determined by the statutorily mandated formula for calculation of ACGs. However, since fiscal year 2003 the annual appropriated amount has been flat funded, resulting in a steady erosion in the amount of ACGs that is allocated to each tribally operated school. For example, in school year 2007–2008, the BIE provided only 65.75 percent of ACG need. Then in school year 2008–2009 the rate fell to an even lower 62.36 percent. Because the fiscal year 2010 budget request proposes level funding again at $43.3 million, we fear the ACG level of need funded will fall even further, perhaps below 60 percent.

Despite whether ACG is funded at 100 percent or 60 percent, the administration of a school, compliance with Federal requirements, accountability must be fulfilled. In order to do so, we, like other grant and contract schools, have had to make up any ACG shortfalls by instituting cost-cutting measures, layoffs, and even dipping into other available resources, such as the classroom and transportation funds. At Porcupine School we have are fortunate to have included a school nurse office into the design of our new school building—but we have no funds to hire a nurse.

We cannot fathom why the administration has not sought an increase in ACGs when it has plainly accepted, and appears to support, the need to adequately fund the indirect costs for BIA and Indian Health Service (IHS) contract support costs (CSC). This is evidenced by the fact that the administration seeks a $5.5 million increase in order to pay BIA contract support costs at 77.4 percent, and requests an additional $2 million for the Indian Self-Determination Fund to pay CSC of new contractors. For IHS contract support costs, the administration seeks an astounding $107 million increase.

We urge that Congress address the chronic ACG shortfall and appropriate funds at a level that would provide the tribally operated schools 100 percent of need, which has been estimated to be $58.6 million.

Facilities Operations

As stated above, the Porcupine School facility has been newly constructed and we anticipate the updated electrical, heating, and other infrastructure systems will help with facility operations run more efficiently and with cost effectiveness. Nonetheless, we are chagrined the BIE does not seek more than an additional $2 million to address the consistent shortfall in facilities operations funds. After providing millions of Federal dollars to build our new school, we would have expected the BIE to want to protect the Federal Government's investment in this facility by supplying sufficient funds to prudently operate it and assure that the students who occupy it

receive the benefit Congress intended. These funds are used to help cover expenses such as utilities, communications, maintenance of grounds, garbage collection, custodial supplies and services, and a host of other operations costs.

In its budget justification, the BIE states the requested increase "will partially offset the 29.7 percent increase in school utility costs" that have occurred since 2005. What BIE fails to disclose is the amount of the shortfall that schools must make up from elsewhere in their budgets. In the current school year, Porcupine School has received only 43 percent of the facilities operations amount it is due. How can we hope to operate effectively if we must make critical sacrifices that directly impact facility operations, such as having to let go some janitors and the security guard—although the need for these positions and the associated work remain?

We thank Congress for the additional funds in fiscal year 2009 and via the American Economic Recovery and Reinvestment Act that will help more BIE-funded schools address the long-standing backlog of repairs. We urge Congress to take the next step and provide a level of funding that allows us to maintain those investments and begin to address even preventive maintenance. Timely and adequate distribution of funds is vital to ensuring our schools are properly staffed, maintained, and operational.

Indian School Equalization Program (ISEP)

The ISEP formula funds are the lifeblood of our school budgets. These funds are utilized for school professional and support staff salaries, classroom materials, supplies and other costs associated with the curriculum/education side of the school operations.

The majority of our ISEP is dedicated to salaries, yet we cannot compare to the salaries offered by the public schools and even the BIE-operated schools. This puts us at a distinct disadvantage in our ability to attract the most qualified teachers, much less those who would be willing to relocated to our rural, isolated Indian reservation. Even the recruitment costs are higher due to our locale. As we have noted, when there are shortfalls in other areas of the school budget, e.g., ACGs, facilities operations, student transportation, etc., we often have to divert from the education program account to cover those costs.

The Porcupine School supports the administration's fiscal year 2010 request for a $10 million increase for ISEP, although it translates to only $236.51/student—if every $1 of the increase is directed to the schools and none "held" at the BIE administration level. What Porcupine School recommends is that Congress provide at least an additional $500 per student.

Conclusion

We look forward to working with you on the fiscal year 2010 budget for the BIE.

PREPARED STATEMENT OF THE PACIFIC SALMON COMMISSION

Mr. Chairman, and honorable members of the subcommittee, my name is Jeff Koenings and I serve as an Alternate Commissioner on the Pacific Salmon Commission (PSC). The U.S. section prepares an annual budget for implementation of the treaty. The integrated budget details program needs and costs for tribal, Federal, and State agencies involved in the treaty. Under the Bureau of Indian Affairs budget, the U.S. section recommends that Congress:

—Fund the tribes' program at a restored funding level of $4,800,000 for tribal research projects and participation in the U.S.-Canada Pacific Salmon Treaty process, an increase of $2,530,000 more than the fiscal year 2009 omnibus funding bill. This funding level represents restoration of funding to the fiscal year 2008 level plus adjustments to meet increased obligations under the 2009–2018 Pacific Salmon Treaty Agreement. The funding for tribal participation in the U.S./Canada Salmon Treaty is a line item under the Rights Protection Implementation, Wildlife and Parks, Other Recurring Programs Area.

Under U.S. Fish and Wildlife Service (FWS) programs, the U.S. section recommends that Congress:

—Provide base funding of $445,000 for USFWS participation in the Treaty process, and provide funding of $250,000 for the Pacific States Marine Fisheries Commission's (PSMFC) Regional Mark Processing Center (RMPC).

This base funding for the FWS will pay for the critically important on-going work. The funding for PSMFC's RMPC is utilized to meet Treaty requirements concerning data exchange with Canada. These program recommendations are integrated with those of the State and Federal agencies to avoid duplication of effort and provide for the most efficient expenditure of scarce funds.

A copy of the integrated U.S. section budget justification has been made available to the subcommittee. The budget summary justifies the funding we are recommending today. All of the funds are needed for critical data collection and research activities directly related to the implementation of the Treaty and are used in cooperative programs involving Federal, State, and tribal fishery agencies and the Department of Fisheries in Canada. The monetary commitment of the United States is matched by the commitment of the Government of Canada.

The U.S. section of the PSC is recommending a substantial adjustment to the funding for the work carried out by the 24 treaty tribes' that participate in the implementation of the Treaty. Programs carried out by the tribes are closely coordinated with those of the States and Federal agencies, but the tribes' efforts are now being hampered by forced staff reductions due to a 45 percent reduction in fiscal year 2009 funding for the Treaty program. Tribal programs are essential for the United States to meet its international obligations.

We are strongly recommending maintaining base funding of $445,000 for the FWS so the United States can maintain the critical database to implement the Treaty. We also strongly recommend funding of $250,000 to allow continuation of work carried out by the Regional Mark Processing Center. This work, maintaining and updating a coastwide computerized information management system for salmon harvest and catch effort data as required by the Treaty, has become even more important to monitor the success of management actions at reducing impacts on ESA-listed salmon populations. Canada has a counterpart database. The database will continue to be housed at the PSMFC. FWS will contract with the PSFMC to provide this service.

Mr. Chairman, the United States and Canada established the PSC, under the Pacific Salmon Treaty of 1985, to conserve salmon stocks, provide for optimum production of salmon, and to control salmon interceptions. After more than 20 years, the work of the PSC continues to be essential for the wise management of salmon in the Northwest, British Columbia, and Alaska. For example, upriver Bright fall Chinook salmon from the Hanford Reach of the Columbia River are caught in large numbers in Alaskan and Canadian waters. Tribal and nontribal fishermen harvest sockeye salmon from Canada's Fraser River in the Strait of Juan de Fuca and in Puget Sound. Canadian trollers off of the west coast of Vancouver Island catch Washington coastal Coho salmon. In the Northern Boundary area between Canada and Alaska, fish from both countries are intercepted by the other country in large numbers. The Commission provides a forum to ensure cooperative management of salmon populations. In 2008, the United States and Canada successfully concluded lengthy negotiations to improve this management, including the adjustments to the coastwide abundance-based management regime for Chinook salmon and a framework for abundance based management for southern Coho populations. The agreement is intended to last for through 2018. The Fraser River sockeye and pink chapter to the Pacific Salmon Treaty expires in 2010 and negotiators are diligently working to complete a revised agreement for management of those fisheries.

Before the Treaty, fish wars often erupted with one or both countries overharvesting fish that were returning to the other country, to the detriment of the resource. At the time the Treaty was signed, Chinook salmon were in a severely depressed state as a result of overharvest in the ocean as well as environmental degradation in the spawning rivers. Under the Treaty, both countries committed to rebuild the depressed runs of Chinook stocks, and they recommitted to that goal in 1999 when adopting a coastwide abundance based approach to harvest management. Under this approach, harvest management will complement habitat conservation and restoration activities being undertaken by the States, tribes, and other stakeholders in the Pacific Northwest to address the needs of salmon listed for protection under the Endangered Species Act. The 2008 Chinook agreement continues these commitments. The combination of these efforts is integral to achieving success in rebuilding and restoring healthy, sustainable salmon populations.

Finally, you should take into account the fact that the value of the commercial harvest of salmon subject to the Treaty, managed at productive levels under the Treaty, supports the infrastructure of many coastal and inland communities. The value of the recreational fisheries, and the economic diversity they provide for local economies throughout the Pacific Northwest and Alaska, is also immense. The value of these fish to the 24 treaty tribes in Washington, Oregon, and Idaho goes far beyond their monetary value, to the cultural and religious lives of Indian people. A significant monetary investment is focused on salmon as a result of listings of Pacific Northwest salmon populations under the Endangered Species Act. Given the resources, we can continue to use the Pacific Salmon Commission to develop recommendations that help to ensure solutions that minimize impacts on listed stocks,

especially if we are allowed to work toward the true intent of the Treaty: mutually beneficial enhancement of the shared resource.

Mr. Chairman, that concludes my written testimony submitted for consideration by your subcommittee. I want to thank the subcommittee for the support that it has given the U.S. section in the past. Please feel free to contact me, or other members of the U.S. section, through the Office of the U.S. section coordinator to answer any questions you or subcommittee members may have regarding the U.S. section of the PSC budget.

SUMMARY OF TRIBAL AND FISH AND WILDLIFE SERVICE PROGRAMS UNDER THE U.S.-CANADA PACIFIC SALMON TREATY

DEPARTMENT OF THE INTERIOR

[Dollars in thousands]

	Fiscal year 2009 actual appropriation	Fiscal year 2010 recommendation	Increase
Bureau of Indian Affairs, Wildlife and Parks, Rights Implementation	2,270	4,800	2,530

DEPARTMENT OF THE INTERIOR

[Dollars in thousands]

	Fiscal year 2009 actual appropriation	Fiscal year 2009 recommendation	Increase
U.S. Fish and Wildlife Service, Anadromous Fisheries	695	695	.....

PREPARED STATEMENT OF THE PASSAMAQUODDY TRIBE

Madame Chairwoman and distinguished committee members: My name is Richard Phillips-Doyle and I am the elected Sakom/Chief of the Passamaquoddy Tribe located on the Pleasant Point reservation in Perry, Maine. I would like to thank you for the opportunity to provide testimony to the Appropriations Subcommittee on the Interior, Environment, and Related Agencies. I will be requesting appropriations from the Department of the Interior, Bureau of Indian Affairs (BIA) for an annual appropriation of $2,410,739.

Pleasant Point reservation is located in rural Washington County Maine and is situated along the shores of Passamaquoddy Bay. Washington County is approximately 2,500 square miles and has a year-round population of just more than 32,000 people (32,499). Historically, Washington County has been one of the most economically depressed counties in the State of Maine as well as the rest of the country.

The Passamaquoddy have lived on the shores of Passamaquoddy Bay for more than 10,000 years and have maintained a reservation at its present location since before Maine became a State and was still part of Massachusetts. The reservation at Pleasant Point is comprised of 527 acres with an additional 132,000 acres that is both fee and Federal trust lands. As of January 1, 2009 the current on-reservation population is 685 individuals (367 females and 318 males).

The tribe is currently the largest employer in the immediate area and employs 88 people (19 of which are non-tribal members). This figure is down from 113 employees and represents a 22.2 percent decrease in the tribe's labor force since January 1 of this year. Presently the tribal unemployment rate is 65 percent with the majority of those employed individuals working for tribal government. For comparison purposes the unemployment rate for Washington County, Maine is 13.6 percent and 8.1 percent for the entire State (as of March 2009).

Due to a short fall in funding of $900,590 the tribe has had to lay off a number of its employees (26 individuals) since January 1 of this year. This shortage of funds, as you can imagine, has had a detrimental affect on essential tribal programs and services. Although practically every program and/or department has been adversely affected, the following programs and departments have sustained the brunt of these funding shortfalls:

—Law enforcement (Including radio dispatch services);

—Fire protection;

—Public works;
—Tribal game wardens;
—Tribal recreation and youth;
—Education and adult vocational/technical; and
—Waste water treatment.

To reiterate, the Passamaquoddy Tribe at Pleasant Point is requesting additional funding in the amount of $900,590 on top of its base funding of $1,510,149 for a total of $2,410,739 for fiscal year 2010.

PREPARED STATEMENT OF THE PUBLIC TRUST ENVIRONMENTAL LEGAL INSTITUTE OF FLORIDA, INC.

Madam Chairman and honorable members of the subcommittee: I want to thank you for the opportunity to present this testimony in support of protecting land at the Timucuan Ecological and Historic Preserve (EHP) near Jacksonville, Florida. There is an opportunity for the National Park Service (NPS) to expand the park to include properties near Thomas Creek. The first phase of the Seaton Creek tract (approximately 157 acres) can be acquired by the NPS with an appropriation of $3 million from the Land and Water Conservation Fund (LWCF).

The Public Trust Environmental Legal Institute of Florida is a 501(c)(3) nonprofit environmental organization. Commonly known as the "Public Trust," our primary focus is the zealous protection of the city of Jacksonville's Preservation Project and other Federal- and State-protected lands and waters. We pursue legal means, including litigation if necessary, to protect and preserve the public lands and waters. Additionally, we support the education of political leaders, Government officials and citizens by participating in speaking engagements and writing articles and letters. The Public Trust also promotes the use and enjoyment of land and waters within the public trust. The Timucuan Preserve is a keystone to Northeast Florida's public lands and waters and thus its protection and hopeful expansion is directly tied to our mission.

I also respectfully request a substantial increase in overall funding for the LWCF, specifically urging the subcommittee to provide $325 million for the Federal LWCF in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill. I applaud the LWCF funding increases provided by this subcommittee in fiscal year 2009. And, we are most thankful that the Obama administration budget recognizes the importance of these programs by proposing significant increases for fiscal year 2010 and setting a goal to achieve full funding of the LWCF in the next 5 years.

The LWCF is our Nation's premier program to acquire and protect lands in national parks, national wildlife refuges, national forests, Bureau of Land Management units, and other Federal land systems. This program faces an extensive and growing backlog of land acquisition needs across the Nation. Public lands provide innumerable social and economic benefits including a healthy lifestyle, protection of watersheds and drinking water supplies, wildfire reduction and prevention, and assistance to wildlife and fisheries as they adapt to climate change. We urge you to renew this wise investment in America's natural heritage and take steps toward full and consistent funding of these vital programs.

Located about 10 miles northeast of downtown Jacksonville, Florida, the Timucuan EHP is a unique national park site. Created by Congress in 1988, the park is cooperatively managed by the NPS, the State of Florida, the city of Jacksonville, and hundreds of private landowners within the preserve to protect a treasured coastal ecosystem and centuries of history.

Timucuan EHP is named for the Timucua, a pre-Columbian people who lived on the coasts and river mouths of northeastern Florida. Intimate with the ocean shore and its resources, the most notable archeological remnants left by the Timucua are mounds of oyster and clam shells. They also carved into tree trunks to make canoes in order to navigate the miles of watery passageways in the marshes and estuaries. When French settlers first arrived at the mouth of the St. Johns River in 1562, the Timucua offered assistance in building the Fort Caroline settlement. The Spanish, however, were not far behind, establishing a settlement 30 miles to the south at St. Augustine in 1565. Not content with sharing Florida with the French, the Spanish quickly descended on Fort Caroline that same year and destroyed it, solidifying their control of the peninsula for most of the next 250 years. Meanwhile, like most of the other coastal Native Americans, the Timucua people suffered greatly from European diseases to which they had no immunity, and the culture eventually disappeared in the early 18th century.

Timucuan EHP extends more than 46,000 acres at the mouths of the St. Johns and Nassau rivers. Major sites within the preserve are Fort Caroline National Memorial; the Theodore Roosevelt Area, a marsh with boardwalk trails and wildlife observation points; and the Kingsley Plantation, which offers the interpretation of a 19th-century slave plantation. The Thomas Creek area of the preserve is believed to be the site of a 1777 battle known as the southernmost encounter between the Americans and British during the Revolutionary War. Only a portion of the battlefield is protected. The park also offers visitors opportunities for water recreation including boating and fishing.

In the original 1988 legislation, Congress authorized the acquisition of historical sites spanning more than 300 years from Fort Caroline to the Civil War. An expansion bill passed in 2004 authorized the park to accept a parcel containing a pristine coastal dune at American Beach, the first African American beach resort in Florida. The NPS now has the opportunity to include within the boundaries of Timucuan EHP an additional 1,772 acres of land south of Thomas Creek.

This property has significant ecological resources consistent with those of the Timucuan preserve. The area is about 70 percent uplands and 30 percent wetlands, with the wetlands including salt marsh and bottomland forests. The landscape provides habitat for many notable species including bald eagle, wood duck, hooded merganser, deer, turkey, and quail. Bobcats have been sighted in the area, which is also thought to have habitat suitable for wood storks, gopher tortoises, flatwoods salamanders, and eastern indigo snakes, all Federal or State-listed threatened or endangered species.

Because of its links to the Nassau River watershed, the State of Florida has listed this area as a priority for acquisition and conservation through the Florida Forever Program. The project area, known as the Northeast Florida Timberlands and Watershed Reserve, covers forested watershed land in Nassau, Duval, and Clay counties. The reserve was categorized in September 2008 by the State as an "A" list priority acquisition area and as 1 of 21 projects listed as highest priority.

The Timucuan Preserve's expansion area would link and buffer several Federal and State-owned sites. Conservation of the tracts would link Timucuan EHP with a city-owned preserve to the west. About a mile to the west is the 526-acre Jacksonville National Cemetery. Authorized by Congress in 2003, the cemetery opened in January 2009. A road may be constructed through a portion of the expansion area to improve access to the cemetery. Lastly, Jacksonville International Airport lies just to the south, and the expansion area may serve as an undeveloped buffer to the airport and to the Florida Air National Guard facilities.

This key location also introduces significant development threats to the 1,772-acre expansion area. The airport is a large economic generator in the region, and lands around it are expected to see high rates of growth in upcoming years. While the construction of the road would serve the purpose of improving access to the national cemetery, it would also increase the desirability of development in a location close to Interstate 95. In fact, the property was recently zoned for commercial and residential development uses and full entitlements were granted by Duval County. It was approved for a master Regional Activity Center adjacent to the I–95 commercial corridor just north of the Jacksonville International Airport. If it is not protected in the near future, it could still be developed once the economy improves.

Available for acquisition in fiscal year 2010 is the first phase of the 262-acre Seaton Creek parcel, which is located in the easternmost portion of the expansion area. The first phase will be approximately 157 acres. The parcel is crossed by Boat Swamp, Seaton, and Houston creeks. Seaton and Houston creeks have the special State designation as "Outstanding Florida Waters" because of their connection to Timucuan EHP. During a recent archeological survey conducted on the tract, a Revolutionary War-era military coat button was found. Protection of the property would ensure complete examination of the site for other artifacts from the Thomas Creek battle. Much of this property is included in the State's Pumpkin Hill Creek Florida Forever acquisition priority area, which seeks to protect one of the largest natural uplands in Duval County, maintain the water quality of the St. Johns and Nassau rivers, and preserve marshland habitat. Like the Northeast Florida Timberlands and Watershed Reserve, the Pumpkin Hill Creek area is categorized by the State as an "A" list priority.

Additional parcels in the expansion area will be made available for acquisition by the State of Florida and the city of Jacksonville, as these lands are also contiguous with lands owned by these governments. Protection of the entire expansion area will be a cooperative effort of State, local, and Federal entities. As soon as the expansion of Timucuan EHP is approved, an appropriation of $3 million from the Land and Water Conservation Fund can begin the NPS acquisition of the Seaton Creek parcel,

which will provide additional recreational opportunities for park visitors and protect key natural and cultural resources.

Thank you, Madam Chairman, for the opportunity to present this testimony on this important land conservation project in northeastern Florida.

PREPARED STATEMENT OF THE PUYALLUP TRIBE OF INDIANS

Mr. Chairman, my name is Herman Dillon, Sr., Puyallup Tribal Chairman. We thank the subcommittee for past support of many tribal issues and in your interest today. We share our concerns and request assistance in reaching objectives of significance to the Congress, the tribe, and to 25,000+ Indians (constituents) in our urban service area.

U.S. Department of the Interior—Bureau of Indian Affairs (BIA).—The Puyallup Tribe submits the following detailed written testimony to the U.S. Senate Subcommittee on the Interior, Environment, and Related Agencies. We look forward to working with Congress to insure that funding levels for programs necessary for the Puyallup Tribe to carry-out our sovereign responsibility of self-determination and self-governance for the benefit of the 4,004 Puyallup tribal members and the members from approximately 355 federally recognized tribes who utilize our services are included in the fiscal year 2010 budget.

Puyallup Nation Law Enforcement.—The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation and related urban service area contains 25,000+ Native Americans from more than 355 tribes and Alaskan villages. The Puyallup Nation Law Enforcement Division currently has a Chief of Police, 26 commissioned officers, and 2 reserve officers to cover 40 square miles of reservation in addition to the usual and accustomed areas. Due to limited Federal funding for law enforcement in Indian country, only two officers are funded with Public Law 93–638 funds. With the continuing increase in population, increase in gang-related activities on the Puyallup Reservation and the impact of the manufacturing of methamphetamines in the region, the services of the Puyallup Nation law enforcement division are exceeding maximum levels.

A major area of concern is the status of the tribe's detention facility. Due to damages from the February 2001 Nisqually earthquake, we have had to relocate to modular/temporary facilities. Operated as a "regional detention facility" the Puyallup Tribe was able to provide detention service to surrounding tribes. Since the relocation to modular facilities the tribe's ability to effectively and safely incarcerate detainee's has been compromised due to the condition of the temporary detention facilities. These conditions have been verified by a recent inspection by the BIA. with a recommendation that no further funds be allocated to try and bring the facility up to any standard. In an effort to protect the safety and welfare of the native community the Puyallup Tribe has initiated the design and construction of a 28,000-square foot "Justice Center" to be located on the Puyallup Indian Reservation. The Justice Center will provide necessary facilities for the delivery of judiciary services including a tribal court, court clerk, prosecution, probation, public defender and law enforcement services including police headquarters and a 7,000 square foot, 28 cell "adult detention facility".

—Request the subcommittee to support the increased funding to the BIA public safety and justice law enforcement over the fiscal year 2009 enacted budget and further request that the BIA transfer Law Enforcement back into tribal priority allocations (TPA);

—Support from the subcommittee on the tribes request to the Subcommittee on Commerce, Justice, and Science, and Related Agencies for funding in the amount of $5.25 million to construct the "detention" portion of the Justice Center;

—Support from the subcommittee to fund to the tribal courts budget in the fiscal year 2010 budget at no less than $25 million and request that the subcommittee issue directive language to BIA to include increased funding for the tribal courts fiscal year 2011 budget.

Fisheries and Natural Resources Management.—The Puyallup Tribe as steward for land and marine waters in the Usual and Accustomed fish and shellfish areas has treaty and governmental obligations and responsibilities to manage natural resources for uses beneficial to the regional community. Despite our diligent program efforts, the fisheries resource is degrading and economic losses are incurred by Indian and non-Indian fisherman, and surrounding communities. Our resource management responsibilities cover thousands of square miles in the Puget Sound region of the State of Washington with an obligation to manage production of anadromous, nonanadromous fish and shellfish resources. Existing levels of support are inad-

equate to reverse the trend of resource/habitat degradation. Resource management is constrained due to funding shortfalls. We seek subcommittee support and endorsement in the following areas:

—Tribal fisheries resource management, hatchery operation and maintenance funding via Public Law 93–638 contracts have not increased substantially since establishment of base budgets in 1984. The demand on Puyallup Tribal Fisheries Program has grown exponential since the 1980s and is currently faced by Endangered Species Act listings on numerous species. We concur with the Northwest Indian Fisheries Commission (NIFC) request to increase base management funding in the amount of $12 million. We further support the existing BIA hatchery maintenance and rehabilitation be funded at $1.5 million and the hatchery reform implementation be funded at $3.34 million to meet basic infrastructure maintenance costs for tribal hatcheries;

—Steelhead numbers throughout the south Puget Sound region have diminished markedly over the past 20 years. Generally, harvest management restrictions in the form of fishing closures, wild fish release regulations, and curtailed seasons and/or bag limits have been enacted to protect wild stock. To avoid possible extinction the Puyallup Tribe proposes to construct a steelhead enhancement facility to be located on a 13-acre property owned by the tribe on Wilkeson Creek in eastern Pierce County. The program will be capped at rearing 150,000 smolts on a combination of surface and pumped well water. The steelhead will be reared for approximately 15 molts. This project will facilitate the Puyallup Tribe and other resource agencies involved to help stave of extinction of wild winter steelhead in the Puyallup Watershed. We request Committee support to appropriate $1.426 million for the Wilkeson Creek Property Steelhead Hatchery Project;

—*Washington Timber-Fish-Wildlife Program—United States/Canada Pacific Salmon Treaty*.—The TFW and the United States/Canada Pacific Salmon Treaty programs has allowed for the expansion of tribal participation in the State forest practice rules and regulations and participate in intertribal organizations to address specific treaties and/or legal cases which relate to fishing rights, harvest, and management. We request subcommittee support to restore base funding of $1.74 million for TFW and $2.2 million for United States/Canada Pacific Salmon Treaty fiscal year 2010 budget;

—*Unresolved Hunting and Fishing Rights Program*.—The Medicine Creek Treaty secured the Puyallup Tribe and other tribes the right to hunt on open and unclaimed lands. This treaty right is reserved in the same paragraph that also reserved the right to fish and gather shellfish. Unfortunately, the BIA program that is designed to support this treaty activity has not received adequate, if any, appropriations in the last several years. Funds that were made available to tribes have been on a competitive basis with a limited amount per program. The Puyallup Tribe concurs with the NIFC request to fund $5 million for tribal wildlife management—treaty hunting rights fiscal year 2010 budget;

Operation of Indian Programs and Contract Support Costs.—The fiscal year 2010 budget needs increased funding for the BIA—Operation of Indian Programs. Within the Operations of Indian Programs is the TPA. The TPA budget functions include the majority of funding used to support on-going services at the "local tribal" level, including; law enforcement, natural resources management, child welfare, housing, tribal courts, and other tribal governmental services. These functions have not received adequate funding to allow tribes the resources to fully exercise self-determination and self-governance. Further, the small increases "TPA" has received over the past few years have not been adequate to keep pace with inflation. At a minimum, we request your support and endorsement in the following;

—Support by the subcommittee to fund Operation of Indian Programs fiscal year 2010 request at the President's suggested fiscal year 2010 level of $2.2 billion and fund contract support costs at 100 percent level;

—Tribal communities have some of the greatest needs in the areas of child abuse and neglect and mental health services. Addressing the current unmet needs in providing services to our most vulnerable and victims of abuse should be a priority of all people. The Puyallup Tribe proposes the development of a Child Advocacy Center and Domestic Abuse Center designed to provide services for children, youth, and families in need of child welfare, mental health and juvenile justice services. We request Committee support to increase funding for Indian child welfare (TPA) by $45 million; Increase urban Indian child welfare programs by $10 million; and Increase child welfare assistance, BIA by $50 million.

Education.—Under DOI, BIA's budget has historically been inadequate to meet the needs of Native Americans, resulting in unmet educational needs that have multiplied over the past decade. The Puyallup Tribe operates the pre-K to 12 Chief

Leschi Schools which includes a verified 2008–2009 school student enrollment of 910+ students, including ECEAP and the FACE program. The enrollment figures represents near capacity with all classrooms being utilized on a daily basis. With an increasing number of "pre-kindergarten" enrollment, Chief Leschi Schools will exceed design capacity in the near future. We request subcommittee support in the following:

—We concur with the NIEA request to increase Indian school construction funding by $134.56 million from the enacted fiscal year 2009 level of $128 million;

—We concur with the NIEA request to increase school transportation in the amount of $25 million and adjust annually to keep pace with inflationary costs and increased cost of fuel.

DHHS Indian Health Service (IHS).—Funding for the IHS fails to meet the needs of health services for Native Americans. The Puyallup Tribe has been operating their healthcare programs since 1976 through the Indian Self-Determination Act, Public Law 93–638. The Puyallup Tribal Health Authority (PTHA) operates a comprehensive ambulatory care program to an expanding population in Tacoma and Pierce County, Washington.

There are no IHS hospitals in the Portland area so all specialties and hospital care have been paid for out of our contract care allocation. The contract care allocation to PTHA has been significantly inadequate to meet the needs since 2004 when the Puyallup Tribe subsidized contract health with a $2.8 million contribution; in 2005 PTHA shifted to a priority one status. By 2008 the tribal subsidy reached a staggering $6 million. Given that the PTHA service population in only comprised of 17 percent Puyallup Tribal members tribal budget priorities in 2009 indicate the Tribe is no longer able to make subsidies to the PTHA. Contract Health dollars are expected to run out by mid-2009. We request the following subcommittee support for the fiscal year 2010 budget;

—Fund PTHA Contract Health Care Fund an additional $6 million to match fiscal year 2008 tribal expenditures. Fund the IHS contract health services budget at the President's requested levels and to cover the 7 percent estimated inflation rate for fiscal year 2010.

Adequate funding for the continued operations and delivery of quality care is essential. PTHA, like most IHS and tribal facilities, are annually asked to do more with less. PTHA has reached these limits and are no longer able to keep pace with these raising demands. This continued philosophy has put our clinic in a funding crisis. It is estimated that it will take an increase of $428 million just to maintain current IHS service levels in 2010. We request congressional support for the fiscal year 2010 IHS budget in the following areas:

—Fund IHS at the President's requested $454 million increase required to maintain current service levels including medical inflation, payroll increase, and population growth;

—Restore $711 million in lost funding during the Bush administration by providing adequate funding increases in fiscal years 2010 and 2011;

—Exempt IHS budget from rescissions. IHS health programs are subject to the same rates of medical inflation as the Veterans Administration and are deserving of the same consideration;

—The Indian Health Care Improvement Act (IHCIA) (Public Law 94–437) provides funding for the IHS and has been pending re-authorization since fiscal year 2000. Recently, the U.S. Senate passed their version of the IHCIA and the U.S. House of Representatives has pledged to pass a companion bill last session. The Puyallup Tribe of Indians supports all efforts by Congress and the administration to pass the IHCIA.

Transportation.—The Indian Reservation Roads (IRR) provides essential funding to support the transportation infrastructure directly effecting tribal economies, education, systems, healthcare, and social service programs. Many of the 104,000 miles of IRR are unimproved and unsafe for tribal communities to travel to hospitals, stores, schools, and employment centers. We request subcommittee support in the following IRR transportation areas:

—At a minimum, provide $800 million for the IRR program;

—At a minimum, provide $75 million for the IRR Bridge Program;

—At a minimum, provide $150 million for the BIA Road Maintenance Program; and

—Ensure that any changes to the IRR via reauthorization is conducted in open and fair consultation and rule making procedures.

PREPARED STATEMENT OF THE QUINAULT INDIAN NATION

"The Great Spirit bestowed life to all of us . . . including the animals, birds, fish, insects and plants. Our collective Native warnings and predictions were ignored in the rush to capitalize and exploit the bountiful resources of the land. Countless irreplaceable species are preserved now in museums or documents in textbooks. As the consequences of unmanaged exploitation and pollution reach irreversible proportions, the United States heeded our centuries old appeals for environmental protection. We only hope it's not too late and that Mother Nature's wounds can still be healed. We will continue to serve as the environmental conscience to the nation and the world."

JOSEPH B. DELACRUZ,
President,
Quinault Indian Nation, 1972–1993.

Thank you for the opportunity to appear before this subcommittee and provide oral testimony on the fiscal year 2010 budgets for the Bureau of Indian Affairs and the Indian Health Service (IHS). On behalf of the Quinault Nation, we make the following requests and recommendations:

Tribal-specific Priority Requests

$61 million for Blueback Restoration and $1.2 million for Methamphetamine Strategy.

Local/regional Requests and Recommendations

Affiliated Tribes of Northwest Indians; Northwest Portland Area Indian Health Board; and the Northwest Indian Fisheries Commission.

National Requests and Recommendations

Provide $25 million general increase to the Bureau of Indian Affairs (BIA) Tribal Priority Allocation (TPA) for inflationary and fixed costs; provide $57 million increase for BIA Contract Support Cost (CSC), including direct CSC; Provide $470 million for IHS mandatory, inflation, and population growth increase to maintain existing healthcare services; $152 million increase for Contract Health Services (CHS); $143 million increase for IHS to fully fund CSC, including direct CSC; Increase $5 million to the IHS Office of Tribal Self-Governance; Do not access unfair/disproportionate rescissions on fiscal year 2010 funding for the BIA and IHS and other indian program funds within the Department of the Interior; Support all requests and recommendations of the National Congress of American Indians and National Indian Health Board.

Tribal-specific Requests Justification

—$64 million Blueback restoration ($7 million annually from 2010–2018)

The Blueback Restoration Program is designed to halt the current habitat loss and deterioration and to repair and restore natural habitat forming processes and sockeye production on the Quinault floodplain. Conditions that will result from implementation of this program will benefit other salmon stocks in the system and will serve to protect private property and public infrastructure. The program plan calls for formation of public and private coalitions and partnerships to implement restoration actions.

The Quinault River Blueback (Sockeye Salmon) Restoration Program will help to restore the natural beauty and productivity of the Quinault River Basin to historic levels, thus making it a more attractive tourism destination. In addition, the program will provide local construction jobs during its implementation phase, and the restoration program will result in conditions that will improve and sustain commercial and sport fishing on the Quinault River. The program will also benefit local residents and businesses by reducing the likelihood of flooding and property loss and increasing local economies both in the near- and long-term future. Implementation of the restoration program will help avoid the burdensome and restrictive consequences of having the Quinault sockeye listed as threatened or endangered under provisions of the Endangered Species Act (ESA).

This unique and valuable stock of salmon is near collapse due mostly to degraded habitats in the upper Quinault River Basin and in Lake Quinault. This habitat loss has occurred over the past century due to historic timber harvesting, property development, and infrastructure construction. Natural processes on the floodplain began unraveling in the late 1800s and the deterioration is continuing in the present time.

This is a long-term project expected to take up to 20 years to complete structure placement and enhancement, including the engineering and material procurement, with full implementation occurring in the decades following as natural processes re-

build the habitat to historic conditions. Through successful efforts of this program, it will protect and restore the livelihoods of 100 commercial fishermen and 25 sport fishing guides in Grays Harbor and Jefferson Counties and the Quinault Indian Reservation.

The program will also contribute partial support for approximately 20 jobs in the fish processing industry in western Washington, thus improve the economic status of the families living in the communities within the Quinault Indian Reservation. The program will provide employment for 10–30 laborers and equipment operators in Grays Harbor and Jefferson counties during the construction phases of individual projects.

This project will reverse adverse environmental impacts by restoring habitats and ecosystems of the Quinault River and Lake Quinault while at the same time stabilizing the river channel in efforts to protect infrastructure and property loss.

The construction phase of this plan was implemented in the Fall of 2008 with the construction of 12 engineered log jams. This pilot project provided data and experience with which to evaluate the process, need and cost to implement the full plan of eventually constructing an estimated 452 log jams in the upper Quinault River to help the natural processes restore salmon spawning habitat to historic conditions. Pre-project monitoring and data acquisition culminated this past year with 7 years of effort.

This funding will allow for the continued implementation of the construction phase of the plan through specific location engineering, material procurement, structure construction and enhancement (tree planting), specific location nutrient application and continued planning, monitoring and data acquisition.

With full funding as needed on an annual basis, the basic construction phase of this project is expected to be completed at the end of fiscal year 2018. Fertilization, data acquisition and monitoring will continue for many years.

—$1.2 million methamphetamine strategic plan

Methamphetamine use within the Quinault Indian Nation is a serious concern and a significant public health and social challenge. Since its introduction to the community, the government of the Quinault Indian Nation has taken a proactive approach to dealing with crystal methamphetamine.

It affects a number of different groups; however, it is most prevalent among youth and young adults.

The Quinault Indian Nation's Methamphetamine Strategic Plan is part of a broader more comprehensive alcohol and drug strategy being developed that recognizes the need to plan for the future. The Nation has encouraged collaborative relationships among Government departments, health authorities, professionals, community members and families to create conditions that prevent drug use, treat drug users, educate the public, and hold offenders accountable and control access to ingredients and supply while helping to ensure safer communities. Currently, many actions are occurring throughout the Nation under the Government's umbrella plan to prevent and control drug abuse.

It has been largely recognized that an essential factor in the success of this strategy's principles requires precursor elements necessary for a strong community mobilization project to combat methamphetamine. Crystal methamphetamine and other forms of methamphetamine, which are classified as stimulants, are made with over-the-counter, easily available ingredients by individuals in their homes or by organized crime groups. These factors combine to make methamphetamine a relatively cheap drug with high potential for abuse and harmful effects on our population. Methamphetamine use, if not prevented, will have harmful health, social, and economic consequences.

Problematic substance use requires a coordinated and integrated response from all sectors. The Nation frequently conducts outreach in collaboration with the justice system, police, health, social services, school districts, community organizations and others seeking to improve, integrate, and strengthen the overall health and services to individuals. Current work within the leadership of the Quinault Indian Nation further illustrates the steps we have taken to launch our strategy in order to take back our communities and minimize the significant risks related to methamphetamine production and use by targeting enforcement, outreach, prevention, stabilization, and harm reduction services to high-risk populations.

There is also the recognized need to plan for the future, to fill any gaps and to ensure that crystal meth is dealt with in a thoughtful, realistic manner. Within the Quinault Indian Nation's jurisdictional boundaries, there is a need to collaborate on initiatives to address crystal meth use across all sectors, including government, regional health authorities, local school districts, community organizations, and other partners. The work we do now to strengthen and coordinate existing initiatives will aid in reducing the harm associated with all illicit drug use, including crystal meth.

Most importantly, we have actively sought the guidance and wisdom of our elders and with the participation of our youth, community, churches, and school districts we have undertaken a multidisciplinary approach and strategy, emphasizing prevention, enforcement, treatment, and aftercare. Unfortunately, the best plans prove valuable only when the funding is available to execute and implement the strategy. We have found that at every level and in every discipline, funding to support our strategy is appallingly inadequate.

Rescission of Funding for Indian Programs

The Quinault Indian Nation requests that the subcommittee includes language in the appropriations bill that will direct the Department of the Interior not to impose unfair rescissions on Indian program funds. If a mandatory rescission is applied to all funding for Federal programs across the board, we ask that Indian programs not be required to absorb a disproportionate loss of funds.

Again, thank you for this opportunity on behalf of the people of the Quinault Indian Nation.

PREPARED STATEMENT OF ROBERT BENAVIDES, GOVERNOR, PUEBLO OF ISLETA

INTRODUCTION

I am Robert Benavides, Governor of the Pueblo of Isleta. Isleta is centrally located in the Rio Grande Valley, 13 miles south of Albuquerque with a land area of 211,002 acres (more than 323 square miles) and is considered one of the larger Pueblos in New Mexico. Currently, there are approximately 4,000 tribal members living in the Pueblo of Isleta. The median age of the Pueblo is 31.1 years with the median family income below $30,000. Thus, we have a young population, many of whom are in or on the verge of poverty, which is why the Pueblo is focused on developing solid programs, infrastructure and institutions that will be able to meet the needs of our members and community well into the future.

The Pueblo of Isleta is hopeful that the administration's first budget will recognize the growing and significant needs of Indian country. With the exception of certain law enforcement programs, funding for tribal programs in the last two decades has remained essentially flat, and in many instances, has actually gone down because of across-the-board rescissions in programs such as education, healthcare, social services and natural resources. According to the budget outline that we have seen, the President's budget is calling for a $400 million increase in Indian Health Service funding, and a $100 million increase in Bureau of Indian Affairs law enforcement and education funding. This is appreciated, but more remains to be done.

INFRASTRUCTURE

Water Infrastructure.—We are very encouraged by the President's proposal to increase the level of funding for both the Clean Water and Safe Drinking Water Revolving Loan Fund. At the Pueblo of Isleta, we are in desperate need of replacing 15,500 linear feet of asbestos-concrete water mains that provide water to the 400 households in our main Village. We cannot imagine anywhere else in America where it would be tolerated that children and elders would have to drink water from asbestos-lined water mains. In addition, in the last decade the Pueblo has repaired more than 200 leaks and breaks in the antiquated lines. Thus, replacing these lines will result in a significant reduction in water use. We would urge Congress to support the President's funding request and to consider increasing the 1.5 percent tribal set-aside for these programs.

Tribal Administration Complex.—In the area of community development there is a need for tribes to have access to resources that can be utilized to build governmental buildings. For too many tribes, including Isleta, our programs are operated in ramshackle buildings—many of which present health hazards such as mold and asbestos for our employees and the people we serve. The Pueblo would like to build a Tribal Administration Complex that would house our police department, fire department, tribal courts, and tribal program and administrative offices. Currently, these departments are spread out over four different geographic locations, and in buildings that range from deteriorating modular trailers to single-walled, cinder block, warehouse-type structures.

LAW ENFORCEMENT AND PUBLIC SAFETY

As a former police officer, public safety and justice needs remain a pre-eminent concern for me. The Pueblo is sandwiched in between rapidly growing areas, two of which have particularly high crime rates—Albuquerque's South Valley to our

north, and the so-called Meadow Lakes subdivision to our south. While Meadow Lakes may sound nice, it is poverty-stricken and crime-ridden. We also have an interstate and major State roads crossing through our reservation. The majority of crimes occurring on the Pueblo include sexual assault, rape, and criminal sexual contact and penetration; aggravated battery and aggravated assault; domestic violence; and DWI. However, despite our significant needs, we currently have only 26 uniformed officers, 23 of whom are also State Police-certified. Already, the Pueblo funds 80 percent of the cost of our Police/Public Safety Department. Although the Pueblo has a significant need for a tribal prosecutor, a tribal victim's advocate, and additional equipment and technical support, it does not have adequate funding available to meet those needs. Thus, while we greatly appreciate the increases provided last year, there remains a significant shortfall.

Recent reports have focused on the high rate of alcohol-related crimes on reservations in New Mexico. One recent report shows these rates to be four times higher than the national average. This study further indicates that alcohol plays a significant role in cases involving abuse or neglect of a child. Thus, it is clear that not only must we address the criminal behavior but we also must address the substance abuse behavior of our citizens. Unless we do this, we cannot secure a safe and healthy environment for our children to live and grow.

We would like to thank the subcommittee for its focus in fiscal year 2009 on addressing violence against women in Indian country. As you well know, Indian women are victims of violence at rates that are disproportionately higher than those of the rest of the population. Tribes not only need the resources to identify and prosecute the offenders, but to help the victims as well. In particular, we need programs to provide housing and counseling to victims and their children, so that when a woman and her children leave an abusive household they have some place to go.

NATURAL RESOURCE PROGRAM

Forestry.—It is time for the Federal Government to reinvest in the protection and preservation of federally protected trust resources, whether it is tribal land, timber, or water. In the last two decades the Federal Government has not dedicated any new financial resources to ensuring that these basic trust resources are enhanced and protected for the future.

The Pueblo of Isleta operates its Forestry Management Program through a 93–638 contract with the BIA. From time to time, the Pueblo is awarded funding for particular forestry projects, but on average it receives only about $100,000 per year in BIA funding for its forestry. The promise of self-determination is no more evident anywhere than in this program. After three major fires last year (Big Springs, Trigo, and Ojo Peak) that moved, one after the other, from the south toward the Pueblo (the last one stopped literally on our border), the Pueblo spent approximately $262,000 of its own money for a project to treat 320 acres for fire protection. The tribe used a 13-person fuels crew to complete the work and bought its own hand tools, uniforms, and fuel for the project. At the end of the project the crew treated 420 acres at an average cost of $350/per acre, versus the BIA average of $1,500/per acre. We are doing a similar project in the Bosque forest. We have the resources to complete 580 acres, but need additional funds to complete the work on the remaining 1,400 acres.

Thus, while we did more with less money than the BIA would have done, there remains a significant need. As this subcommittee well knows, investing in proper forest management is not simply good economic sense in terms of protecting the forest resources, but it is also necessary as matter of public safety. If these forests are not properly managed we will continue to have forest fires that endanger people's lives and homes.

Range Lands.—Our range lands have gradually recovered from the effects of prolonged overgrazing which occurred many decades ago. Much of this overgrazing was caused by trespassing livestock, a serious problem that was not resolved until the mid-1930s when the Pueblo, with its own money, was able to fence our reservation. While ranching is still an important subsistence activity for a significant number of our members, effective utilizing of our range is limited by the lack of stock water development. We have plans to construct and/or improve 40 range wells at an estimated cost of $1.5 million.

Agricultural Lands.—Isleta has always been a farming community with fields and irrigation facilities dating back centuries prior to the coming of the Spanish. However, upstream development, timber harvesting, and overgrazing caused major changes to the hydrology and geology of the Rio Grande, resulting in large portions of our agricultural lands become waterlogged, some irreparably. Over the past 15–20 years we have been working to drain some of these lands, but approximately

1,000 acres are still in need of remediation, which the Bureau of Reclamation has estimated will cost in excess of $10 million.

ISLETA SETTLEMENT FUND

I would like to take the opportunity to thank the subcommittee for your support of the Pueblo of Isleta Settlement Fund. The $2.4 million in the President's fiscal year 2010 budget is the last installment of the United States' commitment to the Pueblo in settlement of our natural resources damages claim. This funding, which the Pueblo is required to match, is committed to restoring and protecting the Pueblo's agricultural, range and timber lands, as well as cultural resources.

INDIAN HEALTH SERVICE

Health Services.—Addressing the healthcare needs of Indian people is a critical element to building a vital and thriving community in Indian country. In New Mexico, Indian people rank the highest in nine negative health indicators, including access to prenatal care, rates of diabetes-related death, youth suicide, and motor vehicle and accidental deaths. In order to respond to this, Congress must invest real dollars in health services programs, including preventative and mental healthcare. The Pueblo has certainly done its part to try to address our community's pressing healthcare needs. Specifically, several years ago the Pueblo spent $5.46 million of its own money to build a health clinic, and we are in the process of constructing a mental health services addition at a cost of $1.3 million ($550,000 of which is being covered from State funds) in an effort to address substance abuse and other behavioral problems within our community.

Contract Support Costs (CSC).—As noted above, the Pueblo of Isleta has invested significant resources to build a state-of-the-art healthcare clinic that provides ambulatory treatment, dental care, preventative care, and a pharmacy. We operate all of these programs through a Public Law 93–638 agreement with the United States, and the United States has not fulfilled its obligation to provide us with 100 percent of the necessary contract support costs for these programs. These are costs that the Pueblo must incur; they fund basic administrative costs, such as auditors, payroll, and insurance.

Today, we receive 73 percent of the contract support cost dollars that are due us, which means we must annually reduce our direct program dollars by $500,000 because of this shortfall. If this is not corrected in fiscal year 2010, our ongoing IHS contract support shortfall will approach $2 million for the last 4 years alone. This means that fewer children see the dentist, fewer people are screened for cancer, and fewer diabetics receive the care that they need. If the subcommittee makes the commitment to fully fund contract support costs in fiscal year 2010, this would provide virtually every tribally operated health program in the country with a significant increase of funds that will go directly to health services for their people.

Contract Health Care.—Finally, I join with all of my fellow tribal leaders from across the country and urge the subcommittee to increase funding for contract healthcare. Notwithstanding the services provided directly at our clinic, we still have a significant need to refer patients to outside providers. While our clinic is able to address medical priorities (those emergencies threatening members' lives or limbs) and some preventative care issues, all other issues must be referred to outside providers.) An increase in CSC funding would increase the number of patients our clinic could see and the more preventative services it could offer. At present, medical inflationary costs are rising much faster than contract healthcare appropriations are, thus, additional funding for these resources is a critical need.

PREPARED STATEMENT OF THE RAMAH NAVAJO SCHOOL BOARD, INC.

Mr. Chairman and members of the subcommittee: My name is Martha Garcia, and I am the president of the Board of Trustees of the Ramah Navajo School Board, Inc. (RNSB), which governs the K–12 Pine Hill School and more than 30 other community programs on the Ramah Navajo Reservation in Cibola County at Pine Hill, New Mexico. My testimony is on the need to appropriate adequate funding to address the infrastructure needs of our Bureau of Indian Affairs (BIA)/Bureau of Indian Education (BIE) school. The Ramah Navajo School Board is requesting that a total of $9,384,755 be included in the fiscal year 2010 budget from the BIA (Department of the Interior) and the Head Start Bureau (Department of Health and Human Services (HHS)) for the following project needs for our community.

Introduction.—The Ramah Navajo reservation covers approximately 300 square miles in a rural, isolated, high desert country in northwestern New Mexico where

there are few paved roads, no business center, and the nearest towns are more than 60 miles away. Ignored for most of its history by Federal, State, and the Navajo Nation, the community has had to fend for itself beginning in the 1960s, when its efforts to bring in its own community-controlled school and other services led to the "Indian Self-Determination and Education Assistance Act of 1975.

The RNSB school at Pine Hill currently enrolls 310 students. The Pine Hill Health Center handles more than 30,000 visits annually for medical, dental, and behavioral healthcare. RNSB is a unique school board because it not only operates a K–12 BIA grant school, but it runs more than 30 other programs for the Ramah Navajo community, including among others a health clinic, social services, four preschool programs—Head Start, FACE, Early Intervention, and Day Care—behavioral health services, a wellness center, a Workforce Investment Act program, adult education, a GED program, a school farm, fairgrounds, and a radio station. RNSB thus provides most major services for the community. RNSB has an annual operating budget of about $17,500,000 of which roughly 80 percent is used for personnel costs. RNSB has substantial needs for infrastructure improvements, as detailed below.

Pine Hill School (K–12)—Repairs, Renovations, and Upgrade of BIA/BIE School Facilities, Infrastructure, and Equipment.—$4,517,755. (Department of the Interior, BIA/BIE and Department of Health and Human Services, ACF/Head Start Bureau).

Central Administration Office Building.—The RNSB central administration buildings need a complete renovation and upgrade of all of its systems, including weatherization, interior and exterior painting, recarpeting, electrical upgrade, and air conditioning. These buildings have environmental health and safety issues, including leaking pipes, mice (with possible exposure to Hantavirus), and fire safety issues. It has been broken into on several occasions and needs upgrades to the safety vault in the business office, along with upgrading of the security alarm system. RNSB has been unable to obtain private or State funding to replace this building, so we ask that Congress appropriate funds for the renovation of this BIA building to allow it to serve the school and community for another 10 to 20 years. Such funding would provide upgrades to the computer system to meet the latest auditor's recommendation and provide a centralized communications and technology center for the Pine Hill School and central administration to support the 30-plus programs in a single building. This renovation would include a "Tech Center" addition to serve as the hub for all of RNSB's computer, Internet, email, fax, and phone systems; would house technical support, repair, and maintenance for desktop and laptop computers, printers, scanners, and related computer technology hardware and software; and would include classrooms for technology training for students, staff, and community members. The estimated total cost for these renovations is $2,640,000.

Temporary Facilities During Repairs and Renovations.—While the foregoing repairs and renovations are in progress, the Pine Hill School (K–12) and RNSB central administration will need temporary offices and facilities in which to conduct its activities. The estimated cost for such temporary facilities is $120,000.

Security Fence.—RNSB also needs a security fence to be constructed around its campus, including school, central administration, Pine Hill Health Center, staff housing, etc. The estimated cost is $100,000.

Road and Water Line Repairs.—The entire campus road system needs to be repaired and repaved due to water line breaks and other utility breakdowns located under the roads. The estimated cost is $1,227,755.

Dorm Construction Reimbursement.—When the old Ramah Navajo Dormitory 25 miles away in the village of Ramah, was condemned and closed, Congress funded the construction of a new dormitory near the Pine Hill School for students in grades 1 through 12. RNSB administered the design-build contract for the construction of the dormitory. However, as construction was nearing completion in January 2006, RNSB discovered that essential work needed to meet all building codes were missing from the plans. Most notably, the planned fire suppression system did not meet fire code requirements. This change not only required additional equipment, but also changes in the water supply system so that the water pressure required for the upgraded system could be maintained. RNSB was forced to pay for this from its own scarce private funds and other changes necessary before the dorm could be completed and occupied. Although no official position has been expressed, RNSB believes that the BIE is sympathetic to reimbursing RNSB for these expenditures if Congress appropriates the funds or directs the BIE to make this payment from its budget. $500,000.

Head Start.—An inspection by the HHS/Head Start Bureau in 2000 found that the Ramah Navajo Head Start buildings need safety upgrades to remedy code violations. These repairs will cost $30,000.

Therefore, the total request in this area is $2,640,000 for central administration office buildings, plus $120,000 for temporary facilities, plus $100,000 for security

fencing, plus $1,127,755 for road and utility repairs and replacements, plus $500,000 for reimbursement to RNSB for the dorm cost overrun, plus $30,000 for Head Start safety repairs.

Pine Hill Water System—$1,550,000. (Department of the Interior, BIA/BIE).—The Pine Hill Water System was constructed in the early 1970s to serve the then-new BIA Pine Hill School and some housing trailers for the school staff. Over the past 37 years, RNSB has added numerous other buildings and facilities for the school and other programs, including 60-plus staff housing units, the comprehensive Health Center, four preschool programs, Behavioral Health Services, and, most recently, the new dormitory. The water and sewer system now also serves non-RNSB facilities, such as the Pine Hill Market, and provides clean water to nearby community housing projects.

At this time, RNSB's west sewer lagoon does not comply with applicable EPA law and regulations. RNSB needs to replace its Well No. 1, which is its principal source of water for RNSB's campus. The 3,600-foot deep well is encased to a depth of 1,100 feet, but the casing has ruptured at a depth of 830 feet. So far the water has tested as safe, but the well is only a quarter-mile from our sewage lagoon, so prompt replacement of the ruptured casing is essential. Also, the repair and upgrade of the water treatment system is essential for health and safety of campus students, teachers, and residents. The cost estimate for the entire project is $1,550,000.

Early Childhood Education Center—$3,317,000. (Department of the Interior, BIA).—RNSB wishes to consolidate its four preschool programs into one "Early Childhood Education Center" of approximately 10,000 sq. ft. to consolidate Head Start, Early Intervention, Family and Child Education (FACE) and the Child Care Center. The requested appropriation will cover the entire project: planning, architectural design, building construction, inspections, and landscaping.

The Board of Trustees for the RNSB would like to express its appreciation for your support for American Indian programs in general and the Ramah Navajo community in particular. We hope that this statement will help you better understand infrastructure needs of our community. We would be happy to provide you with further information on any of the foregoing projects.

PREPARED STATEMENT OF THE RIVERS AND TRAILS COALITION

Madam Chairman and members of the subcommittee, the Rivers & Trails Coalition, composed of local, regional, statewide, and national organizations representing hundreds of thousands of Americans nationwide committed to conservation and recreation, respectfully asks that you fund the National Park Service (NPS) Rivers, Trails and Conservation Assistance (RTCA) Program at $12 million in fiscal year 2010.

Through its RTCA Program, the NPS implements its natural resource conservation and outdoor recreation mission in communities across America. RTC formed many years ago to support this valuable field-based technical assistance program that yields enormous conservation and recreation benefits to communities by fostering partnerships between Federal, State, and local interests. The resulting cooperation of local, State, and Federal partners restores rivers and wildlife habitat, develops trails and greenway networks, preserves open space, and revitalizes communities—all contributing to improved quality of life and close-to-home recreation.

Community Capacity Building

Our coalition of outdoor recreation and parks organizations has seen firsthand the benefits that come from projects bridging the gap between neighborhoods and the outstanding outdoors opportunities in their backyards. We see the RTCA Program as a vital program that encourages people to invest in their own community, makes possible healthy and active lifestyles for all Americans, and most importantly, preserves our outdoor resources for the next generation to explore.

The RTCA Program provides assistance to develop locally led conservation and outdoor recreation projects across the country. With guidance from the RTCA Program, citizen groups achieve their community-set goals, completing projects that range from constructing footpaths to preserving rivers to rehabilitating open spaces. The RTCA Program staff provides on-the-ground assistance solely at the request and invitation of communities in coordinating projects, facilitating public meetings, serving as a liaison and convener of government and nonprofit groups, assessing and mapping resources, developing promotional materials and events, and identifying sources of funding. The RTCA Program helps to empower communities to achieve their goals by collaborating on development of their own strategic plans for

realizing a grassroots level conservation or recreation project. Current demand across the Nation for RTCA services greatly exceeds the program's capacity.

Measures of Success

The benefits of the RTCA Program are felt across the country, from creating a bike path in Massachusetts to reclaiming a vacant lot in California for footpaths and gardens. The program assists more than 250 community partners per year, with projects in all 50 States. Each year these projects conserve more than 700 miles of river, create more than 1,000 miles of trail, and protect more than 30,000 acres of open space. In 2008 alone, the RTCA Program helped to protect 1,656 miles of local rivers, create 3,208 miles of land trails, and preserve 45,485 acres of parks and open space.

The RTCA Program plays a critical role in creating a nationwide, seamless network of parks and open spaces, supporting conservation partnerships, promoting volunteerism, and encouraging physical activity. In addition to regional trail systems and greenway development, and open space and river corridor protection, projects include transportation alternatives, Brownfields redevelopment, youth conservation projects, and floodplain planning, among numerous other conservation and recreation initiatives.

One of the core strengths of the RTCA Program is in leveraging Federal funding by generating investment and human capital on a local level to support their projects. Grant funding from the NPS is not supplied; rather, NPS contributes RTCA Program staff hours to help project partners leverage funding through public-private partnerships. It is a cost-effective way for the NPS to reach out to neighboring communities, fostering a healthy, active and engaged citizenry.

In 2008, a NPS survey found that 100 percent of organizations declared that the RTCA Program helped them achieve their project goals. Ninety-three percent of these partner organizations said that participation with the RTCA Program helped them develop their ability to succeed at future projects—this means that an initial investment made through the RTCA Program will continue to have lasting benefits over time by empowering participants and giving them the skills necessary to improve their community.

RTC recognizes the RTCA Program's contribution to outdoors recreation and conservation, and the valuable work its staff does assisting people who desire to invest in their communities. To allow this program to continue such vital work engaging public participation and preserving our natural and cultural heritage, we request a budget allocation of $12 million to the RTCA Program.

Fulfilling the RTCA Program Mission

Despite the RTCA Program's demonstrable successes each year, Program funding has remained relatively stagnant during the last decade and has lagged well behind the rate of inflation. The program's real budget has declined significantly and resulted in substantial staff reductions. Cuts have also reduced staff participation in on-the-ground projects diminishing essential services of this field-based program. Historically, the RTCA Program receives less than one-third of 1 percent of the total funding for the NPS, yet it succeeds in leveraging this investment many times over in local, State and partnership direct funding and in-kind matches. Each year, the modest amount of NPS funding for staff time has helped leverage millions of dollars from other sources for its projects. Highly effective and cost efficient, the RTCA Program is an excellent value for the American taxpayer and merits increased funding to accomplish its mission as a community-based NPS technical assistance and outreach program.

The NPS is proposing a fiscal year budget of $8,872,000 and 69 full-time employees (FTE) for the RTCA Program, a net program change of $664,000 and 2 FTE from the 2009 enacted level. The Coalition heartily endorses this increase, but it is still well below the amount required to restore this program to its former status. Members of the Coalition believe that the RTCA Program budget should be increased in fiscal year 2010 to $12 million to remedy the program's steady erosion, compensate for losses due to inflation, and enable the program to respond effectively and efficiently to growing needs and opportunities in communities throughout the country.

The requested funding level by the Coalition would allow this extremely beneficial program to continue current projects without interruption, restore recent cuts, put staff closer to the people they serve, and meet the outstanding requests from communities around the Nation. We strongly believe the NPS and Congress should strengthen efforts such as the RTCA Program that support communities and volunteers through partnerships and capacity-building, enabling local stakeholders to bet-

ter manage and conserve their recreational and natural resources from the bottom-up.

We urge the subcommittee to fund the RTCA Program at $12 million in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill to remedy the program's continued erosion, compensate for losses due to inflation, and enable the program to respond to growing needs and opportunities in communities throughout the country.

Respectfully submitted by the RTC comprised of the following organizations:

—American Canoe Association
—American Hiking Society
—American Horse Council
—American Outdoors
—American Recreation Coalition
—American Rivers
—American Society of Landscape Architects
—American Trails
—American Volkssport Association
—American Whitewater
—Appalachian Mountain Club
—Association of State Floodplain Managers
—Bay Circuit Alliance
—Bicycle Federation of America
—Bikes Belong Coalition
—Conservation District of Southern Nevada
—East Coast Greenway Alliance
—International Mountain Bicycling Association
—Izaak Walton League of America
—Jacksonville Woodlands Association
—Land Legacy
—Land Trust Alliance
—League of American Bicyclists
—Mississippi River Trail, Inc.
—National Association of Service & Conservation Corps
—National Audubon Society
—National Parks Conservation Association
—National Recreation and Park Association
—National Wildlife Federation
—New York-New Jersey Trail Conference
—New York Parks and Conservation Association
—North American Water Trails
—Northern Forest Canoe Trail
—Ohio & Erie Canal Corridor Coalition
—Outdoor Alliance
—Outdoor Industry Association
—Outside Las Vegas Foundation
—Parks & Trails New York
—Partnership for the National Trails System
—Pennsylvania Organization for Watersheds and Rivers
—Rails to Trails Conservancy
—River Network
—Scenic America
—South Carolina Dept. of Parks, Recreation, and Tourism
—Sporting Goods Manufacturers Association
—Student Conservation Association
—The Accokeek Foundation
—Trout Unlimited
—Walk Boston
—Washington Area Bicyclist Association
—Washington Trails Association
—Washington Water Trails Association
—Winter Wildlands Alliance
—YMCA of the USA

PREPARED STATEMENT OF THE SQUAXIN ISLAND TRIBE

On behalf of the tribal leadership and members of the Squaxin Island Tribe, I am submitting our funding requests and recommendations for the fiscal year 2010 budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS).

Tribal Specific Requests

$750,000 for Northwest Indian Treatment Center Residential Program in IHS; $850,000 for public health and safety of the Squaxin Island Community in the BIA; and fulfill Puget Sound regional shellfish settlement commitment in the BIA.

Regional Requests and Recommendations

Northwest Portland Area Indian Health Board; Affiliated Tribes of Northwest Indians; and the Northwest Indian Fisheries Commission.

SELF-GOVERNANCE AND NATIONAL REQUESTS AND RECOMMENDATIONS

IHS

$143.3 million increase to fully fund Contract Support Cost (CSC); $470 million for mandatory inflation and population growth to maintain current health services; $152 million increase for Contract Health Services (CHS); $15.1 million for staffing of new/replaced facilities; Increase $5 million to the IHS Office of Tribal Self-Governance; and restore fiscal year 2005 and fiscal year 2009 rescissions.

BIA

$57 million increase to fully fund CSC; $25 million increase for Tribal Priority Allocations (TPA)—general increase for core programs; $50 million increase for 100 percent full funding of direct and indirect contract support costs; and restore base funding for rights protection to at least the 2004 level.

Tribal Government—Self-governance.—Restore $2.5 million in General Assistance that was cut in 2009; maintain $13.6 million in Housing Improvement Program (HIP) in BIA-TPA account and $21.4 million in Johnson O'Malley (JOM) Assistance Grants

—Increase BIA law enforcement by 10 percent and increase funding for tribal courts by 10 percent

Support the requests and recommendations of the National Congress of American Indians and National Indian Health Board.

Squaxin Island Tribe Background

The Squaxin Island Tribe, a signatory of the 1854 Medicine Creek Treaty, is located in Kamilche, Washington in southeast Mason County. The 2008 year-end tribal member enrollment was of 930. Squaxin has an estimated service area population of 2,767, a growth rate of about 10 percent, and an unemployment rate of about 30 percent, according to the BIA labor force report. According to the Mason County Economic Development Council, Squaxin is the largest employer in Mason County.

Rescissions on Funding for Indian Programs

The Squaxin Island Tribe requests that the subcommittee includes language in the appropriations bill that will direct the BIA and the IHS not to impose rescissions on funds for Indian programs. Funds that are already inadequate to address the level of need of the tribal beneficiaries should not be subjected to additional reductions. However, if a mandatory rescission is applied to all Federal programs, we ask that Indian programs not be required to absorb a disproportionate loss of funds with a double rescission on these funds.

TRIBAL SPECIFIC REQUESTS JUSTIFICATIONS

$750,000—Northwest Indian Treatment Center Residential Program.—The Squaxin Island Tribe operates the Northwest Indian Treatment Center (NWITC) located in Elma, Washington (6th Congressional District). NWITC is a residential chemical dependency treatment facility nationally recognized as a "Center of Excellence." NWITC benefits Native Americans from tribes located in Oregon, Washington, and Idaho. The facility is clinically designed to serve American Indians who have chronic relapse patterns related to unresolved grief and trauma. The ratio of patients to counselor is low to allow sufficient support for this process. Addiction treatment is supplemented with mental health assessments, mental health groups, and medication management when indicated. The content of treatment includes many cultural and spiritual activities to help patients re-anchor in their traditions and reclaim their identity.

NWITC was established in 1994. It is accredited by CARF, an international accrediting organization for behavioral health programs. It is also certified and licensed by the Washington State Department of Health. NWITC residential program serves the tribes of Washington, Oregon, and Idaho and sometimes tribes from the Southwest. Its advisory board includes tribes who refer frequently.

In 2006, a new Counseling and Cultural Center building was constructed using both HUD Indian Community Block Grant and Tribal funds. This new building replaces two rented modular buildings that were in extremely poor condition. The residential portion of the facility houses 24 patients in a circa-1900 single family residence which was converted in the 1930s into a retirement home.

Treatment has changed over the years in response to meth addiction and its effects on the brain and the individual's capacity to recover. Now NWITC provides evaluations for psychotropic medication, mental health counseling, and treatment oriented to unresolved trauma in addition to other traditional forms of treatment. There has also been an expansion of cultural components of treatment. These elements have been required to maintain effectiveness but they also increase the cost of treatment.

NWITC has not had an adequate increase in its base IHS budget since the original congressional set-aside in 1993 except increases that have averaged 1.5 percent per year. An increase of $750,000 would restore lost purchasing power and the need to add mental health and psychiatric components to treatment. This increase would allow NWITC to continue its effective treatment of Native Americans.

$750,000 for the Squaxin Island Department of Public Health and Safety.—To hire six additional FTE officers for 24-hour coverage in order to ensure the safety of the community and a public defender: public safety is a high priority for the Squaxin Island Tribe. The Squaxin Island Tribal Public Safety and Justice Department is dedicated to protecting lives, maintaining peace, and ensuring that the property and resources of the Squaxin Island Tribe are protected through the enforcement of the laws and regulations set forth by the Squaxin Island Tribal Council. Law enforcement officers patrol the reservation, South Puget waterways, and usual and accustomed hunting areas, protecting human life and natural resources upon which tribal members rely on for cultural and economic sustenance.

The Squaxin Island Public Safety and Justice Department has continued to operate on funding levels insufficient to meet the needs of this Department and our community. This has resulted in operating a program at minimum capacity, which has placed a negative impact on the service level provided to the Squaxin Island Community. The process of protecting the public is hampered by the lack of officers to provide the 24-hour coverage, which is very critical in life and death situations.

The Public Safety Department successfully manages Squaxin Island Tribal Court, which consists of three divisions: a tribal court, an appeals court and an employment court. The Department also manages a shellfish and geoduck harvesting monitoring program. Officers are trained in scuba diving and assist with compliance and safety issues.

A public defender is needed for the justice program. Currently, the tribe is under contract to provide legal representation to the community members. The court caseload and number of police calls continue to grow at an increasing rate. Current funding is inadequate to meet the needs of the growing community, protect natural resources and to fully participate in regional and homeland security programs and initiatives.

The tribe is enhancing the shellfish habitat and production programs, which has increased the demand on the water enforcement program to address issues of illegal harvesting. With current funding and staffing levels, it will be almost impossible to adequately protect the tribe's investment in enhancing natural resources. The Squaxin Island Tribe is seeking both long-term and immediate assistance.

In the long term, BIA funding for law enforcement and public safety programs needs to be significantly increased. According to a gap analysis performed by the BIA in 2006 based on the FBI's 2004 Uniform Crime Report, there is a 42 percent unmet need of law enforcement officers in Indian Country. And, the Community Oriented Policing Services grant program that has benefited tribal communities and law enforcement hiring and staffing needs is recommended for termination under the PART fiscal year 2008 performance budget.

Five Million To Fulfill Puget Sound Regional Shellfish Settlement Commitment.—The BIA indian land and water claim settlements account. The Federal Government is committed under terms of recently enacted legislation to fully fund the Puget Sound regional shellfish settlement. To complete the Federal obligation $5 million remains to be paid in both fiscal year 2010 and fiscal year 2011. We request the subcommittee to fulfill that obligation.

Squaxin Island Tribe Supports Regional Requests and Recommendations

—Northwest Portland Area Indian Health Board
—Affiliated Tribes of Northwest Indians
—Northwest Indian Fisheries Commission

SQUAXIN ISLAND TRIBE SUPPORTS SELF-GOVERNANCE AND NATIONAL REQUESTS AND RECOMMENDATIONS

IHS

—$143.3 million increase to fully fund CSC
—$470 million for mandatory inflation and population growth to maintain current health services
—$152 million increase for CHS
—$15.1 million for staffing of new/replaced facilities
—Increase $5 million to the IHS Office of Tribal Self-Governance
—Restore fiscal year 2005 and fiscal year 2009 rescissions

BIA

—$57 million increase to fully fund Contract Support Cost
—$25 million increase for TPA—general increase for core programs
—$50 million increase for 100 percent full funding of direct and indirect contract support costs
—Restore base funding for rights protection to at least the 2004 level
—*Tribal Government—Self-governance*.—Restore $2.5 million in general assistance that was cut in 2009; maintain $13.6 million in HIP in BIA-TPA account and $21.4 million in JOM Assistance Grants
—Increase BIA law enforcement by 10 percent and increase funding for tribal courts by 10 percent

Support the requests and recommendations of the National Congress of American Indians and National Indian Health Board.

On behalf of the Squaxin Island Tribal Council and Tribal members thank you for this opportunity.

PREPARED STATEMENT OF THE SEVILLETA NATIONAL WILDLIFE REFUGE

Dear Madam Chairman and members of the subcommittee: I would like to thank you for the opportunity to present testimony in support of an appropriation of $2 million from the Land and Water Conservation Fund (LWCF) to acquire land in proximity to the Sevilleta National Wildlife Refuge (NWR) in New Mexico. This appropriation will allow the U.S. Fish and Wildlife Service (FWS) to acquire the 250-acre first phase of the Indian Hill Farms property.

Before I begin describing this project, I would like to discuss the importance of the LWCF to Sevilleta NWR and to national wildlife refuges around the country. The LWCF is the premier Federal land protection program and enables refuges to protect vital wildlife habitat, water resources, and recreational lands and improve public access and land management by consolidating holdings and acquiring inholdings. I respectfully urge a substantial increase in overall funding for the LWCF), specifically urging the subcommittee to provide $325 million for the Federal LWCF in the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill.

Covering an area of approximately 360 square miles and located just 40 miles south of Albuquerque, the largest city in the State, the Sevilleta NWR serves as a vast protected landscape in the heart of New Mexico. The refuge supports four major ecological habitats, encompassing two mountain ranges and containing approximately 4 miles of the Rio Grande River. Much of the refuge is managed to enhance riparian habitat and compensate for marsh loss along the Rio Grande basin. Parts of the refuge are flooded from November to February in order to provide habitat for migrating shorebirds and waterfowl including herons, ducks, geese, and sandhill cranes. The refuge is also managed to combat non-native species such as the invasive salt cedar. This nuisance species is being cleared and replaced with native willow and cottonwood to restore the natural bosque/riparian habitat native to the area.

Sevilleta NWR (and the acquisition project planned by FWS) is of particular interest to New Mexico Department of Game and Fish due to our nearby ownership of four Waterfowl Management Areas along the Rio Grande River which make up the Ladd S. Gordon Waterfowl Complex. This Complex provides critical wintering habitat for migrating waterfowl and is managed by New Mexico Game and Fish as a series of working farms, bosques and pond complexes. The southernmost part of this

complex is the 3,500-acre La Joya Waterfowl Management Area which is adjacent to Sevilleta NWR and within 10 miles of the planned acquisition project.

Available for acquisition in fiscal year 2010 is the first phase of the 1,250-acre Indian Hill Farms property, which lies adjacent to 3 miles of the Rio Grande as well as current refuge lands. Indian Hill Farms comprises more than 600 acres of irrigated farmland which could provide excellent opportunities to work with surrounding communities to create wildlife habitat, including moist soils, wetlands, and restored river bosque. Opportunities also exist to restore a portion of the property to provide additional prime habitat for the endangered Southwestern willow flycatcher.

Given its location along the Rio Grande, acquisition of the Indian Hill Farms property could provide the refuge system a tremendous opportunity for habitat enhancement for a number of different wildlife uses, including endangered species habitat, wintering waterbird habitat, migratory landbird use, as well as raptor and resident big game habitat. Its location between two major wintering waterfowl areas, our Ladd S. Gordon Complex to the north and Bosque del Apache NWR to the south, makes this a key acquisition to enhance waterfowl populations in the Middle Rio Grande area. It will be an important acquisition to further the objectives of the New Mexico Comprehensive Wildlife Conservation Strategy which was developed through a cooperative effort with numerous stakeholder groups.

The acquisition should also offer significant research opportunities at the University of New Mexico's (UNM) Long-Term Ecological Research program which is hosted at Sevilleta NWR and funded through the National Science Foundation. Such new research could include studying the planned conversion of farmland to wildlife habitat should Indian Hill Farms be acquired by the refuge.

An appropriation of $2 million in fiscal year 2010 will ensure that the first phase of the Indian Hill Farms property is protected in perpetuity. The addition of this priority parcel to the Sevilleta NWR will allow for the creation and restoration of important wildlife habitat types along the Rio Grande River, increase public access to refuge lands, and increase unique research opportunities for local scientists.

Thank you again, Madam Chairman, for the opportunity to present this testimony in support of the acquisition effort at Sevilleta NWR in New Mexico.

PREPARED STATEMENT OF THE CONSERVATION SYSTEM ALLIANCE

The Conservation System Alliance (CSA) is a coalition of more than 80 conservation, historic preservation, faith-based, recreation, business, education and place-based friends groups representing millions of Americans nationwide. CSA aims to protect, restore and expand the National Landscape Conservation System (NCLS) by making it permanent, well-funded, well-managed, and inclusive of the best natural and cultural resources under the care of the Bureau of Land Management (BLM).

Mr. Chairman, CSA would like to thank you for the opportunity to provide recommendations and comments on the fiscal year 2010 Department of the Interior, Environment, and Related Agencies appropriations bill. On behalf of our millions of members, we provide below our request for full budget clarity and at least a $75 million funding level in fiscal year 2010 for BLM's NCLS. NCLS is now slated for permanent establishment in law and as such, deserves budgetary attention within the Department of the Interior (DOI) that parallels that of other systems of lands and waters under their stewardship.

NCLS is comprised of the most spectacular lands and waters under the stewardship of the BLM, like national monuments, wild and scenic rivers, national scenic and historic trails, and wilderness areas that have been designated for protection by Congress or the President. Created in 2000, NCLS provides economic benefits to neighboring communities across the West through unparalleled opportunities for solitude, adventure and recreation such as hunting, fishing, hiking, and wildlife watching. These lands and waters also offer opportunities for science, education and archaeological research. Yet with an obscure funding system and bare-bones funding for management and land stewardship, the BLM is unable to keep its most extraordinary 27 million acres healthy, wild, and open.

Adequate funding for NCLS is vital to protect BLM landscapes that are vital components of America's natural and cultural heritage. These lands and waters are a network of the last places where visitors can still experience the history and wild beauty of the American West. These areas provide a uniquely American visitor experience; they are places where people can bring their families to escape the crowds and create their own adventure. Furthermore, they are a living classroom for academic researchers and outdoor educators. Congress can ensure that NCLS lands and

waters will remain valuable resources for present and future generations of recreators, ecologists, archaeologists, educators, and others by protecting these intact landscapes for public enjoyment, scientific research, and outdoor education.

However, NCLS lands will not remain resource-rich without active stewardship. These extraordinary places are being ruined by vandalism, reckless off-road vehicle use, irresponsible resource extraction, and neglect. The agency spends more to repair damage than it would to provide the necessary staff and other resources to protect and restore invaluable cultural sites, riparian habitat, and other culturally and naturally significant places. Continuing damage to NCLS lands and waters poses considerable threats to the integrity of these historically and biologically extraordinary landscapes; inadequate attention to its funding also neglects opportunities for job creation and the fostering of sustainable rural economies.

NCLS BUDGET ACCOUNTABILITY AND TRANSPARENCY

CSA commends BLM for providing new subactivities for Monuments and National Conservation Areas in the fiscal year 2009 budget and for giving NCLS increased attention in budget documents, important first steps toward giving NCLS needed budgetary attention and clarity. However, we are disappointed that BLM failed to provide line item program elements for NCLS's other units in the fiscal year 2010 President's budget. We ask that NCLS be given full budget transparency, as appropriate for any permanently established public lands system.

NCLS, now authorized in law, deserves a full place in BLM's budget structure. We respectfully urge the subcommittee to support a complete budget activity for the NCLS that includes subactivities for all NCLS's units. The wilderness subactivity should be moved from Recreation into the new activity alongside the new Monument and NCA subactivity, and Congress should support the creation of national trails and wild and scenic rivers subactivities that should also reside there. This would allow one clearly identifiable budget category for all designations within BLM's permanently established NCLS of lands and waters.

Budget clarity for all NCLS units is needed to ensure that all NCLS managers can adequately plan and accurately track expenditures and to ensure accountability to Congress and the American public. Congress, the BLM and the public will be able to more readily identify NCLS's expenditures and to more easily pursue opportunities for in-kind donations to match Federal expenditures. Maximization of efficiencies will ensure more wise use of taxpayer dollars.

FISCAL YEAR 2010 OPERATIONS, MAINTENANCE AND PLANNING BUDGET NEEDS FOR NCLS

CSA greatly appreciates the much-needed congressional increases for NCLS in the Interior provision of the fiscal year 2009 Omnibus appropriations bill. These increases over the previous President's bare-bones budget will allow dedicated staff to address some of their many project backlogs. Further, we wholly appreciate BLM commitments in the stimulus package and look forward to seeing application of some of those funds to needed landscape restoration in NCLS units and other deserving BLM lands. However, Congress and the new administration must continue to increase NCLS's budget in order to more adequately address project backlogs and ensure protection of the nationally significant resources under the BLM's care. A significant NCLS increase is critical to meet mandates in establishing legislation and proclamations, and to legitimately implement associated resource management plans. We greatly appreciate the new designations under the recent Omnibus Public Land Management Act and hope that additional funding will be provided for NCLS in fiscal year 2010 so that Congress can initiate the many new management plans under that Act, more adequately implement newly completed and ongoing management plans, and otherwise ensure adequate stewardship.

NCLS warrants funding of at least $75 million in fiscal year 2010—a modest increase over historic funding levels when accounting for the growth of NCLS, growth in visitation, increased threats due to booming populations in surrounding communities, inflation, significant uncontrollable costs such as insurance increases, and the aforementioned new designations. While we much appreciate that the President's budget maintains last year's congressional increases, the request for approximately $61 million is insufficient to prevent additional damage to NCLS's resources and to provide for management of the new designations.

We urge support for the President's Climate Initiative and greatly appreciate the request for $7.3 million out of that initiative to be directed toward NCLS. This funding is for a specific initiative and through a separate account from NCLS's normal base budget, so we request that this initiative be supported above and beyond the $75 million in base funding we are respectfully requesting.

We also respectfully ask the subcommittee to give serious consideration to any member requests for increasing programmatic funding or land acquisition funding for NCLS units in the fiscal year 20010 appropriations bill. These increases should be allocated in addition to, not in lieu of, funding already budgeted for each NCLSunit in the BLM's fiscal year 2010 budget.

NCLS LAND AND WATER CONSERVATION FUND PRIORITIES

The previous President nearly zeroed out funding for BLM land acquisition projects under LWCF. CSA greatly appreciates the new administration's indication that this important fund will be increased to fully authorized levels and hopes that the administration and Congress can work together to implement this vision. Over the last several years, funding for Federal land acquisition has been abysmally low, particularly for BLM. BLM land comprises 42 percent of all Federal lands administered by the primary Federal land management agencies. Yet, since 2000, BLM conservation lands have consistently received less than 12 percent of land acquisition funding for those agencies, with less than 6 percent the last 2 years.

As with the other land management agencies, BLM has a conservation mandate, and many of its cultural and natural treasures with important land acquisition needs are in the NCLS. In order to protect the integrity of these national treasures, the DOI must invest more adequately in land acquisition for NCLS, including taking full advantage of funds authorized under the Federal Land Transaction Facilitation Act (FLTFA).

We greatly appreciate that the President's budget includes $8.6 million in funding for NCLS LWCF projects and request support for these projects. Additionally, we know of $20 million in additional land acquisition opportunities in fiscal year 2010 within NCLS that are ready for Federal purchase. We ask that the subcommittee ensure additional funding for these important projects that are ready for purchase.

JOB CREATION AND ECONOMIC OPPORTUNITIES FROM NCLS INVESTMENTS

NCLS supports the economies of surrounding communities through attracting short-term visitation and a long-term skilled labor force drawn to these communities by protected environmental amenities. A 2006 study by the Outdoor Industry Foundation determined that the active outdoor recreation economy contributes $730 billion annually to the U.S. economy, touching more than 8 percent of America's personal consumption expenditures. NCLS lands and waters are critical components of the network of public lands systems that nurture and sustain these economic activities. A 2005 Sonoran Institute study, The National Landscape Conservation System's Contribution to Healthy Local Economies, determined that protected NCLS units are an important part of a successful combination of factors that make rural economies vibrant.

NCLS units have many "shovel-ready" projects that cannot all be addressed by the recent stimulus package, projects such as restoration of riparian habitat, removing traces of decommissioned roads, pulling invasive weeds and restoring native flora to provide wildlife habitat and combat fire danger. Annual increases as part of the budget and appropriations process will ensure that these projects, strategically pursued, will provide needed jobs for surrounding communities while protecting nationally significant resources under BLM's care.

PREPARED STATEMENT OF THE NATURE CONSERVANCY

Mr. Chairman and members of the subcommittee, I appreciate this opportunity to present The Nature Conservancy's recommendations for fiscal year 2010 appropriations. My name is Thomas J. Cassidy, Jr. and I am Director of Federal Programs at the Conservancy.

The Nature Conservancy is an international, nonprofit conservation organization working around the world to protect ecologically important lands and waters for nature and people. Our mission is to preserve the plants, animals and natural communities that represent the diversity of life on Earth by protecting the lands and waters they need to survive. We are best known for our science-based, collaborative approach to developing creative solutions to conservation challenges. Our on-the-ground conservation work is carried out in all 50 States and more than 30 foreign countries and is supported by approximately 1 million individual members. We have helped conserve nearly 15 million acres of land in the United States and Canada and more than 102 million acres with local partner organizations globally.

Climate Change.—The Conservancy appreciates the subcommittee's leadership in highlighting the need for increased investments in climate change science, particu-

larly through the National Global Warming and Wildlife Science Center. We support a robust increase in funding for this and other programs that will guide science-based investments necessary to meet the critical needs of fish and wildlife adaptation in a world whose climate is changing. We also welcome the President's commitment to address this global environmental challenge, including his request for an increase in the Department of the Interior's (DOI) climate funding by $130 million.

Land and Water Conservation Fund (LWCF).—Thank you for your leadership in restoring critically important funding for LWCF and other key programs. We are gratified by the President's commitment to fully fund LWCF and look forward to working with Secretary Salazar and the subcommittee to secure the funding to protect the Nation's treasured landscapes.

We recommend a funding level of $325 million for the Federal side of LWCF. This year, the Conservancy is specifically recommending 29 biologically rich land acquisition projects totaling $83 million. Priorities include Cherry Valley National Wildlife Refuge (NWR), the Nation's newest refuge, and continuing large-scale projects in New England's Silvio O. Conte National Fish and Wildlife Refuge, Montana's Blackfoot River watershed and several Fish and Wildlife Service (FWS) grasslands projects. Although we are gratified that the President's request is larger than fiscal year 2009 enacted, we are concerned by the sharp decrease in funding for U.S. Forest Service (USFS) LWCF projects and urge the subcommittee to provide funding necessary to support the agency's land acquisition needs, including in Wisconsin's Chequamegon-Nicolet National Forest, Oregon's Hells Canyon NRA and South Carolina's Francis Marion National Forest.

Forest Legacy.—The President's request of $91 million would be a historic level of funding for this increasing popular and effective program. For fiscal year 2010, 84 projects were submitted by States to the USFS with a total project value of over $363 million. The huge potential of this program to achieve conservation goals while maintaining sustainable use of private lands requires a significant funding increase. We strongly support $125 million for this program, and are specifically proposing 13 projects totaling $42.5 million. We are particularly pleased that the number one ranked project, Arizona's San Pedro River Ecosystem, is a Conservancy project. We are also gratified that our 127,000-acre Northern Cumberlands project received the largest funding request. It is the largest conservation deal in Tennessee since the creation of Great Smoky Mountains National Park. The State has provided $82,000,000 toward this 127,000-acre project, while private equity investors and philanthropy have leveraged an additional $45,000,000. Other priority projects include New York's Follensby Lake and Virginia's Chowan River Headwaters.

Wildland Fire Management.—We greatly appreciate the subcommittee's leadership in funding hazardous fuels reduction to address the root problem of unhealthy forests. Overgrown forests, coupled with continued residential growth in fire-prone areas and a lengthening fire season in a warmer climate, are contributing to the ever-increasing costs of wildlife suppression. The Nature Conservancy is disappointed that the President's budget decreases funding for the Hazardous Fuel Reduction program by 5 percent. This reduction comes as a surprise after the overwhelming field response to economic recovery funding, with four times as many fuels treatment projects submitted as could be funded. Our recommendation for hazardous fuel reduction funding is $361 million for the USFS and $223 million for the DOI.

We have four additional funding recommendations for focused investments within Wildland Fire Management. First, we are disappointed that the President's budget did not provide funding for the recently enacted Forest Landscape Restoration Act. The program will enable 10 large landscapes across the Nation to receive sustained funding for fuels treatments that implement a collaboratively developed and science-based ecological restoration plan. The selected projects will also create jobs, provide woody biomass for local business use, and reduce catastrophic wildfire risks in ecosystems where damaging wildfire is exacerbated by climate change. The Conservancy recommends $40 million to fully fund this new program. Second, we recommend $60.5 million for national fire plan State fire assistance and $7.7 million for the DOI rural fire assistance. Third, we recommend rehabilitation and restoration funding of $12.6 million for the USFS and $22.3 million for the DOI agencies to control invasive species spread after wild fire. Finally, we support the President's recommended reserve fund for fire suppression or creation of a FLAME fund for mega-fires in conjunction with strong cost management and accountability.

Forest Health Management.—America's forests face a growing number of non-native pests and diseases. The Conservancy appreciates the subcommittee's leadership in consistently providing funding significantly more than the President's request. The Forest Health Management program should receive an increase to $140 million to effectively address economically and ecologically damaging pests, includ-

ing the asian longhorned beetle, emerald ash borer, hemlock woolly adelgid, sudden oak death, a newly described disease threatening walnut trees in the West, and the gold-spotted oak borer that has killed at least 17,000 trees in southern California since 2000.

Forest Service Research Program.—We recommend an increase of $3 million more than enacted for the "Invasives R&D" line item within the USFS research program. This would permit maintaining at current levels research to improve detection and control methods for the emerald ash borer, hemlock woolly adelgid, and other non-native forest pests and diseases.

Endangered Species.—The Conservancy supports an increase for the FWS's Cooperative Endangered Species Conservation Fund (CESCF) to $125 million. We applaud the President's $100 million request, including a large increase to the recovery land acquisition program. If the subcommittee provides additional funding to this program, we suggest it carefully consider the significant needs for HCP funding. Our requested increase reflects the unmet public funding needs of the CESCF, and recognizes the important role States, municipalities, and non-Federal partners play in conserving threatened, endangered, and at-risk species on non-Federal lands. The Conservancy and its partners, including multiple State and county governments, have used this program to secure key habitat for numerous threatened, endangered and at-risk species. We also support continued funding for the Upper Colorado River Endangered Fish Recovery Program, recovery funds for the San Juan River Basin Recovery Implementation Program, and fish hatchery needs associated with the recovery plans in this region. We also support funding for the Platte River Recovery Implementation Program.

State Wildlife Grants.—The Conservancy strongly endorses the Teaming with Wildlife Coalition's funding recommendation of $85 million, plus the administration's request of $40 million to develop and implement climate adaptation strategies. Strong Federal investments are essential to ensure strategic actions are undertaken by State and Federal agencies and the conservation community to conserve wildlife populations and their habitats. We also support a $5 million competitive grant program as a subset of the State Wildlife Grant Program.

National Wildlife Refuge System (NWRS).—The Conservancy applauds the subcommittees' significant increases in last year's budget for operations and maintenance of NWRS, a cornerstone of our commitment to fish and wildlife resources throughout the Nation. We urge sustained investments in these key accounts to reverse the loss of permanent refuge staff positions and capacity to maintain NWRS. We also strongly support an increase in funding for new responsibilities of managing the pristine coral reef systems protected in the new Pacific Remote Islands Marine National Monument and Rose Atoll NWR.

Migratory Bird Programs.—The Conservancy applauds the President's request of $52.6 million for the North American Wetlands Conservation Act and urge the subcommittee to provide at least that level of funding. The Conservancy also supports $19 million in funding for the Joint Ventures. We support increasing funding for the Migratory Bird Management Program with an emphasis on reversing declines in bird populations.

Partnership Programs.—We recommend funding levels over fiscal year 2009 for successful partnership programs, including the FWS Coastal Program ($18 million), Partners for Fish and Wildlife Program ($60 million), and the National Fish Habitat Initiative ($10 million).

International Programs.—The Conservancy, as part of an alliance of major international conservation groups, supports the International Conservation Budget, which calls for $15 million to the FWS' Multinational Species Conservation Fund. This includes funds for the African and Asian elephant funds, the Great Apes Fund, the Marine Turtle Fund, and the Rhinoceros/Tiger Fund. We and the alliance also strongly support $21 million for the FWS office of international affairs which includes Wildlife Without Borders; $6.5 million for the FWS' Neotropical Migratory Bird Conservation Fund; and $14 million for the U.S. Forest Service's International Programs.

Bureau of Land Management (BLM) Resource Management.—The Conservancy supports robust funding for BLM resource management and planning activities. These funds are needed for landscape-scale assessments and planning initiatives to improve wildlife habitat, water quality, invasive species control, and more informed mitigation and siting decisions for traditional and renewable energy proposals. BLM and its partner agencies should be encouraged to use existing data sets so that funding can be focused on data gaps rather than creating duplicitous data sets.

Omnibus Public Lands Management Bill.—The Conservancy strongly supported this historic legislation which protects some of the Nation's most scenic and ecologically important resources. We urge adequate funding to implement the legisla-

tion's many provisions, including the Owyhee Public Land Management and Washington County, Utah programs. We also request sufficient funding for the National Landscape Conservation System and $2 million for the Cooperative Watershed Management Program.

United States Geological Survey: Water Resources.—We support increases over the fiscal year 2009 funding levels for the National Streamflow Information Program and the Cooperative Water Program. These programs provide scientific data needed by multiple public and private water managers and their partners. As climate change, drought and population growth increase the demands on our Nation's water resources, it is critical to invest in the integration of State and Federal water resource data and to better understand the water needs of both human communities and the environment.

Office of Insular Affairs.—We support at least $1 million for the Coral Reef Initiative.

Environmental Protection Agency.—The EPA geographic programs provide critical leadership, technical support, and funding for on-the-ground actions to improve water quality and restore ecosystems. In particular, we support $10 million for the EPA Gulf of Mexico Program, $25 million for the Great Lakes and $35 million for the Chesapeake Bay programs. We also support $30 million to support implementation of the Puget Sound Partnership's Action Agenda. Finally, we recommend $3 million be directed to the Albemarle-Pamlico National Estuary Program to implement climate adaptation strategies on the low-lying lands of this nationally significant resource. Such funding would leverage $1.3 million in private funding the Conservancy has already raised.

Payments in lieu of taxes and refuge revenue sharing programs provide payments to counties where land has been taken off the local property tax rolls and put into Federal ownership. In some counties, protection of significant natural resources impacts the tax base that funds local government services, including schools and public safety. We urge the subcommittee to provide full funding for these programs and honor the Federal commitment to local communities.

Thank you for the opportunity to present The Nature Conservancy's recommendations for the fiscal year 2010 Interior, Environment, and Related Agencies appropriations bill.

PREPARED STATEMENT OF THE TOWN OF OPHIR

Madam Chairman and honorable members of the subcommittee: Thank you Madam Chairman for the opportunity to present public testimony in support of continued funding for the Ophir Valley Project and protection of important Federal lands. As the Town Manager for the Town of Ophir, I am respectfully requesting the allocation of $2.75 million to the U.S. Forest Service's (USFS) fiscal year 2009 budget from the Land and Water Conservation Fund (LWCF) for the Ophir Valley Project. These funds will be used to facilitate the USFS's continuing efforts to acquire 1,200 acres of privately owned in-holdings in the Ophir Valley to the collective benefit of both the current owners as well as all those who enjoy this unique area at present or may wish to do so in the future.

The Ophir Valley Project represents an enthusiastic partnership of private land owners, regional communities, not-for-profit organizations, State and Federal agencies, and most importantly, the general public. Located just off the Federal San Juan Skyway Scenic Byway, Ophir Valley offers pristine alpine scenery, abundant recreational opportunities, and valuable habitat for threatened and endangered species. Easy public access is currently available for hiking, biking, rock climbing, hunting, camping, skiing, jeep touring, motorized recreation, and wildlife viewing. Due to the checkerboard pattern of privately owned patented mining claims, the Ophir Valley Project seeks to acquire these private in-holdings and consolidate USFS lands to insure permanent public access to Federal lands.

The Town of Ophir has actively pursued a comprehensive, valley-wide land conservation program since 1992. Besides acquiring more than 230 acres of mining claims and investing more than $500,000 locally, the Town of Ophir has nurtured important relationships with private land owners and State and Federal agencies. The Pauls family has proven to be an invaluable resource and visionary partner with the Town of Ophir by supporting Ophir's land conservation goals and working with the Trust for Public Land. Now, after 16 years of dedicated land conservation efforts, the Pauls family is offering the last significant private land holdings in Ophir Valley for USFS acquisition.

The Ophir Valley Project protection effort is the natural extension of the successful Red Mountain project, located just to the north and east of Ophir Valley. Federal

funding for the Ophir Valley Project is complementing many regional projects along the 236-mile San Juan Skyway Scenic Byway (1 of only 27 All American Roads in the National Scenic Byway program). The State's Great Outdoors Colorado Legacy Project program pledged $5.7 million in grant funding to match local efforts to improve recreational opportunities and protect important lands along the San Juan Skyway.

The requested funding for the Ophir Valley Project will produce the following benefits:

—Protect public access to many thousands of acres of USFS lands for diverse recreational opportunities;
—protect habitat for the Canadian Lynx, a federally listed threatened species; protect the endangered Uncompahgre Fritillary butterfly; and protect the headwaters for the San Miguel River, which sustains native cutthroat trout;
—improve USFS land management by consolidating ownership;
—leverage Federal funding support with more than $10 million in State and local funding for regional recreation and land protection projects along the San Juan Scenic Byway;
—protect the historic character of our 1881 mining camp-town; and,
—protect the rugged alpine scenery of this pristine mountain valley.

Upon completion, this comprehensive preservation effort will provide a reasonable, equitable, and enduring resolution to a multitude of land use and access conflicts associated with the extensive private ownership of inholdings within public lands in the area. Moreover, it will promote the effective and consistent land management practices of the USFS.

Thank you for your support and leadership in conserving Colorado's land and water resources. LWCF for the Ophir Valley Project will ensure future generations can enjoy this very special place in Colorado.

Thank you for your consideration of this request.

PREPARED STATEMENT OF THE TRUST FOR PUBLIC LAND

Chairwoman Mikulski and Ranking Member Shelby, thank you for the opportunity to submit testimony in support of funding for the Coastal and Estuarine Land Protection Program (CELCP) administered by the National Oceanic and Atmospheric Administration (NOAA). My statement today urges you to provide funding through the CELCP to the coastal and lake States and the territories at the level of $60 million in fiscal year 2010. This funding is necessary to protect the ecologic, recreation, historic, and aesthetic values and the economic vitality of our coastal communities.

The Trust for Public Land (TPL) is a national nonprofit land conservation organization that conserves land for people to enjoy as parks, community gardens, natural and scenic areas, historic sites, working landscapes, and other public assets. Since 1972, TPL has worked with willing landowners, community groups, and national, State, and local agencies to complete more than 4,000 land conservation projects that protect more than 2.5 million acres in 47 States and the territories. TPL has partnered with NOAA, private landowners, and State and local governments on over 50 CELCP-funded coastal land protection projects. Since 1988, TPL also has helped States and communities craft and pass over 463 ballot measures, generating almost $31 billion in new conservation-related funding. These conservation measures provide an important source of State and local matching funding for CELCP and other Federal land protection programs.

TPL and other nongovernmental partners invest our energies, funding, and staff in the places where the threats to open spaces are most urgent. Not surprisingly, many of those public-private conservation partnerships have focused on our Nation's dwindling coastal open spaces. Even with the considerable focus on our most critical coastal ecosystems and shorelines, we continue to fall farther and farther behind in our efforts to help State and local government partners protect the coastal open spaces. In recent years, we have witnessed an unprecedented pace of resource-damaging development along our coastlines. The need for prompt conservation action in these sensitive and challenged areas is only increasing. The recent economic downturn may well provide a window of opportunity when public conservation agencies and partners can better compete and stretch limited acquisition dollars further, making this a wise time for strategic Federal investment in coastal conservation.

Coastal protection provides many public benefits including buffering from storms and floods, filtering pollution and maintaining water quality, providing waterfront and coastal access for public recreation, supporting fish and shellfish populations important to commercial and recreational fisheries, preserving coastal habitats for

nesting and foraging birds, and securing habitat for native wildlife including threatened and endangered species. The CELCP is the only Federal program dedicated exclusively to helping coastal communities protect their natural and recreational heritage. CELCP is essential Federal funding, that allows State and local governments, and their private conservation partners, to respond effectively to coastal conservation needs. The recent NOAA eligibility requirement that each coastal State develop a Coastal and Estuarine Land Conservation Plan helps ensure that both Federal and non-Federal dollars are being smartly targeted and wisely spent.

The spiraling development pressures upon our Nation's coastal zone are obvious and well documented. Since 1970, coastal areas have experienced steady increases in population. According to NOAA, coastal counties constitute only 17 percent of the Nation's land areas, but account for 53 percent of its populations—a population density five times greater than noncoastal counties. According to the U.S. Commission on Ocean Policy, "more than $1 trillion, or one-tenth of the Nation's annual gross domestic product, is generated within the relatively narrow strip of land immediately adjacent to the coast that we call the nearshore zone. When the economies throughout coastal watershed counties are considered, the contribution swells to more than $4.5 trillion, fully half of the Nation's gross domestic product, accounting for some 60 million jobs." The health of our coasts is inextricably linked with the economic health of the Nation.

In 2002, Congress stepped in to respond to that need and enhance the Federal role within the Federal-State coastal conservation partnership by creating the CELCP to protect "those coastal and estuarine areas with significant conservation, recreation, ecological, historical, or aesthetic values, or that are threatened by conversion from their natural or recreational states to other uses." Authorized at $60 million annually, funding for the program grew from an initial $15 provided in fiscal year 2002, to a high of $50 million in 2004, before declining each subsequent year to a low of $8 million in fiscal year 2008. Despite its uneven funding history, the CELCP has built an impressive track record. To date, the over funded over 150 conservation projects in 26 of the Nation's coastal States and territories helping to protect approximately 35,000 acres. This Federal funding has been leveraged by at least an equal amount of State, local, and private matching investments, demonstrating the broad support for the program, the importance of coastal protection, and the critical role of Federal funding to accelerate coastal protection. Inclusion of the Coastal and Estuarine Land Protection Act in the recently passed H.R. 146, the Omnibus Public Lands Management Act of 2009, formally codifies CELCP and recognizes the program's achievement and significance.

In 2007, by directive from this subcommittee, NOAA instituted a competitive grants selection process for the CELCP. The CELCP team at NOAA has done an impressive job of managing this transition and creating a thorough competitive grants process. In the last 3 years, NOAA, in partnership with the States, has identified over $230 million of vetted and ranked projects. While we support the competitive nature of the program, full funding at $60 million annually is needed to meet the demand of increasingly high-quality projects being developed by States with other partners and submitted to NOAA. We were pleased to see the program funding increased to $15 million in fiscal year 2009, reversing a 5-year funding decline. However, this will only fund the first 8 or so of the 43 competitively ranked projects in fiscal year 2009, meeting a fraction of the total project need of $63 million.

The CELCP is the only Federal program dedicated exclusively to helping coastal communities protect their natural and recreational heritage. CELCP provides essential Federal funding that allows State and local governments, and their private conservation partners, to respond effectively to coastal conservation needs. Perhaps the best way to underscore the critical value of this program to the American people is to provide some examples of the projects seeking funding in fiscal year 2010:

Lapakahi Marine Life Conservation District (MLCD), Hawaii County, Hawaii

CELCP funding will protect the last privately held property fronting the Lapakahi MLCD on the North Kohala coast of the big island of Hawaii. This 17.05-acre tract includes 200 feet of shoreline and will connect a total of 1.75 miles of publicly held coastline and protect habitat for the threatened green sea turtle and the endangered Hawaiian monk seal. The requested $1.25 million from the Hawaii Legacy Land Conservation Fund Program will match CELCP funding in the amount of $1.25 million.

Magnolia Hill Conservation Project, Massachusetts

The City of Gloucester, The Trust for Public Land, The Trustees of Reservations, and Essex County Greenbelt Association are working to protect the 109-acre Mag-

nolia Hill property in the coastal area of Essex County, Massachusetts. This upland habitat overlooking Gloucester Harbor represents an intact Oak-Hemlock-White Pine forest and wooded swamp supporting the State-listed Blue spotted Salamander and State-endangered Sweetbay Magnolia. The property drains into a 12-acre tidal coastal salt pond, Clark Pond, and connects 1,270 acres of contiguous protected coastal zone habitat. $3 million in CELCP funding will be matched by an equal amount of State, local, and private funds.

Harsens Island Conservation Area, Lake St. Clair, Michigan

The 547-acre Harsens Island Conservation Area lies at the heart of the St. Clair flats—the largest freshwater delta in the world. Located on both the Atlantic and Mississippi flyways, migratory waterfowl use of these coastal waters and wetlands has historically reached 3 million annually. Protection will enhance public access for recreation, eliminate the threat of development, and protect sensitive coastal habitat. $7 million in Michigan Natural Resources Trust Fund dollars will match a $3 million CELCP grant.

Houghton Falls Nature Preserve, Lake Superior, Bayview Township, Wisconsin

77 acres on the Bayfield Peninsula with 2,230 feet of Lake Superior shoreline will be protected as a Bayfield town park. This rare boreal forest habitat contains numerous species of concern including the Gray Wolf, Northern Flying Squirrel, Woodland Jumping Mouse, and Water Shrew. The property is an important stopover for Neotropical migratory birds, and a fish nursery for Lake superior whitefish and other species. A $1.423 million CELCP grant will be equally matched with funding from the Wisconsin Knowles-Nelson Stewardship Fund.

Kiket Island Addition to Deception Pass State Park, Phase II, Skagit County, Washington

A $3 million CELCP grant will purchase the final 40 acres of the Kiket Island project in northern Puget Sound to protect a total of 96 acres of high-quality coastal habitat and more than 2 miles of shoreline threatened. Kiket Island is an intact, intertidal zone with all eight species of Puget Sound anadromous fish, including the endangered Chinook salmon and bull trout. The forested portion of Kiket Island provides excellent habitat for bird, including owls, and other native wildlife. A $3 million CELCP grant will be matched with $3.431 million from Washington State parks.

Ayers Creek-Holly Grove Swamp, Worcester County, Maryland

To be protected are 431 acres along Ayers Creek within the waters of Newport Bay and the larger Maryland Coastal Bays area. The property, including one-half mile of tidally influenced shoreline, will be added to the State's Ilia Fehrer Nature Reserve. The forested wetlands are important habitat for 11 State- and/or federally listed species. $1 million from Maryland Program Open Space and $250,000 from Worcester County Program Open Space Funds will match $1.25 million in CELCP funding.

Keewaydin Island, Rookery Bay National Estuarine Research Reserve, Florida

TPL is working in partnership with the State of Florida to protect 5 crucial acres of beach front within and adjoining the Rookery Bay National Estuarine Research Reserve (RBNERR). The RBNERR protects the largest and most pristine subtropical mangrove estuary in the world, with over 150 species of wading, nesting and migratory birds, and numerous threatened and endangered species including the Atlantic loggerhead sea turtle, gopher tortoise, least tern, piping plover, and West Indian manatee. $1.5 million from the Florida Forever Program will match a $1.5 million CELCP grant.

San Miguel Natural Reserve III, Puerto Rico

Fiscal year 2010 CELCP funding will complete the final phase of this 601-acre coastal land protection effort at the San Miguel Natural Reserve on the northern coast of Puerto Rico. One of the last ecologically functional wetlands together with an undeveloped coastal shoreline, this area is home to 42 critical species, including nesting grounds for the federally listed Leatherback sea turtle. A $3 million CELCP grant, matched by a land value donation from the landowner, will protect the final 179 acres.

These several examples are just a small representation of the breadth and depth of CELCP needs for the coming year across our Nation's coastal geographies and communities. In closing, TPL urges you to provide full funding of the CELCP at the authorized level of $60 million in fiscal year 2010 for this critically important program. This level of Federal commitment is necessary to meet the demonstrated pro-

gram need and to position NOAA to be fully responsive to the many State and local governments and private partners working together to protect our coastal heritage. Thank you.

PREPARED STATEMENT OF THE WILDLIFE SOCIETY

The Wildlife Society appreciates the opportunity to provide comments on the fiscal year 2010 budget for the Department of Interior, Environment, and Related Agencies. The Wildlife Society represents nearly 8,000 professional wildlife biologists and managers dedicated to excellence in wildlife stewardship through science and education.

U.S. FISH AND WILDLIFE SERVICE (FWS)

Funding assistance for State wildlife agencies is one of the highest-priority needs for wildlife, providing essential resources to conserve wildlife, fish, and habitat, and to prevent further declines in at-risk wildlife populations in every State. We support the President's request of $115 million for the State and Tribal Wildlife Grants program in fiscal year 2010. This funding level would enhance the ability of state fish and wildlife agencies and their partners to implement State Wildlife Action Plans and address the impacts of climate change on wildlife and their habitats.

The State and Tribal Wildlife Grants Program is the only Federal program dedicated to implementation of State Wildlife Action Plans. Congress required State and territorial fish and wildlife agencies to develop and implement these plans to reverse the decline of at-risk fish and wildlife. The plans are being used across the country to prioritize and guide wildlife conservation work, helping to protect vital ecosystem services and recreational opportunities valued in the hundreds of billion of dollars.

Addressing climate change is one of the most daunting tasks facing the conservation community. We support the addition of $40 million in climate change funding through the State Wildlife Grants program which provides States and tribes with the resources they need to plan and implement conservation actions needed to mitigate the impacts of climate change and help wildlife adapt. State fish and wildlife agencies are facing significant budget declines during the economic downturn making it increasingly difficult to secure matching funds. We ask that the subcommittee consider reducing the Federal:State match requirement for climate change activities to 90:10.

The Wildlife Society is a member of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 23 wildlife, sporting, conservation, and scientific organizations representing more than 14 million members and supporters. A comprehensive analysis by CARE determined that the National Wildlife Refuge System (NWRS) needs $808 million in annual operations and maintenance funding by 2013 to properly administer its nearly 150 million acres, educational programs, and habitat restoration projects. Consecutive stagnant budgets have increased the operations and maintenance backlog to $3.5 billion, and forced plans for a 20 percent downsizing of the workforce. Refuge visitors often show up to find roads and visitor centers closed, trails and observation platforms in disrepair, and habitat restoration and education programs eliminated. Invasive plant species are taking over, and with a deficiency of more than 500 law enforcement officers, illegal activities such as poaching and trespass are on the rise. We are grateful for the much-needed budget increase that Congress provided the NWRS in fiscal year 2009, and we urge the Congress to build upon this important step in the fiscal year 2010 budget. We request that you provide $514 million in fiscal year 2010 for the operations and maintenance of the NWRS.

The North American Wetlands Conservation Act is a cooperative, nonregulatory, incentive-based program that has shown unprecedented success in restoring wetlands, waterfowl, and other migratory bird populations. We are pleased by the administration's support of this program through its $10 million increase, and support full funding of $75 million by fiscal year 2012.

The Neotropical Migratory Bird Conservation Act provides a broad-spectrum approach to bird conservation. The Wildlife Society recommends that Congress fund the Neotropical Migratory Bird Conservation Act at its full authorization of $6.5 million in fiscal year 2010.

The Wildlife Society supports adequate funding levels for all subactivities within the Endangered Species Program. Endangered species recovery efforts can ultimately lead to delisting actions that result in significant benefits to species through State management efforts. Currently, all subactivities are understaffed, as the costs

for management of listed species continue to rapidly escalate. We support the President's request of $164 million for this key program in fiscal year 2010.

In fiscal year 2008 and 2009, funding for the Science Excellence Initiative was zeroed out in the administration's budget. Discontinuing funding for this office will prevent FWS from expanding its on-the-ground scientific capacity in adaptive resource management, structured decision analysis, and conservation genetics. Elimination of these programs will reduce FWS's capacities in key areas and prevent the expansion of these programs to other regions of FWS. The Wildlife Society strongly recommends that Congress fund the Science Excellence Initiative at $493,000 in fiscal year 2010.

BUREAU OF LAND MANAGEMENT (BLM)

BLM manages more land, and more wildlife habitat, than any other Federal agency, including half of the remaining habitat for the imperiled sage grouse and almost 15 million acres of prairie grasslands vital to many declining grassland-dependent species. The diverse habitats managed by BLM support more than 3,000 species of wildlife, more than 300 federally proposed or listed species, and more than 1,300 sensitive plant species.

However, the BLM has only one biologist per 591,000 acres of land and estimated costs for recovery of threatened and endangered species on BLM lands are $300 million annually over the next 5 years. Moreover, the status of the wide-ranging declining sage grouse is of great concern, and significant additional resources will be needed for its protection.

In addition, the Wildlife and Fisheries Management (WFM) and the Threatened and Endangered Species Management (TESM) programs have been forced to pay for the compliance activities of BLM's energy, grazing, and other nonwildlife-related programs. Traditionally, funding for compliance work has come from benefiting programs; however in recent years, at least 30 percent of WFM and TESM resources have been routinely diverted to other programs, eroding their ability to conduct proactive species and habitat conservation activities and efforts to recover listed species. While this practice has undergone increased scrutiny in the last 2 years, nothing has emerged to suggest that the situation has been rectified.

Given the significant underfunding of the BLM's wildlife programs, combined with the tremendous expansion of energy development across the BLM landscape, an increase to $55 million for the BLM Wildlife Management Program is warranted. This will allow BLM to maintain and restore wildlife and habitat by monitoring habitat conditions, conducting inventories of wildlife resources, and developing cooperative management plans.

Increased funding is needed for the TESM program to meet its conservation responsibilities in endangered species recovery plans. BLM's March 2001 report to Congress called for a doubling of the current Threatened and Endangered Species budget to $48 million and an additional 70 staff positions over 5 years. In view of this inequity between resource needs and funding levels, we strongly encourage Congress to increase overall funding for this program to $33.5 million in fiscal year 2010

U.S. GEOLOGICAL SURVEY (USGS)

The Wildlife Society supports funding of $1.5 billion for USGS in fiscal year 2010. This would enable USGS to meet new challenges while continuing to provide essential data for land-use management, sustainable natural resource development, and enhanced security from natural and human-caused hazards. More investment is needed to strengthen USGS partnerships, improve monitoring networks, produce high-quality digital geospatial data, and deliver the best possible science to address critical environmental and societal challenges.

We support the increased funding proposed for the Cooperative Fish and Wildlife Research Units (CFWRUs). The CFWRUs are a jointly funded Federal/State partnership, where the Federal Government provides the funding for personnel and States provide funding to establish the units at a university. Fiscal year 2001 was the last time Congress fully funded the CFWRUs, allowing unit productivity to rise to record levels. Since then, budgetary shortfalls have caused an erosion of available fiscal resources, resulting in a current staffing vacancy of 23 researcher positions, nearly one-quarter of the professional workforce. In order to fill current scientist vacancies, restore seriously eroded operational funds for each CFWRU, and enhance national program coordination, the fiscal year 2010 budget for the CFWRUs should be increased to $19.5 million. This would restore necessary capacity in the CFWRU program and allow it to meet the Nation's research and training needs.

The CFWRUs are crucial to successfully addressing the natural resource management challenges posed by climate change, energy development needs, invasive species, infectious diseases, and wildfire. These challenges also include replacing the unprecedented number of natural resource professionals who will be retiring over the next 10 years. To begin meeting these high-priority research and training needs in fiscal year 2010, we ask that you establish a competitive, matching fund program within existing CFWRU legislative authority that would make available $5 million annually in new funds beyond base operational costs.

The Wildlife Society appreciates the funding for the National Climate Change and Wildlife Science Center in the fiscal year 2009 omnibus, which provided $10 million for the Center. This center will play a pivotal role in addressing the impacts of climate change on fish and wildlife. The Wildlife Society supports the recommended funding level of $15 million in fiscal year 2010.

U.S. FOREST SERVICE (USFS)

Our national forests and grasslands are essential to the conservation of our Nation's wildlife and habitat, with about 425 threatened and endangered species, and another 3,250 at-risk species, calling them home. The fiscal year 2007 appropriation of $131.7 million for the Wildlife and Fisheries Habitat Management Program accomplished more than 4,700 projects and generated an additional $50.4 million in partner contributions. However, USFS has estimated that it could expend two times that amount or $260 million on projects with existing staffing. We urge Congress to increase funding for this program to at least $154 million in fiscal year 2010.

Upward trends in fire suppression costs increasingly prevent the Forest Service, and other agencies, from implementing critical programs and fulfilling their missions. Congress must identify a new mechanism for funding emergency fire suppression activities. A partitioned wildfire suppression account to fund emergency fires should be created, so that emergency fire spending does not impact nonemergency agency budgets. In addition, the 10-year rolling average should be replaced with a more predictive statistical model that utilizes current weather, drought, and fuel load as well as fire history and other data to project the extent of wildland fire on the landscape and the funding needed to address it. The USFS and DOI must continue developing and implementing a rigorous set of measures for linking fire management to fire costs in order to more effectively achieve cost containment. Finally, investment of funds into the range of agency programs that have been impacted by increasing suppression costs must occur for agencies to accomplish their missions.

Thank you for considering the recommendations of wildlife professionals. We are available to work with you and your staff throughout the appropriations process.

PREPARED STATEMENT OF THE WILDERNESS SOCIETY

The Wilderness Society (TWS) represents more than 400,000 members and supporters across the United States who support our mission to protect wilderness and inspire Americans to care for our wild places. We thank the subcommittee for the opportunity to submit comments on the fiscal year 2010 Department of the Interior, Environment, and Related Agencies appropriations bill.

Over the last 2 years, Federal allocations reversed the near decade-long pattern of severe funding cuts to numerous conservation programs. We applaud Congress for increasing appropriations for essential public land conservation activities, but despite this progress, these and other indispensable conservation programs continue to suffer from years of underfunding.

To make matters worse, the effects of climate change are already being felt on public lands nationwide. Protection of these lands help buffer flooding and wildfire, conserve water, support healthy fisheries and wildlife populations, limit sea-level rise and the spread of invasives, and aide in carbon storage.

The President has sent a strong message to Congress by supporting a budget that assumes the passage of a cap-auction-and-trade climate protection program. The revenues generated from this program should be invested in the public welfare, including the protection of biodiverse ecosystems that protect our public health. It is too late to prevent climate disruption, because the pollution dumped into the air for the past 100 years will affect us for the next 100, guaranteeing an increase in severe climate events related to global warming.

However, it is not too late to secure the public protection that comes from keeping our watersheds functioning and our air filtered by resilient natural landscapes. According to the U.S. Forest Service (USFS), we are losing 6,000 acres a day of forested and open space. These intact forest systems are a weapon against the ravages of global warming, and we should protect them the way an army protects the ar-

mory. To build resilient landscapes, we must keep them from being broken apart, fragmented, disconnected and degraded. Accordingly, we urge that you take bold, immediate action in making additional investments for fiscal year 2010. As a minimum step toward adequate funding of our public land programs and to meet new challenges associated with climate change, TWS recommends:

LAND AND WATER CONSERVATION FUND (LWCF)

Our 682 million acres of Federal land and waterways provide a critical opportunity to address the unprecedented challenges that climate change poses to our forests, fish and wildlife, and riparian resources. The strategic acquisition of key inholdings, buffer areas, and wildlife migration corridors within and adjacent to existing public lands enhances adaptation efforts and fosters intact landscapes. These natural areas also store carbon, buffer flooding, conserve water, and support healthy fisheries and wildlife populations. Hand-in-hand with mitigating the deleterious impacts of our environment from burning fossil fuels is the need to respond to climate change with a foresighted investment in land protection and natural resource adaptation across the Federal public lands. President Obama has indicated that LWCF should be fully funded by 2014, and his 2010 budget request includes $216.7 million for the Federal and State grants LWCF—a 21 percent increase more than fiscal year 2009. However, this accounts for only half of the funding expended under LWCF. We urge that the Federal and State grants program receive a higher percentage of LWCF dollars in the future as the program reaches its full funding level of $900 million. TWS' fiscal year 2010 recommendation for the LWCF is $450 million ($325 million for Federal and $125 million for stateside), an increase of $278.1 million more than fiscal year 2009 enacted level of $171.9 million. We also support conserving land and natural resources in Connecticut, New Jersey, New York, and Pennsylvania through the Highlands Conservation Act.

A sampling of TWS LWCF and forest legacy acquisition priorities for fiscal year 2010 follows:

—*Arizona*.—Maumelle water excellence. Forest legacy request: $3.6 million
—*California*.—Santa Rosa and San Jacinto Mountains National Monument. LWCF request: $1.5 million
—*Georgia*.—Chattahoochee River NRA. LWCF request: $3.1 million
—*Maryland*.—Blackwater National Wildlife Refuge. LWCF request: $2 million
—*Montana*.—Red Rocks Lake National Wildlife Refuge. LWCF request: $1 million
—*North Carolina*.—Pisgah National Forest; Uwarrie National Forest. LWCF request: $2 million
—*New Hampshire*.—Lake Umbagog National Wildlife Refuge. LWCF request: $5 million
—*New Mexico*.—Sevilleta National Wildlife Refuge. LWCF request: $2 million
—*Oregon*.—Cascade Siskiyou National Monument. LWCF request: $4 million
—*South Carolina*.—Congaree National Park. LWCF request: $2.7 million
—*Washington*.—Mt. Baker-Snoqualmie National Forest. LWCF request: $1.7 million; Okanogan Wenatchee National Forest. LWCF request: $250,000

FOREST LEGACY AND COMMUNITY FOREST AND OPEN SPACE PROGRAM

The Forest Legacy Program (FLP) helps to preserve working forestlands threatened by conversion/development. To date, this program has protected more than 1.7 million acres in 36 States and Puerto Rico. A total of $381 million of Federal funds have been matched by $484 million in non-Federal funds and donations, making the Federal share only 44 percent of overall project costs. FLP funding has steadily diminished from a height of $69 million in fiscal year 2003, while demand for funding has steadily increased. For fiscal year 2010, the USFS received 84 project proposals from 44 States and territories to protect 288,530 acres with a total project value of more than $363 million. The President's budget includes a much needed 37 percent increase in the FLP to $91.1 million. This is a strong commitment that brings FLP closer to its recommended and necessary level. TWS' recommendation for fiscal year 2010 is that the FLP be funded at $125 million.

The Forest Service (USFS) has begun its rulemaking process for the Community Forest and Open Space Program (CFOSP). The President's 2010 budget has allocated $1 million to initiate the program, which will enable communities to conserve thousands of forested acres, thereby maintaining carbon sequestration and storage where otherwise development might have occurred. TWS' fiscal year 2010 recommendation for CFOSP is $75 million for this program's first year.

BUREAU OF LAND MANAGEMENT (BLM)

Over the past 8 years, BLM's budget has been severely unbalanced in its emphasis on oil and gas development, which has doubled while other program areas have been shortchanged. Despite these large increases, the Obama administration has requested a $10.8 million increase in BLM's oil and gas budget, from $79.5 million enacted in fiscal year 2009, to $90.3 million requested. We strongly recommend that any increases in the BLM's oil and gas program budget be devoted to enhanced inspection, enforcement, monitoring and compliance activities. Promises made in past years by the BLM regarding the implementation of various measures to mitigate the increasingly adverse impacts of oil and gas development on our western public lands have largely been unmet, while the agency has devoted its efforts almost exclusively to expediting the issuance of leases and APDs, frequently on sensitive lands containing important wildlife habitat, cultural artifacts, and wilderness values. We recommend that Congress address this imbalance by appropriating a larger proportion of the BLM's budget for its environmental stewardship programs, rather than its oil and gas program.

We recommend that a portion of the increase requested in the BLM's minerals programs be allocated to the National Academy of Sciences (NAS) for an evaluation of the current status of oil shale development technology. "Research, Development and Demonstration" (RD&D) oil shale leases issued by the Bush administration in 2005 have yielded no helpful results to date for policy-makers interested in whether or not the oil shale deposits of the Piceance Basin can be developed in a commercially viable and environmentally safe way. The last comprehensive evaluation of the status of oil shale technology was published by Congress' Office of Technology assessment in 1980. Those results were useful to policy-makers at the time, but are severely out of date. We recommend that Congress mandate sufficient funds from the BLM's oil and gas budget be used by the NAS to develop and publish an evaluation of oil shale technologies, including an evaluation of the environmental hazards posed by commercial oil sale development, and the impact on other natural resources from the potential development of oil shale to be completed by the close of fiscal year 2011. This evaluation would be designed to assist the Department of the Interior in determining the parameters of any future RD&D oil shale leases.

Finally, it is our hope that the new administration will review and revise the policies governing the BLM's oil and gas leasing program to better ensure that sensitive lands and resources that have been put at risk by the previous administration's irresponsible development policies are better protected from the damage that irresponsible oil and as activities can wreak on the environment, and that the Administration will direct BLM to take into account the impacts of its management decisions on climate change.

BLM'S NATIONAL LANDSCAPE CONSERVATION SYSTEM (NCLS)

BLM's NCLS currently comprises some 27 million acres of congressionally and presidentially designated lands and waters, such as National Monuments and National Conservation Areas. Stewardship of NCLS's many units provides jobs for thousands of Americans while supporting vibrant and sustainable economies in surrounding communities. NCLS provides immeasurable public values in return for modest investments, including outstanding recreational opportunities, wildlife habitat, clean water, and open space near fast-growing cities. NCLS also provides a living laboratory where the challenges of climate change can be studied and landscape level habitat restoration can take place. Investments today will not only help maintain and enhance these critical landscapes but also provide for numerous volunteer and job opportunities that are needed today and cost effective in the long-term. NCLS's budget has suffered from neglect since its inception since 2000. Recent congressional increases are helping address backlogs, but additional funding is critical to restore landscapes, protect resources from neglect and damage, and to fund initiation of NCLS's many new management plans and adequate implementation of existing plans. Recent changes to NCLS's budget have improved clarity in NCLS's budget, but NCLS still suffers from a lack of prominence in BLM's budget structure. TWS' fiscal year 2010 recommendation is full budget clarity for NCLS, funding of $75 million, a modest increase of $14.2 million more than the fiscal year 2009 enacted level, and support for the President's Climate Change Initiative and NCLS's share of those funds.

NATIONAL PARK SYSTEM (NPS)

Our NPS is comprised of 391 units that represent our Nation's wondrous and diverse natural and cultural resources. Increased funding is essential to ensure that

these historic and ecologically important sites provide invaluable visitor experiences and thrive as wild landscapes adapting to a changing climate. The American Recovery and Investment Act (ARRA) allocated $750 million to the National Park Service to protect these national icons, and the President's budget recommends an increase of $100 million for operations to protect this investment and help further reduce NPS's multi-billion dollar maintenance backlog. In addition, the President has requested $25 million to help prepare the National Park Service for its centennial anniversary in 2016. These funds are critical to both the immediate needs and sustainable future of these public lands.

NATIONAL WILDLIFE REFUGE SYSTEM (NWRS)

NWRS, with its 549 refuges on nearly 150 million acres of land, helps protect critical wildlife habitat, ensuring that wildlife protection remains a priority of these lands. There is a wildlife refuge in every State and within an hour's drive of most American cities. More than 35 million people visit refuges annually, generating nearly $1.7 billion for local economies and supporting almost 27,000 private sector jobs. Last year's operations and maintenance appropriation increase brought funding to a level that is close to what the NWRS needed to keep pace with inflation costs over the past 5 years. This significant investment helped stem severe staff losses and program cuts. But years of stagnant funding fueled a spiraling backlog of $3.5 billion in operations and maintenance projects and a loss of more than 300 positions since 2004. NWRS needs $765 million in annual funds to adequately address its operations and maintenance needs of the NWRS. TWS' fiscal year 2010 recommendation for the NWRS is the same as last year's request of $514 million.

WILDLAND FIRE

TWS is pleased that congress is recognizing that past borrowing from other agency programs for wildland fire suppression has caused project cancellations, strained relationships with partners, and disruptions in management. Additionally, we are encouraged by the passage of the FLAME bill which is an important first step in addressing the increasing costs of suppression while helping to stave off large transfers from other agency programs. However, we are concerned that several adopted amendments change the underlying intent and purpose of the FLAME Act. The original goal of the act is to establish a framework for the administration's proposed contingency fund for emergency wildfires. The next steps include short and long-term solutions for suppression cost containment. President Obama's USFS budget proposes a $282 million contingency reserve fund for USFS and $75 million for BLM for wildfire suppression, which would help to reduce the need for emergency supplemental funding and more importantly alleviate the agencies' need to transfer and debilitate other critical agency programs.

Additionally, TWS recommends appropriators retire the use of the 10-year average in accounting for annual suppression costs and use a scientifically based predictive model, to include climate change as a factor, for suppression estimates. Additionally, appropriators are encouraged to provide funding to train firefighters to manage wildfires. A 1 percent increase in preparedness allocated to firefighter training would arm wildland firefighter with a full range of tactical response expertise from monitoring to aggressive attack, which will lead to healthier landscapes and reduce suppression costs in the future.

NATIONAL FOREST SYSTEM AND CAPITAL IMPROVEMENT AND MAINTENANCE

President Obama's USFS budget for fiscal year 2010 proposes a new initiative funded at $50 million to protect investments made by ARRA, implement travel planning that emphasizes road decommissioning, and address urgent facilities maintenance. The budget also provides increases to the FLP ($34 million) and $50 million allocated to the Legacy Roads and Trails Program highlight the administration's commitment to improving ecosystem health through land protection and reducing the forest road system. Unfortunately, many programs are posed to receive minor cuts or remain at the same low funding levels as in recent prior years. These programs include recreation and wilderness, fish and wildlife, state fire assistance which helps communities in fire prone areas to protect themselves.

TWS recommends congress revise the USFS annual appropriations to reduce commodity production and increase funding for programs that will strengthen forests to mitigate the effects of climate change including: $77.9 million for Forest Inventory Analysis to effectively track changes in forest health due to climate stresses and changes in management; $377 million for recreation, wilderness and heritage (including $84.1 million for travel management planning); $197.4 million for wildlife and fish habitat management; $325 million for road maintenance for maintenance

of roads that have completed a roads analysis; and $100 million for Legacy Roads & Trails Remediation program for decommissioning projects that improve water quality and fish habitat. Finally, we urge congress to advise the agency to undergo a comprehensive review of Government Accounting Office and Office of Inspector General recommendations on maintaining an evolving and effective accounting program based on accurate data collection, storage and reporting in order to increase USFS budget and project transparency.

U.S. CLIMATE RESERVE

According to the USFS, we are losing the equivalent of two Rhode Island's worth of open space a year. Some of this occurs on public lands. Our diminishing old-growth and mature forests need to be viewed as a national treasure of carbon storage. The U.S. Climate Reserve needs to be nurtured and enhanced, both as a carbon sink and as a storehouse of other ecosystem services on which we rely. But we need to provide incentives for private landowners as well, because 60 percent of our Nation's forests are privately owned. If we are to mitigate the threat of climate change, we need to recognize the public service provided by every private landowner who is willing to protect his forest from development, require sustainable practices when harvesting, and protect watersheds with replanting and riparian buffer zones. From wilderness designation to wetland banking, we need a truly national strategy to stop the galloping destruction of our existing carbon stocks that begins with the recognition that our forests are weapons in the fight against global warming and should be protected.

PREPARED STATEMENT OF THE WILDERNESS SOCIETY AND WASHINGTON WATERSHED RESTORATION INITIATIVE

The Wilderness Society and the Washington Watershed Restoration Initiative strongly support funding for the Forest Service Legacy Roads and Trails Remediation Program, for which we are requesting a $100 million appropriation in fiscal year 2010.

One of the most serious environmental and fiscal problems facing the USDA Forest Service (USFS) is the deterioration of the vastly overbuilt, 380,000-mile road system on the national forests. The USFS's crumbling road system is causing serious damage to streams, fish habitat, and water supplies and is making recreational access to trails and campgrounds increasingly difficult for millions of Americans. The agency is also facing a $10 billion backlog of road maintenance and remediation needs that grows larger every year. As winter rain storms and peak stream flows intensify due to global warming, the ecological damage and financial costs of the USFS's road system are certain to grow.

Fortunately, Congress decided to do something about the problem by creating the Legacy Roads and Trails Remediation Program in the fiscal year 2008 appropriations act. The Legacy Roads Program began with a $40 million appropriation to fix deteriorating USFS roads and trails. With that initial funding, the USFS accomplished the following activities:

—1,533 miles of system roads maintained;
—180 miles of authorized roads decommissioned;
—351 miles of unauthorized roads decommissioned;
—6 bridges or major culverts decommissioned;
—631 miles of system roads improved;
—11 bridges or major culverts repaired or replaced; and
—22 miles of system trails improved.

Many national forests have greatly benefited from the Legacy Roads funding, especially in the Pacific Northwest.

Congress recently boosted funding for the Legacy Roads Program to $50 million in the fiscal year 2009 Omnibus Appropriations Act. In addition, the American Recovery and Reinvestment Act (ARRA) included $650 million for USFS road and trail maintenance and decommissioning and other capital improvement projects. We have urged the USFS to spend $100 million of that amount on trails and $280 million on decommissioning unneeded forest roads and fixing needed roads. We are also encouraged that the President's budget for fiscal year 2010 includes $50 million for Legacy Roads.

The Legacy Roads Program is an excellent way to stimulate employment in rural communities, as well as improve fish and wildlife habitat, recreational opportunities, and clean water for numerous communities. Our preliminary analysis of total economic impacts in Montana and Idaho indicates that each $1 million spent on

road decommissioning activities in those States generates about 22 jobs, $500,000 in wages, and $250,000 in business income.

The Wilderness Society, the Washington Watershed Restoration Initiative, and numerous other organizations across the Nation are very pleased to see a steady and increasing flow of Federal funding for the Legacy Roads Program. This funding stream provides an opportunity to make serious headway on "right-sizing" the USFS's hugely overbuilt 380,000-mile road system. We believe that in fiscal year 2010 the USFS should use Legacy Roads Program funds to (1) complete road analysis and identify road remediation needs, (2) work collaboratively in prioritized watersheds, and (3) focus on decommissioning unneeded roads.

FISCAL YEAR 2010 RECOMMENDATIONS

Following are recommendations developed by The Wilderness Society and the Washington Watershed Restoration Initiative, based largely on our initial evaluation of the Legacy Roads Program's first year of implementation.

Funding Level.—We recommend an appropriation of $100 million for the Legacy Roads and Trails Remediation Program in fiscal year 2010. We believe that expanding the program and sustaining it for several years will allow the USFS to correct the most urgent problems and to develop long-term plans for dealing with the rest of the road system. Increased funding to right-size and improve the forest road system is essential to combating the impacts of climate change and ensuring the survival of salmon, steelhead, and many other species in the national forests.

Integration with ARRA.—We also recommend that you consider ways of integrating fiscal year 2010 Legacy Roads funds with ARRA funds. The ARRA is creating thousands of jobs in the private sector by providing funds for the USFS to implement "shovel-ready" projects such as forest road maintenance and decommissioning. However, the USFS is not using ARRA funds to conduct the road analysis, NEPA planning, and design work that are necessary to build a "pipe-line" of future projects. Some funds for that essential staff planning work could come from the Legacy Roads Program, especially in fiscal year 2010 and 2011 when ARRA funds are available for project implementation.

Roads Analysis.—As discussed previously, the USFS needs to get serious about completing comprehensive roads analysis, including the level 1 and 2 roads that have generally been overlooked and neglected to date. Level 1 and 2 roads have not only been overlooked in planning but also have been given short shrift in maintenance, leaving these routes the most degraded and the most damaging to watersheds. We are glad that the conference report for the fiscal year 2009 Omnibus Appropriations Act included direction to the USFS to use existing regulatory authorities to evaluate its entire transportation system and identify unneeded roads. The 2001 roads policy provides all the necessary authority and procedural guidelines to the USFS; what the agency needs now is funding and continued direction from Congress and the administration to implement it. Therefore, we recommend that the fiscal year 2010 appropriations bill specify that Legacy Roads funds can and should be used to complete roads analysis, including identification of the minimum road system needed on each forest and a list of priorities for road decommissioning.

Right-sizing vs. Downgrading the Road System.—Funding provided by both the Legacy Roads Program and the ARRA should allow the USFS to re-evaluate the entire road system in an effort to right-size it. In recent years, rather than eliminating unneeded roads, the USFS's strategy has been to "shrink" the system by downgrading the maintenance level categories of the roads. For example, in the Pacific Northwest, the USFS has cut in half the size of the road system that is maintained for passenger cars during the past two decades, while total road mileage has remained nearly constant at about 92,000 miles. This cost-cutting approach completely fails to address the ecological impacts of poorly maintained roads and will result in increased mitigation costs over the long term as under-maintained level 1 and 2 roads are more likely to fail in the future. The USFS needs a new, environmentally responsible strategy to restore forest watersheds and create healthy, resilient ecosystems by reclaiming and storm-proofing roads.

Stability.—Because it is so new, the USFS regarded the Legacy Roads Program as a special add-on to its regularly funded programs. Hopefully, that view will change if Legacy Roads funding is repeatedly included in the President's budget and in congressional appropriations. Agency managers need consistent, sustained funding in order to add the necessary staff for the program to be efficiently implemented. We are also interested in exploring other ways in which Congress can provide greater stability to the program, such as the following:

—Amend the forest roads section of the highway bill to allow gas tax funds to be used for USFS road remediation. The WWRI and a national coalition with more

than 100 supporters have requested that a new "Forest Roads Reclamation and Remediation Program" be added to the bill and funded at $200 million annually.

—Enact the FLAME bill in order to end the disruptive and destabilizing practice of "fire-borrowing."

—Enact new legislation that includes an authorization of appropriations for road decommissioning.

Monitoring.—The Legacy Roads Program should include adequate funds and direction to the USFS for environmental monitoring and reporting. Monitoring and evaluation are crucial not only to identify where roads are causing continued harm to aquatic resources but also to: (1) document and guide the proper execution of projects; (2) evaluate whether the intended environmental benefits actually are being realized; (3) document economic benefits and job creation/maintenance through Legacy Roads work; and (4) ensure that successful techniques are used. Monitoring and evaluation reports are needed to provide accountability for taxpayer investments, and the cost is low relative to project work—roughly 2 percent of funding for road-related projects should suffice. Funding should be equally divided between project implementation monitoring by forest staff, and ecological and economic effectiveness monitoring by the USFS research scientists. The agency can also consider contracting with independent, third-party entities like universities to implement monitoring programs.

Best Value Contracting.—Road remediation work is typically performed by heavy equipment operators and other skilled contractors. Ideally, the contractors should have extensive experience with this type of work and possess the technical and practical know-how to handle unforeseen problems as they arise. One way to help ensure good results on the ground is to encourage the Forest Service to use "best value" contracting criteria, such as past performance and technical ability in selecting Legacy Roads contractors, rather than automatically picking the lowest bidder.

In conclusion, The Wilderness Society and the Washington Watershed Restoration Initiative commend Congress for creating the Legacy Roads and Trails Remediation Program. We strongly encourage you to continue and expand the Legacy Roads Program in the USFS's fiscal year 2010 budget.

PREPARED STATEMENT OF THE USGS COALITION

SUMMARY

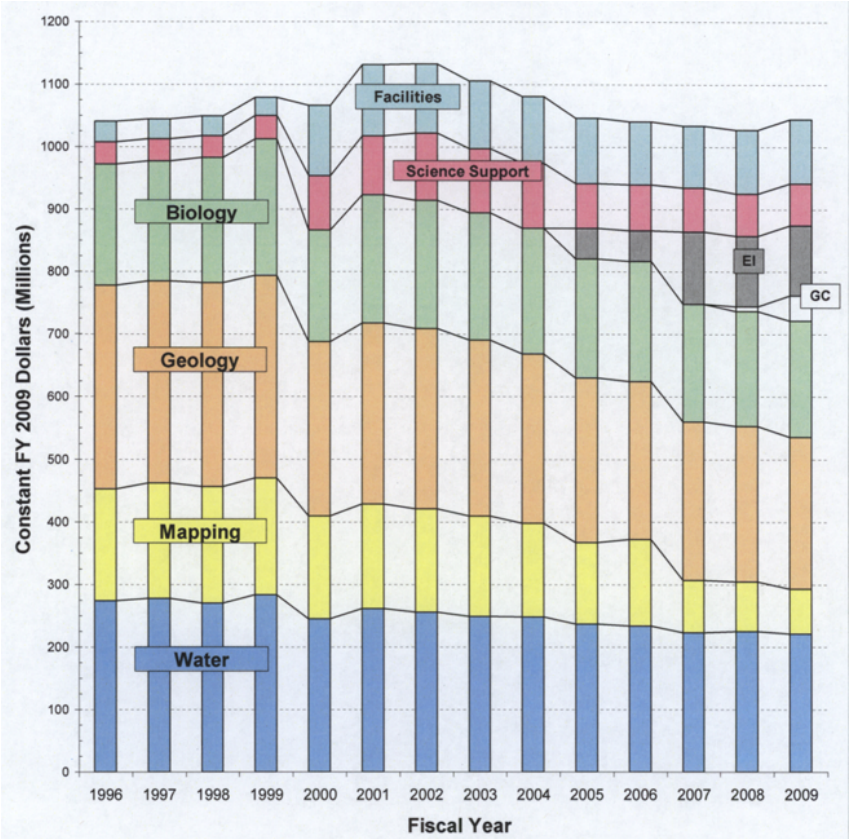
The USGS Coalition (Coalition) appreciates the opportunity to testify in support of increased appropriations for the United States Geological Survey (USGS) for fiscal year 2010. We continue to believe that the USGS budget is substantially below the amount required to ensure the long-term vitality of the agency. The USGS Coalition urges Congress to increase the budget of the USGS to at least $1.3 billion in fiscal year 2010.

The USGS Coalition is an alliance of more than 70 organizations united by a commitment to the continued vitality of the unique combination of biological, geographical, geological, and hydrological programs of the USGS. The Coalition supports increased Federal investment in USGS programs that underpin responsible natural resource stewardship, improve resilience to natural and human-induced hazards, and contribute to the long-term health, security, and prosperity of the Nation.

The USGS plays a crucial role in protecting the public from natural hazards such as floods and earthquakes, assessing water quality, providing emergency responders with geospatial data to improve homeland security, analyzing the strategic and economic implications of mineral supply and demand, and providing the science needed to manage our natural resources and combat invasive species that can threaten agriculture and public health. The USGS is working in every State and has nearly 400 offices across the country. To aid in its interdisciplinary investigations, the USGS works with more than 2,000 Federal, State, local, tribal, and private organizations.

FUNDING SHORTFALL

The USGS budget declined in real dollars for 6 consecutive years from fiscal year 2003 to fiscal year 2008 (*see* FIGURE 1). In real terms, funding for the USGS is at its lowest level since fiscal year 1997, the year after the National Biological Service was integrated into the USGS. The decline in funding for the USGS during this time period would have been greater if Congress had not repeatedly restored proposed budget cuts. In contrast, total Federal funding for research and development has increased substantially in real terms since fiscal year 1997.



The USGS is uniquely positioned to address many of the Nation's greatest challenges, including energy independence, climate change, water quality, conservation of biological diversity, and natural hazards. The need for USGS science in these and other areas has increased dramatically as its budget has declined in real dollars.

Ongoing volcanic activity at Alaska's Mount Redoubt, 106 miles southwest of Anchorage, illustrates the value of robust volcano monitoring systems and the need for increased Federal investments in the USGS. Mount Redoubt volcano erupted on March 22, 2009 and explosive events have sent volcanic ash more than 50,000 feet into the air. Approximately 20,000 passengers per day travel through the airspace affected by the volcano. The USGS provided advance warning of this explosive volcanism. Interior Secretary Ken Salazar said the USGS was "able to actually forecast this event to prevent the endangerment of people and places that would otherwise have occurred." When Redoubt volcano erupted in 1989, a Boeing 747 passenger plane flew through a cloud of volcanic ash and lost power to all four engines. After plummeting more than 14,000 feet, the crew restarted the engines and safely landed the plane. The volcanic ash caused more than $80 million in damage to the plane but no lives were lost.

Ongoing floods in North Dakota and surrounding areas led President Obama to sign a Major Disaster Declaration for North Dakota on March 24, 2009 and a fourth amendment was issued on May 13, 2009. Flood waters crested at 34 feet in Fargo and exceeded record levels in some areas. Stream gage networks operated by the USGS are essential for issuing flood warnings.

Natural hazards have negatively affected numerous communities across the country and around the globe over the past several years. Forest fires burned a total of 9,321,326 acres of land in the United States in 2007. These fires are not limited to Western States. Virginia experienced a 16 percent rise in wildfires. An earthquake generated a tsunami that caused approximately 230,000 fatalities near the

Indian Ocean in 2004. These and other events have inspired a greater awareness and appreciation of the need to improve environmental monitoring, forecasting, and warning systems that can prevent natural hazards from becoming natural disasters.

Providing the information necessary to mitigate the impacts of natural disasters is a core function of the USGS. The USGS monitors volcanoes and provides warnings about impending eruptions. It operates seismic networks and conducts seismic hazard analyses that are used to formulate earthquake probabilities and to establish building codes across the Nation. Data from the USGS network of stream gages enables the National Weather Service to issue flood warnings. The USGS and its Federal partners monitor seasonal wildfires, provide maps of current fire locations and the potential spread of fires. Research on ecosystem structure and function assists forest and rangeland managers with forecasting fire risk and managing natural systems following fires. The USGS plays a pivotal role in reducing risks from floods, wildfires, earthquakes, tsunamis, volcanic eruptions, landslides, and other natural hazards that jeopardize human lives and cost billions of dollars in damages every year.

USGS assessments of energy resources—including emerging energy resources and geothermal resources—are essential for making informed decisions about the Nation's energy future. Research conducted by the USGS is also vital to understanding and predicting the impacts of climate change on our Nation's coastal cities, water resources, ecosystems, and wildlife. The USGS is also developing new methods to assess the Nation's potential for storing carbon dioxide that could lead to techniques for lessening the impacts of climate change.

Equally important, the USGS plays a critical role in bioinformatics and managing natural resources, activities that are essential to our economy, security, and environment. Baseline data about our Nation's biology and how it is changing is needed to understand and address climate change. The USGS provides fundamental scientific data that informs management of natural resources (e.g., data for Fish and Wildlife Service on polar bear populations), control of invasive species (e.g., snakehead fish, zebra mussels, and tamarisk), and monitoring of wildlife diseases (e.g., Highly Pathogenic Avian Flu, Chronic Wasting Disease) that can cause billions of dollars in agricultural losses.

USGS research that spans the biological, geological, geographical, and hydrological sciences is essential for understanding potential impacts that could result from global climate change or from land management practices. These studies provide critical information for resource managers as they develop adaptive management strategies for restoration and long-term use of the Nation's natural resources.

Greater investment in the USGS is required. This investment could be used to strengthen USGS partnerships, improve monitoring networks, produce high-quality, digital, geospatial data and deliver the best possible science to address societal problems and inform decisionmakers.

USGS BUDGET REQUEST

President Obama's fiscal year 2010 budget request for the USGS is $1.098 billion, an increase of $54 million, or 5.2 percent, more than the level in the fiscal year 2009 Omnibus Appropriations Act. The USGS budget request would provide increased funding for secretarial initiatives in climate change ($22 million), energy ($3 million) and youth conservation corps ($2 million). Budget increases are also proposed for the national stream gage network ($5 million), arctic ecosystem studies ($4 million), staffing for biology cooperative research units ($2 million), extended continental shelf studies ($1 million), and sustainable energy development ($0.7 million). The budget request would provide full funding for increases in "fixed costs" totaling $21 million. The proposed increases in the USGS budget deserve the support of Congress.

The coalition urges Congress to increase the USGS budget to at least $1.3 billion in fiscal year 2010, which is necessary for the agency to continue providing critical information to the public and to decisionmakers at all levels of government. The budget increase recommended by the Coalition would enable the USGS to address the growing backlog of science needs that has resulted from stagnant real budgets for more than a decade, accelerate the timetable for deployment of critical projects, and launch science initiatives that address new challenges.

The fiscal year 2010 budget recommended by the USGS Coalition would enable the USGS to meet the tremendous need for science in support of public policy decisionmaking. More investment is needed to strengthen USGS partnerships, improve monitoring networks, implement important bioinformatics programs, produce high-quality digital geospatial data, and deliver the best possible science to address societally important problems. The USGS has a national mission that directly affects

all citizens through natural hazards monitoring, water resource studies, biological and geological resource assessments, and other activities.

The USGS Coalition is grateful to the Senate Interior, Environment, and Related Agencies Appropriations Subcommittee for its leadership in restoring past budget cuts and strengthening the USGS . We are also grateful to the subcommittee for its leadership in providing $140 million in stimulus funds for the USGS under the ARRA. Thank you for your thoughtful consideration of our request.

PREPARED STATEMENT OF THE UNITED TRIBES TECHNICAL COLLEGE

For 40 years, United Tribes Technical College (UTTC) has provided postsecondary career and technical education, job training, and family services to some of the most impoverished Indian students from throughout the Nation. We are governed by the five tribes located wholly or in part in North Dakota. We have consistently had excellent results, placing Indian people in good jobs and reducing welfare rolls. Bureau of Indian Education (BIE) funds constitute about half of our operating budget and provide for our core instructional programs. These funds are authorized under title V of the Tribally Controlled Colleges and Universities Act. We do not have a tax base or State-appropriated funds on which to rely.

We thank the House and Senate Interior Subcommittees and our congressional delegation—Representative Pomeroy, Senator Dorgan and Senator Conrad for their support, especially during the Bush administration budget submissions which consistently tried to zero out our BIE funding. We are very pleased that the Obama administration intends to ask for BIE funding for UTTC.

The requests of the UTTC board for the fiscal year 2009 BIE/Bureau of Indian Affairs (BIA) budget are:

—$5.5 million in BIE funds for UTTC, which is $1.5 million more than the fiscal year 2009 level.

—$5 million toward the $10.9 million needed for a new math and technology building on our south campus.

—$3.5 million toward the $36 million needed for a planned Northern Plains Tribal Law Enforcement Resource and Training Center located at UTTC.

—A requirement that the BIA/BIE place more emphasis on funding and administrative support for job training and vocational/technical education. The administration's fiscal year 2009 request for Job Placement and Training was $8,864,000 with an additional $2,011,604 under TPA adult education for a total of $10.9 million. We appreciate that Congress included funding in the Recovery Act for BIA workforce training, although we don't know at this time how the $40 million will be allocated between workforce training and the Housing Improvement Program. In any event, the fiscal year 2009 amount will be far less than the fiscal year 1970 appropriation of $60 million for this program. There is little BIA/BIE leadership or advocacy for job training or vocational/technical education at the central or regional office levels.

Law Enforcement Training.—We thank Congress for its support for us obtaining a Memorandum of Understanding (MOU)with the BIA and the American Indian Higher Education Consortium that would establish a partnership so that we and other tribal colleges can better help fill the need for trained law enforcement and correctional officials in Indian country. This MOU was signed in May 2008. To that end, we are working toward establishment of a Northern Plains Law Enforcement Training Center located at UTTC which would provide basic and extended training for law enforcement officers for tribes and the BIA. We have identified a total budget of $36 million for construction of the facility with all necessary training components, but at this time are requesting $3.5 million for infrastructure and initial work.

The need for more law enforcement officers in Indian country is staggering. The 2006 BIA gap analysis estimated that it would require $560 million to hire, train and equip the more than 1,800 additional BIA and tribal police officers needed to adequately police Indian lands. The BIA criminal investigations program provides funding to hire and training offices, but their fiscal year 2009 funding was only $163 million. This is an area in which UTTC, with its long history of an accredited criminal justice program, could really make a positive difference.

Math and Technology Building on new South Campus.—The bulk of our current educational training and student housing is provided in 100-year-old buildings, part of a former military base used by UTTC since its founding in 1969 and donated to us by the United States in 1973. They are expensive to maintain, do not meet modern construction and electrical code requirements, are mostly not ADA compliant, and cannot be retrofitted to be energy efficient.

As a result, UTTC has developed plans for serving more students in new facilities that will provide training and services to meet future needs. We are now developing land purchased with a donation that will become our south campus. Infrastructure for one-fourth of the new campus has been completed, and we have now obtained partial funds for a new, and badly needed, science, math and technology building. We as asking for $5 million of the $10.9 million still needed to complete this building. We have already acquired $3 million toward the total cost. Our vision for the south campus is to serve up to 5,000 students. Funding for the project will come from Federal, State, tribal, and private sources.

There are important things we would like you to know about our college:

Our Students.—Our students are from Indian reservations from throughout the Nation, with a significant portion of them being from the Great Plains area. Our students have had to make a real effort to attend college; they come from impoverished backgrounds or broken families. They may be overcoming extremely difficult personal circumstances as single parents. They often lack the resources, both culturally and financially, to go to other mainstream institutions. Through a variety of sources, including funds from the BIE, UTTC provides a set of family and culturally based campus services, including: an elementary school for the children of students, housing, day care, a health clinic, a wellness center, several on-campus job programs, student government, counseling, services relating to drug and alcohol abuse and job placement programs.

UTTC Performance Indicators.—UTTC has:

—An 80 percent retention rate.

—A placement rate of 94 percent (job placement and going on to 4-year institutions).

—A projected return on Federal investment of 20-to-1 (2005 study comparing the projected earnings generated over a 28-year period of UTTC associate of applied science and bachelor degree graduates of June 2005 with the cost of educating them).

—The highest level of accreditation. The North Central Association of Colleges and Schools has accredited UTTC again in 2001 for the longest period of time allowable—10 years or until 2011—and with no stipulations. We are also one of only two tribal colleges accredited to offer accredited on-line (Internet-based) associate degrees.

—More than 20 percent of graduates go on to 4-year or advanced degree institutions.

We also note the January 13, 2009, report of the Department of Education's Office of Vocational and Adult Education on its recent site visit to UTTC (October 7–9, 2008). While some suggestions for improvements were made, the Department commended UTTC in many areas—for efforts to improve student retention; the breadth of course offerings; collaboration with 4-year institutions; expansion of online degree programs; unqualified opinions on both financial statements and compliance in all major programs; clean audits; and use of the proposed measurement definitions in establishing institutional performance goals.

The demand for our services is growing and we are serving more students. For the 2008–2009 year we enrolled 1,023 students (an unduplicated count), nearly four times the number served just 6 years ago. Most of our students are from the Great Plains, where the Indian reservations have a jobless rate of 76 percent, along with increasing populations. These statistics dramatically demonstrate the need for our services at increased levels for at least the next 10 years.

In addition, we are serving 141 students during school year 2008–2009 in our Theodore Jamerson Elementary school and 202 children, birth to 5, are being served in our child development centers. We are proud to report that this school has achieved adequate yearly progress status.

UTTC Course Offerings and Partnerships With Other Educational Institutions.—We offer accredited vocational/technical programs that lead to 17 2-year degrees (Associate of Applied Science (AAS)) and 11 1-year certificates, as well as a 4-year degree in elementary education in cooperation with Sinte Gleska University in South Dakota.

Licensed Practical Nursing.—This program has one of the highest enrollments at UTTC and results in the greatest demand for our graduates. Our students have the ability to transfer their UTTC credits to the North Dakota higher educational system to pursue a 4-year nursing degree.

Medical Transcription and Coding Certificate Program.—This program provides training in transcribing medical records into properly coded digital documents. It is offered through the college's Exact Med Training Program and is supported by Department of Labor funds.

Tribal Environmental Science.—Our Tribal Environmental Science program is supported by a National Science Foundation Tribal College and Universities Program grant. This 5-year project allows students to obtain a 2-year AAS degree in Tribal Environmental Science.

Community Health/Injury Prevention/Public Health.—Through our Community Health/Injury Prevention Program we are addressing the injury death rate among Indians, which is 2.8 times that of the U.S. population, the leading cause of death among Native Americans ages 1–44, and the third leading cause of death overall. This program has in the past been supported by the Indian Health Service, and is the only degree-granting injury prevention program in the Nation. Given the overwhelming health needs of Native Americans, we continue to seek new resources to increase training opportunities for public health professionals.

Online Education.—Our online education courses provide increased opportunities for education by providing Web-based courses to American Indians at remote sites as well as to students on our campus. These courses provide needed scheduling flexibility, especially for students with young children. They allow students to access quality, tribally focused education without leaving home or present employment. However, we also note the lack of on-line opportunities for Native Americans in both urban and rural settings, and encourage the Congress to devote more resources in this area.

We offer online fully accredited degree programs in the areas of Early Childhood Education, Community Health/Injury Prevention, Health Information Technology, Nutrition and Food Service and Elementary Education. More than 80 courses are currently offered online, including those in the medical transcription and coding program. We presently have 50 online students in various courses and 137 online students in the medical transcription program.

Criminal Justice.—Our criminal justice program leads many students to a career in law enforcement. Students are required to learn the basics of law enforcement procedures, and we now have on campus a career BIA law enforcement officer who is helping improve our program.

Computer Information Technology.—This program is at maximum student capacity because of limitations on resources for computer instruction. In order to keep up with student demand and the latest technology, we need more classrooms, equipment and instructors. We provide all of the Microsoft Systems certifications that translate into higher income earning potential for graduates.

Nutrition and Food Services.—We help meet the challenge of fighting diabetes and other health problems in Indian Country through education and research. Indians and Alaska Natives have a disproportionately high rate of type 2 diabetes, and have a diabetes mortality rate that is 3 times higher than the U.S. population. The increase in diabetes among Indians and Alaska Natives is most prevalent among persons aged 25–34, with a 160 percent increase from 1990–2004. Our research about native foods is helping us learn how to reduce the high levels of diseases in our communities.

As a 1994 Tribal Land Grant institution, we offer a nutrition and food services AAS degree in order to increase the number of Indians with expertise in nutrition and dietetics. There are few Indian professionals in the country with training in these areas. Our degree places a strong emphasis on diabetes education, traditional food preparation, and food safety. We have also established a Diabetes Education Center that assists local tribal communities, our students and staff to decrease the prevalence of diabetes by providing food guides, educational programs, training and materials.

Business Management/Tribal Management.—Another critical program for Indian country is business and tribal management. This program is designed to help tribal leaders be more effective administrators and entrepreneurs. As with all our programs, curriculum is constantly being updated.

Job Training and Economic Development.—UTTC continues to provide economic development opportunities for many tribes. We are a designated Minority Business Development Center serving South and North Dakota. We administer a Workforce Investment Act program and an internship program with private employers in the region.

Our BIE and Perkins funds provide for nearly all of our core postsecondary educational programs. Very little of the other funds we receive be used for core career and technical educational programs; they are competitive, often one-time supplemental funds which help us provide the services our students need to be successful. We cannot continue operating without BIE funds. Thank you for your consideration of our requests.

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