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S. HRG. 112–392

# *Senate Hearings*

***Before the Committee on Appropriations***

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# Department of the Interior, Environment, and Related Agencies Appropriations

***Fiscal Year*** 2012

112*th* CONGRESS, FIRST SESSION

**H.R. 2584**

**DEPARTMENT OF AGRICULTURE**
**DEPARTMENT OF THE INTERIOR**
**ENVIRONMENTAL PROTECTION AGENCY**
**NONDEPARTMENTAL WITNESSES**

Department of the Interior, Environment, and Related Agencies Appropriations, 2012

S. HRG. 112–392

# DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2012

## HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

**Department of Agriculture**
**Department of the Interior**
**Environmental Protection Agency**
**Nondepartmental Witnesses**

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# DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2012

**WEDNESDAY, MARCH 9, 2011**

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

The subcommittee met at 3:45 p.m., in room SD–124, Dirksen Senate Office Building, Hon. Jack Reed (chairman) presiding.

Present: Senators Reed, Tester, Landrieu, Murkowski, Cochran, Collins, and Blunt.

## DEPARTMENT OF THE INTERIOR

**STATEMENT OF HON. KEN SALAZAR, SECRETARY**

**ACCOMPANIED BY:**

**DAVID HAYES, DEPUTY SECRETARY**

**PAM K. HAZE, DEPUTY ASSISTANT SECRETARY FOR BUDGET, FINANCE, PERFORMANCE, AND ACQUISITION**

### OPENING STATEMENT OF SENATOR JACK REED

Senator REED. Let me call the hearing to order.

I want to thank the Secretary for joining us this afternoon. I also appreciate your consideration of our schedule, Mr. Secretary, but you have had some experience here with the Senate schedule, so I think you were not shocked and surprised when we had to delay this 30 minutes.

We certainly appreciate your taking time from your very hectic schedule to come up and talk about the administration's fiscal year 2012 budget for your Department, the Department of the Interior.

And before I begin, I would like to commend and thank Senators Feinstein and Alexander for their great leadership of the subcommittee. As you know, they have shifted their focus now to the Energy and Water Development Subcommittee, but they still retain their membership on this subcommittee. They are valuable members, and we look forward to their insights and to their assistance as we go forward.

Now, I want to just, from the beginning, prove that the Senator from Alaska and I are not a force to be taken lightly. I would just point out the fact that between our two States, we have more than half of the land in the National Park System.

Now, you could quibble over whether 41 million acres and 5 acres is—there is a difference, but together we are 51.5 percent of the

park system. So you have got a majority right here before you, Mr. Secretary.

Let me just say that I am delighted to be able to work with Senator Murkowski. She is an extraordinarily talented and dedicated representative not only of Alaska, but of commitment to the issues that are important to the Nation as a whole. So thank you, Senator, for your help and your assistance.

And also I recognize—and she has done a good job of educating me already—that many of these issues are central to the communities of her State, vitally central, and I do recognize that and I look forward to working with her for her constituents as well as the Nation.

These programs have impacts everywhere, though. In my home State of Rhode Island, we have a rich, historic heritage. The National Park Service—we have what I used to think was the smallest park in America, but apparently there is a park in Philadelphia, the Pulaski Park, that is smaller. It is less than 5 acres, but we have a national park. We have the John H. Chafee Blackstone River Valley Corridor. So we have a national park influence and impacts, and I appreciate that very much.

We also have a wildlife refuge complex. We have many things that we treasure deeply in Rhode Island that are governed by your Department.

We are involved in offshore wind development. You and I, Mr. Secretary, had discussions about that several times. So the Bureau of Ocean Energy Management (BOEM) is central not only to the gulf and Senator Landrieu, but up in Rhode Island, in New England, New Jersey, both coasts, every waterway.

And I really want to say how I look forward to working with you. Every area of this country is affected by what you do. The issues are critical, and as we go forward, I will continue to ask for your advice, assistance, and help, as I have in the past.

The administration for the Department of the Interior is seeking approximately $11.175 billion. That is an increase of about $100 million, or about 1 percent above the equivalent 2010 enacted level. That might not seem like a lot, but it covers so many vital programs. For example, the Land and Water Conservation Fund (LWCF) would be increased. Funding necessary to complete the very important reorganization of the BOEM would be included. Landsat operations are proposed for the U.S. Geological Survey (USGS), in fact, an increase of about $61 million for those operations.

Some of these changes are laudable, in fact overdue, but in this fiscal environment, I do not have to tell you, Mr. Secretary, everything has to be weighed very carefully and very tough choices have to be made among programs.

There are also in your budget reductions: $151 million for management efficiencies. I applaud those proposals, and we want to help you achieve those reductions.

I know, Mr. Secretary, you recognize that this is a difficult budget. I also know and expect that you will be there to help us make these decisions. And as I begin my tenure here, it is our commitment to work with you to ensure that our public lands are protected, that we uphold our responsibility to Native Americans, that

the Department has its resources in so many different ways to carry out its critical missions.

Senator REED. With that, Mr. Secretary, I would like to recognize the ranking member, Senator Murkowski.

STATEMENT OF SENATOR LISA MURKOWSKI

Senator MURKOWSKI. Thank you, Mr. Chairman. It is indeed a pleasure to be working with you on this subcommittee. We laugh about this kind of odd couple pairing, the largest State in terms of geographic size with the smallest, but as you point out, we have some shared issues. We have a lot of commonality, and I look forward to working with you.

We have already decided that during our August break, we are going to visit some national parks in my State and do the same in Rhode Island and get to know the differences just a bit better.

But I think one of the things that is important to recognize is that we both share a common interest in ensuring that taxpayer dollars are spent wisely, that the agencies under our jurisdiction are accountable to the Congress and to the public. We will work forward with that.

I would also like to recognize the members of our subcommittee. We have got three new folks on the Republican side who are new to the Senate, much less the subcommittee: Senator Blunt, Senator Hoeven, and Senator Johnson. Senator Landrieu and I have worked on so many of these issues over the years. You recognized the work of Senator Feinstein and Senator Alexander as the former chairman and the ranking member, respectively, on this subcommittee, and we do appreciate their leadership and their guidance.

Secretary, I am pleased to have you before us. I know that these subcommittee hearings before the Senate committees and the House are a bit arduous, but you always come with good demeanor and kind words. I appreciate your leadership. I appreciate your work. You do have a very difficult task in front of you. I hate to think that Alaska is your problem every day when you wake up, but so much of what goes on in our State is under your jurisdiction. So we look forward to continuing the relationship that we had when you were a member of the Senate here and under your leadership as the Secretary.

I mentioned to the chairman here that my opening statement may be a bit longer than usual. I promise you that I do not typically do this, but there are a few important issues that I would like to just put out on the table since we are always more limited in our questions.

Without question, the most significant budgetary aspect of the Department's request is the increase for LWCF programs as part of America's Great Outdoors initiative. These programs are proposed to grow by well more than 100 percent from $310 million to $675 million. An additional $225 million is proposed in the Forest Service budget as part of a larger effort to fund LWCF programs at their fully authorized level of $900 million.

I have got a couple of different concerns with this approach. For example, in order to fund these large increases for land acquisition in what is an overall flat budget for the Department, other pro-

grams necessarily have to be cut. We recognize that that is what happens. But one of the cuts that has been made is the Bureau of Land Management's (BLM) Alaska conveyance program. Mr. Secretary, we have had a chance to talk about this. The fact that 50 years ago—actually it was 52 years ago—we became a State. There were certain promises, conditions made at statehood, and we are still waiting in many cases to receive patents to the lands that we were entitled to under that statehood act.

I worked hard to address this problem. We got legislation passed in 2004 to help accelerate it, but under the proposal that we have got now, the BLM is not accelerating the transfer of these lands. It is slamming on the brakes. In fact, at the rate that the lands selected in Alaska—if we work this transfer process as it currently goes, we do not finish this until the year 2075. I am probably not going to be around by then, and it is something that we believe that the commitment needs to be there, and unfortunately, that translates into a budgetary commitment as well.

Other cuts are also troubling. Every one of the Department's construction accounts has been significantly cut at a time when we are seeing a multibillion dollar maintenance backlog at the Park Service, at the BLM, at Fish and Wildlife. And it begs the question of how you can place such a high priority on acquiring more land when you have got to cut the very funds that you need to take care of the current infrastructure in order to do so.

I also have to question these large increases when other longstanding obligations languish. In Alaska, we have roughly half of the federally recognized tribes. So one of my top priorities has been ensuring that we honor our commitments to Native Americans and Alaska Natives.

The Federal Government is responsible for two school systems, one at the Department of Defense, one at the Bureau of Indian Affairs (BIA). BIA funds 183 elementary and secondary schools and dormitories for approximately 41,000 students. According to the National Congress of American Indians, at the beginning of last year, one-third of BIA schools were in significant need of repair at an estimated cost of $1.34 billion. These deteriorating schools are part of a larger problem with the school system that consistently lags far behind our traditional schools. Chairman Reed and I have already spoken about the need to work on this issue, and I hope that we can see some progress this year.

In addition to my concerns about funding priorities, I am very troubled by some of the proposed policy provisions in the budget request. One that I find very, very troubling is the fee on the so-called nonproducing oil and gas leases. The Trans-Alaska Pipeline is the main economic artery of my State and a major asset to our Nation's energy security and independence, but production is falling to the point where this pipeline is in jeopardy. We have to find new sources of oil and we have to find it soon or we risk the possibility that that pipeline will be decommissioned, dismantled, and we will no longer have the ability to provide the domestic resource coming off the North Slope to the rest of the country.

One of the areas that has the most promise is in the Beaufort and the Chukchi Seas. Shell oil paid more than $2 billion to the Department of the Interior for leases back in 2005. That company

is now halfway through its lease term, but the Environmental Protection Agency (EPA) is preventing the company from developing its leases by not issuing necessary air permits, and this is after a 5-year process. The Interior Department has elected to undergo yet another round of environmental review. So we have got a situation where Shell has spent literally thousands of man-hours, tens of millions of dollars trying to thread the needle through the EPA's regulatory morass, and now the Department of the Interior is essentially saying we want to assess the company a fee because they are not producing. They want to produce in the worst way. So we need to address this.

What is perhaps even more galling on top of this is that the company is currently paying rent to the Government on these leases while they are not in production. So it is just kind of an insult to injury type of a situation. We had an opportunity to bring this up in the Energy Committee hearing just last week. It is something, Mr. Secretary, that I do hope that you will commit to working with us on that initiative.

I repeat the statement from the chairman in terms of willingness to work with you. I know we have got some tough, tough, tough issues. We are trying to get through CD–5 so that we can develop the National Petroleum Reserve—Alaska. We are trying to get offshore. We have got opportunities in the State to provide for the rest of the country. We need to be working together. I look forward to doing that with you. If sometimes it appears that we are overly aggressive, it is because we feel we have so much to offer up north, and we just need the cooperation of those here in Washington. I look forward to your leadership in helping us get there.

Thank you, Mr. Chairman.

Senator REED. Thank you, Senator Murkowski.

Now if my colleagues have opening statements, Senator Landrieu, and then I will go back and forth.

STATEMENT OF SENATOR MARY L. LANDRIEU

Senator LANDRIEU. Thank you, Mr. Chairman and Ranking Member. I am looking forward to your leadership of this subcommittee and enjoyed working with both of you on other committees.

I am going to submit my statement for the record because I have got, unfortunately, another 4 o'clock meeting.

I just want to welcome you, Secretary Salazar, but to restate just briefly again how important it is to expedite the reforms underway in the Gulf of Mexico and to get our people back to work, get permits issued in the gulf. I know there is a step up in funding for the reorganization of BOEM. That reauthorization language needs to go through, of course, the Energy Committee and move forward and not done exactly through the appropriations process.

But I am interested in providing additional resources to you and want to tell the chairman and ranking member of my support so that we can process more quickly the permits that are pending in the Gulf of Mexico. And with prices rising, you know, at the pump, it is just important that we continue to press forward on that accelerator, and we are still running into some difficulty. I will submit the specifics to you.

I look forward to working with you on some aspects of this budget. But please remain committed and focused, if you would, on the Gulf of Mexico not just our restoration issues, which are important and we really appreciate your leadership, Mr. Secretary, but on getting our people back to work and getting those permits issued.

Thank you.

Senator REED. Thank you.

Senator Blunt, do you have a statement?

STATEMENT OF SENATOR ROY BLUNT

Senator BLUNT. I will submit my statement for the record.

[The statement follows:]

PREPARED STATEMENT OF SENATOR ROY BLUNT

Thank you Chairman Reed and Ranking Member Murkowski for holding this hearing today. This hearing is a great opportunity to not only examine the budgetary needs of the Interior Department (DOI) throughout our country, but also to make the proper investments that produce the greatest return on taxpayer dollars.

Additionally, I would like to thank Secretary Salazar.

Your hard work on the budget is greatly appreciated. I look forward to working with you now and in the future to address our country's needs.

Last month the Federal Government added as much money to the debt as it did in 2007. The numbers are stark and should serve as call for immediate action. All across Missouri and the country, Americans at home and at work are being expected to do more with less and now it is time for the Federal Government to do the same.

Unfortunately, the DOI like the rest of the administration is avoiding the necessary cuts that we all need to be making to address our skyrocketing debt. But on top of this, I am concerned with the fact that the DOI is using taxpayer dollars to hamper energy exploration.

For example, while the budget takes credit for expanding protections against the impacts of coal mining, it doesn't address the repercussions it will have on jobs and energy production.

Your recent stream protection rule would, according to your own assessments, kill more than 20,000 coal mining and related jobs, and wipe out a significant amount of coal production.

Our Nation relies on coal to power almost 50 percent of our electricity, and in Missouri that number is more than 80 percent. I am concerned with the consequences of this administration's attempts to broadly penalize the use of coal in this country, and I hope that you take a hard look at your policies to make sure that doesn't happen.

The budget calls for more money to the newly formed Bureau of Ocean Energy Management office, and yet this administration has only managed to approve one new offshore drilling permit since the Deepwater Horizon spill last April. You have also officially blocked access to new areas of the Gulf of Mexico until 2017, and caused such uncertainty that even shallow-rig operators have idled.

A recent study showed that delays in offshore drilling could result in the loss of 125,000 jobs and billions of dollars in investment and government revenue—something I think we can all agree we sorely need right now.

On top of blocking access to offshore drilling, your recently announced "wild lands" policy out of the Bureau of Land Management would block access to energy exploration on Federal lands. There is great potential for energy development of oil and natural gas on our Federal lands.

These lands need to be managed in a way that provides the greatest benefit to the public—and what could be more beneficial than using them to provide low-cost, reliable and plentiful energy to this Nation.

Right now, oil and gas production in Libya have fallen by an estimated 60 to 90 percent since the outbreak of unrest. Libya accounts for only about 2 percent of global supply, but that doesn't mean the market impact isn't something we aren't feeling worldwide. We've seen this impact now as oil as hit $100 a barrel and retail gas rates rose 32 cents between February 21 and March 7. This one-two punch—a reliance on foreign oil and an administration with little concern for expanding exploration—puts us in an extremely vulnerable situation. Secretary Salazar I look forward to your testimony and working with you to see how we can use our re-

sources to make sure this Nation has the energy we need to keep our economy running.

Senator REED. Thank you, Senator.

Senator Tester.

Senator TESTER. Just welcome.

Senator REED. Senator Collins.

STATEMENT OF SENATOR SUSAN COLLINS

Senator COLLINS. Thank you, Mr. Chairman. I just want to welcome our former colleague and good friend, the Secretary, back to the U.S. Senate. We miss you, but look forward to working with you on several issues.

The issues that I am going to raise today are not unfamiliar to the Secretary. I look forward to talking to him about the exciting research and development that is occurring in the State of Maine, led by the University of Maine, and to the potential for deepwater, offshore wind energy. I also want to talk to him about the gem of a national park that we have in the State of Maine, which the Secretary has visited, Acadia National Park.

Senator COLLINS. Thank you, Mr. Chairman.

Senator REED. Thank you very much, Senator Collins.

We will proceed with 6-minute rounds. I am told the Secretary has an appointment at 5 p.m., and I would assume that we can do at least two rounds so that we will have ample time to ask questions.

Mr. Secretary, again, thank you for being here this afternoon.

Although the reorganization of the former Minerals Management Service (MMS) is moving forward, I am concerned that a lot of the attention is being focused on the leasing and enforcement side of the ledger, not enough attention on the revenue collection side. I know you have already moved that into a different organization. And this has been an ongoing problem going back several years. Just last week, in fact, the Government Accountability Office (GAO) testified the Department could not—in their words—provide reasonable assurance that it was assessing and collecting the appropriate amount of royalties. In February, the GAO added that revenue collection program to its high-risk program list.

You are asking for a budget of $148 million for the revenue office. That is an increase of about $38 million at the 2010 level with 55 new employees. Can you please tell us specifically what the increases are for, what steps the office has taken to address the problems that get it on the high-risk list? This is central actually to many things. So your comments will be appreciated.

Secretary SALAZAR. Thank you very much——

Senator REED. Oh, excuse me, Mr. Secretary. I have committed the, hopefully pardonable, offense of being a new subcommittee chairman not allowing you to deliver your statement before I deliver a question.

That was a test. I hoped you would interrupt and say, wait a second. So let me withhold that question, recognize the Secretary for his statement, indicate that your statement has been made a part of the record so you may be concise. Mr. Secretary, forgive me.

SUMMARY STATEMENT OF KEN SALAZAR

Secretary SALAZAR. Thank you very much, Chairman Reed. Let me make a few opening comments and try to be brief because I think it is probably more important to engage in a dialogue on some of the issues which you have raised, including the one you just raised.

Let me at the outset say to you and to Ranking Member Murkowski, to Senator Tester, Senator Blunt, and Senator Collins, and all the members of the subcommittee, I very much look forward to working with you. Senator Feinstein and Senator Alexander set a great template working with their staffs and working with the Department of the Interior on the budget in the last 2 years I have been the Secretary of the Interior and hope to be able to continue the same bipartisan approach to how we move forward on the budgetary matters relating to the Interior.

I also want to congratulate you, Mr. Chairman, on your position as a chairman of this subcommittee. Oftentimes when I took this position, people would describe this as a "Department of the West", and I think while there is a tremendous amount of focus in places like Alaska and the State of Montana and major activities on the part of the Department, it truly is the Department of all of America. We have seen with the Gulf of Mexico and the oil and gas production issues there, all of the offshore wind issues on the Atlantic, the great places, iconic places in Maine like Acadia National Park, and their interest in wind power. Throughout all 50 States and the 1.75 billion acres of the Outer Continental Shelf, it truly is an honor and a privilege to be the custodian of America's natural resources and America's cultural heritage. I very much look forward to working with all of you and with your staffs.

With me today, Deputy Secretary of the Interior, David Hayes, who helps me on the broad array of issues that we face at Interior every day. He is a problem solver on so many issues, including trying to work on many of the Alaska issues which Senator Murkowski alluded to. Then Pam Haze, who has worked for multiple administrations as the Deputy Assistant Secretary for Budget, Finance, Performance, and Acquisition, and works with your staff who know so much about the Interior budget.

2012 BUDGET

Let me just make a few comments about the budget. The 2012 budget, from our perspective, as we put it together is a freeze budget. We went through the budget line-by-line and put together what we believed was an appropriate budget for the times which the President endorsed. It includes cuts which are about $1.1 billion when you accumulate them all.

Also, as the members of this subcommittee would expect of me, we went through and we tried to find places where we could be much more efficient in the delivery of Government services, including $179 million in administrative type cuts which include $42 million in travel, $36 million in information technology, and $53 million in procurement reform.

I want to comment briefly on three key initiatives because I know they are an issue of concern to members of this subcommittee and to Members of the Congress.

ENERGY

One is on energy. And the first comment I want to make is, we continue to believe at the Department of the Interior and in the White House under the President's energy program, conventional oil and gas resources are a very important part of powering our economy. We are involved in what we consider to be a robust energy production program for both oil and natural gas.

The request we have in front of this subcommittee for BOEMRE is an increase of $119 million to help us deal with standing up an organization you as a Congress can be rightly proud of. I think if there is a look back at the last 30 years under multiple administrations, Republican and Democrats as well, not enough attention had been given to the development of oil and gas resources in America's oceans. We saw the consequence with nearly 5 million barrels of oil flowing out into the Gulf of Mexico last year in what became essentially one of the national crises which all of us lived through in one way or another.

It is essential the funding be there in order for us to be able to continue to look at not only the Gulf of Mexico, but also other places as well to develop oil and gas from our oceans in a safe way. The same thing is true with respect to the great renewable energy potential we find in the offshore, especially along the Atlantic States where we have made it a major priority within the Department of the Interior.

Number two, a quick comment just on the renewable energy. It is a significant initiative of the Department. Since I became Secretary of the Interior, I am proud that in 2010 we were able to permit 3,700 megawatts of power, most of that solar power in the deserts of the Southwest, but significant power that also came from wind and geothermal energy as well. We have also permitted nearly 5,000 miles of transmission in the West to make sure we can move the renewable energy from the places it is produced to the places where it is consumed. The budget before you for 2012 has a goal that I believe is achievable, and it is to get to a point where we have authorized and are standing up 10,000 megawatts of renewable energy power.

My comment overall on energy is that we need energy coming from a lot of different sources. The President's agenda on energy includes oil and gas. It includes nuclear. It includes all of the renewables which I spoke about here. We believe we need to have a robust energy program for the Nation and for the future. Hopefully as we move forward, this is an area where we can work with the Congress on a bipartisan basis to create a framework to finally get to a point where we are dealing with the issues of overdependence on foreign oil which, frankly, I know all of you on this subcommittee have worked on and commented on in terms of how it compromises our national security.

Just an interesting factoid. Over the last 2 years, we have seen the amount of energy we are importing from foreign countries go down to about 50 percent. And that is as a result of domestic pro-

duction we have. It is also as a result of demand reduction through efficiencies, including the higher vehicle mileages that we are now getting on our roadways in America. The energy agenda, which is one I work on closely with the President and Secretary Chu and my other colleagues in the Cabinet is very important and which is integrally tied into the funding proposals before you.

CONSERVATION

The second area I want to touch on briefly is conservation and our efforts including the proposal for $900 million in funding for LWCF, which is included in this budget. As many of you in this subcommittee know, over the years since the mid-1960s, there was a promise essentially made that the LWCF and the Historic Preservation Fund would be funded from offshore oil and gas royalties. Yet, it has been an empty and broken promise to America. Senator Collins and I actually led an effort, a letter that was signed by some 50 Senators a few years ago, where we restored some of the funding for LWCF.

I think it is important when we look at the issue, and I ask you as subcommittee members when you look at the issue and ask yourself the question why now and why this kind of funding. To look back at Abraham Lincoln in the midst of the Civil War, who had the courage to set aside the lands that became Yosemite National Park or to look at Teddy Roosevelt. As Senator Cochran knows so well from his great work on the Migratory Bird Commission where we met this morning, we have done a lot in this country to stand up a conservation legacy and an agenda we can all be truly proud of, Democrats and Republicans, hunters and anglers, bikers, and so many others, that really are part of not only the conservation legacy, but also part of the economic engine of America. The conservation outdoor activities here in the United States alone produce about 6.5 million jobs a year. In the quest of standing up our economy, it is important to recognize tourism that comes with outdoor recreation is very important and that all is what is fed with the conservation efforts we have.

I will put a footnote on that, my intention, as we move forward with all of our conservation initiatives in the America's Great Outdoors, is to follow the model we have incorporated through the Migratory Bird Commission where we allocate, in cooperation with the States, the funding for conservation to the high-priority projects local communities and the States want. In doing so, what we end up getting is significant additional matching dollars to advance the conservation agenda of America.

When you think about our population today at 307 million people, knowing that the population over the next 20 years will probably grow by an additional 100 million people here in the United States, you have to ask the question where will those 100 million people go? As we continue to grow as a country, it is going to be important to protect the areas where we hunt ducks and pheasants and we do all of the rest of the kind of activity so important to outdoor recreation. I would ask you to consider the conservation funding in that context.

PREPARED STATEMENT

Finally, just a quick word about water. Water is such an important issue, especially all over the country, without a doubt, all over the world, but I think in particular in the West. We come from such arid States. It is the lifeblood of most of our communities. The Water Smart program, which we have included in the budget, will make sure we are doing more with the water we have. An example of the Water Smart program, with 37 water projects in 2010, we are able to save 490,000 acre feet of water which is a very significant amount of water when you come from one of the arid States like Montana.

With that, Mr. Chairman, I am delighted to have the opportunity to work with you as we address the difficult issues of our country.

[The statement follows:]

PREPARED STATEMENT OF KEN SALAZAR

Mr. Chairman and members of the subcommittee, I am pleased to be here today to present the details of the 2012 budget request for the Department of the Interior. I want to thank the members of this subcommittee for your strong interest and support of our Department. Your efforts have helped to build a strong foundation for our initiatives.

The 2012 budget builds on that strong foundation with $12.2 billion requested for the Department of the Interior. This budget includes $11.2 billion for programs funded by the Interior, Environment, and Related Agencies appropriation. The 2012 budget is a freeze at the 2010 level, including significant reductions and savings totaling $1.1 billion, while funding key priorities.

The budget demonstrates that we can responsibly cut the deficit, while investing to win the future and sustain the national recovery. Our budget promotes the actions and programs that America told us are important in 50 listening sessions across the country. With that inspiration we developed a new 21st century conservation vision—America's Great Outdoors. The budget continues to advance efforts that you have facilitated in renewable energy and sustainable water conservation, cooperative landscape conservation, youth in the outdoors, and reforms in our conventional energy programs.

INTRODUCTION

Interior's mission is simple, but profound—to protect America's resources and cultural heritage and honor the Nation's trust responsibilities to American Indians and Alaska Natives. Interior's people and programs impact all Americans.

The Department is the steward of 20 percent of the Nation's lands including national parks, national wildlife refuges, and the public lands. Interior manages public lands and the Outer Continental Shelf (OCS)—providing access for renewable and conventional energy development and overseeing the protection and restoration of surface-mined lands. The Department of the Interior is also the largest supplier and manager of water in the 17 Western States and provides hydropower resources used to power much of the country. Interior is responsible for migratory wildlife and endangered species conservation as well as the preservation of the Nation's historic and cultural resources. The Department supports cutting edge research in the earth sciences—geology, hydrology, and biology—to inform resource management decisions at Interior and improve scientific understanding worldwide. The Department of the Interior also fulfills the Nation's unique trust responsibilities to American Indians and Alaska Natives, and provides financial and technical assistance for the insular areas.

The Department makes significant contributions to the Nation measured in economic terms. The Interior Department supports more than 1.3 million jobs and more than $370 billion in economic activity each year. Parks, refuges, and monuments generate more than $24 billion in economic activity from recreation and tourism. Conventional and renewable energy produced on Interior lands and waters results in about $295 billion in economic benefits and the water managed by Interior supports more than $25 billion in agriculture. The American outdoor industry estimates 6.5 million jobs are created every year from outdoor activities.

In measures that cannot be translated into dollars and cents, the Department protects the Nation's monuments and priceless landscapes, conserves wildlife and fish-

eries, offers unparalleled recreational opportunities, protects and interprets the cultural collections that tell America's history, and manages resources that help to fulfill the Nation's demands for energy, minerals, and water. Through its trust responsibilities on behalf of American Indians and Alaska Natives, Interior supports tribal self-governance and the strengthening of Indian communities. For affiliated island communities, the Department fulfills important commitments providing much needed technical and financial assistance.

2010—A YEAR OF CHALLENGE AND SUCCESS

At the start of the administration in 2009, I set Interior on a course to create a comprehensive strategy to advance a new energy frontier; tackle the impacts of a changing landscape; improve the sustainable use of water; engage youth in the outdoors; and improve the safety of Indian communities. These priority goals integrate the strengths of the Department's diverse bureaus and offices to address key challenges of importance to the American public. Interior has been making progress in these areas, including:

—Approving 12 renewable energy projects on public lands that when built, will produce almost 4,000 megawatts of energy, enough energy to power close to 1 million American homes, and create thousands of construction and operational jobs.

—Designating more than 5,000 miles of transmission corridors on public lands to facilitate siting and permitting of transmission lines and processing more than 30 applications for major transmission corridor rights-of-way.

—Establishing 3 of 8 planned regional climate science centers and 9 of 21 landscape conservation cooperatives.

—Increasing the number of youth employed in conservation through Interior or its partners increased by 45 percent more than 2009 levels.

—Reducing overall crime in four Indian communities as a result of a concerted effort to increase deployed law enforcement officers, and conduct training in community policing techniques, and engage the communities in law enforcement efforts.

The tragic events resulting from the explosion and sinking of the Deepwater Horizon drilling rig in April of last year drew the attention of the world to the Gulf of Mexico. Much of the focus of the Interior's bureaus and offices in 2010 was on oil spill response, gulf coast restoration, strengthening safety and environmental standards for offshore energy production, and re-organizing and reforming the former Minerals Management Service (MMS). Nonetheless, the Department advanced other key priorities and strategic goals that will improve the conservation and management of natural and cultural resources into the future:

—Interior, along with the Department of Agriculture, the Environmental Protection Agency, and the Council on Environmental Quality (CEQ), participated in the White House Conference on America's Great Outdoors and held 50 public listening sessions across the Country that have helped shape a conservation vision and strategy for the 21st century. We have released a report, America's Great Outdoors: A Promise to Future Generations, that lays out a partnership agenda for 21st century conservation and recreation.

—In the spirit of America's Great Outdoors, we welcomed new national wildlife refuges in Kansas and Colorado and proposed a new conservation area in Florida at the headwaters to the Everglades. These refuges mark a new era of conservation for the Department, one that is community-driven, science-based, and takes into account entire ecosystems and working landscapes.

—The Department worked with others to develop an action plan to bring relief for the drought-stricken California Bay-Delta area, invested more than $500 million in major water projects over the past 2 years, and moved forward on long-standing water availability issues in the Colorado River Basin.

—In December, I issued my recommendation to the Congress to undertake an additional 5.5 miles of bridging on the Tamiami Trail in the Everglades above and beyond the 1-mile bridge now under construction. When combined with other planned work in the Everglades Agricultural Area and water conservation areas, this project should restore 100 percent of historic water quantity and flow to Everglades National Park.

—With the help of the Congress, we brought about resolution of the *Cobell* v. *Salazar* settlement and resolved four long-standing Indian water rights issues through enactment of the Claims Resolution Act of 2010. We also completed negotiation of a new Compact of Free Association with the island of Palau which awaits congressional approval.

—In December of last year, the President hosted the second White House Tribal Nations Conference bringing together tribal leaders from across the United States; we are improving the Nation-to-nation relationship with 565 tribes.

INTERIOR'S BUDGET IN CONTEXT

In his State of the Union Address in January, President Obama spoke of what it will take to "win the future." He challenged the Nation to encourage American innovation, educate young people, rebuild America, and shrink the burden of mounting debt. Interior's 2012 budget request responds to this challenge. The investments proposed in this budget are balanced by reductions in other programs—recognizing the Nation's need to live within its means to ensure a legacy of economic strength.

*Taking Fiscal Responsibility*.—Interior's 2012 budget must be viewed in context of the difficult fiscal times facing the Nation and the President's freeze on discretionary funding. The 2012 budget reflects many difficult budget choices, cutting worthy programs and advancing efforts to shrink Federal spending. The budget contains reductions totaling $1.1 billion or 8.9 percent of the 2010 enacted/2011 continuing resolution level. Staffing reductions are anticipated in some program areas, which will be achieved through attrition, outplacement, and buy-outs to minimize the need to conduct reductions in force to the greatest extent possible. These reductions are a necessary component of maintaining overall fiscal restraint while allowing us to invest additional resources in core agency priorities.

This budget is responsible. The $12.2 billion budget funds important investments by eliminating and reducing lower-priority programs, deferring projects, reducing redundancy, streamlining management, and capturing administrative and efficiency savings. It maintains funding levels for core functions that are vital to uphold stewardship responsibilities and sustain key initiatives. The 2012 request includes $11.2 billion for programs funded by the Interior, Environment, and Related Agencies appropriation. This is $69.2 million, or less than 1 percent, more than the 2010 enacted level and $87.6 million above the 2011 annualized continuing resolution level. The 2012 request for the Bureau of Reclamation (BOR) and the Central Utah Project Completion Act, funded in the Energy and Water Development Appropriations Act, is $1.1 billion in current appropriations, $88.3 million or 8 percent below the 2010 enacted level and $78.3 million or 7 percent below the 2011 continuing resolution level.

Permanent funding that becomes available as a result of existing legislation without further action by the Congress results in an additional $5.6 billion, for $17.8 billion in total budget authority for the Interior in 2012.

*Program Reductions and Terminations*.—Interior's $12.2 billion budget proposal includes $913.6 million in program terminations and program reductions of which $188 million are featured in the President's list of terminations and reductions. This also includes the elimination of $47.6 million in congressional earmarks not related to land acquisition or construction.

These cuts were identified as part of a top to bottom review that considered mission criticality, the ability of partners to support the function, duplication or overlap, relevance to key initiatives, program performance, the relevance of timing and if the activity could be deferred, and short- and long-term strategic goals.

Examples of the tough decisions made in 2012 include terminating the $7 million Rural Fire Assistance program which is duplicative of other fire assistance grant programs managed by the Department of Homeland Security and Department of Agriculture. The National Park Service's (NPS) Save America's Treasures and Preserve America programs are eliminated in 2012 to focus the NPS resources on the highest-priority park requirements. The NPS Heritage Partnership Programs are reduced by half to encourage self-sufficiency among well-established National Heritage Areas while continuing support for newer areas. In the Bureau of Indian Affairs (BIA), the Indian Guaranteed Loan Program is reduced 63 percent in 2012 pending an evaluation of the program's effectiveness and alternatives to improve program performance.

Program reductions are proposed in every bureau and office in the Department. One area that is reduced Interior-wide is construction. The budget includes $178.8 million for the Bureau of Land Management (BLM), Fish and Wildlife Service (FWS), and the NPS construction programs; in total this is a reduction of $100.2 million or 36 percent from the 2010 enacted/2011 continuing resolution level. To achieve these reductions, the Department has frozen construction of new facilities in 2012 and deferred construction of replacement facilities. Interior's 2012 request for construction focuses on the highest-priority health and safety and mission critical projects and defers lower priorities. The Department is committed to the repair

and rehabilitation of current assets and funding for facility maintenance is held nearly level.

*Administrative Savings*.—The budget includes $99.4 million in reductions reflecting administrative cost savings as part of the administration's Accountable Government initiative. These reductions will be generated by efficiencies throughout Interior, changing how the Department manages travel, employee relocation, acquisition of supplies and printing services, and the use of advisory services. These reductions are in addition to $620 million in travel, information technology, and strategic sourcing savings identified as part of the President's 2011 request. These reductions are sustained in the 2012 request along with bureau-specific efficiencies.

—The Department will achieve $42 million in savings in travel and relocation through improved management at the program level and re-examination of Departmental policies.

—An estimated $53 million in savings will be achieved through acquisition improvement initiatives including shared contracts to use Interior-wide for the acquisition of commodities, supplies, and services. In 2011, Interior is implementing Department-wide strategic-sourcing initiatives for office supplies and copier-based multifunctional devices. Savings from expanded strategic sourcing is one component of a comprehensive plan to improve acquisition practices throughout Interior.

—Efficiency savings from expanded strategic sourcing is one component of a comprehensive plan to improve acquisition practices throughout Interior. Another component to reduce advisory services spending will achieve an approximate $15 million in savings.

—Through careful planning, strategic investments, and unprecedented cooperation, significant opportunity exists to realize efficiencies in the Department's IT infrastructure of an estimated $36 million, including energy and cost savings. The Department has identified five primary focus areas:

  —risk-based information security services;

  —infrastructure consolidation;

  —unified messaging;

  —workstation ratio reduction;

  —radio site consolidation; and

—The Department's 2012 budget reflects a freeze on Federal salaries for 2011 and 2012 and requirements to address fixed-cost increases are limited to anticipated changes in the Federal contributions to health benefits, GSA rent increases, changes in workers and unemployment compensation costs, and specific contract requirements for Public Law 93–638 agreements.

*Cost Recovery*.—The budget proposes to increase cost recovery to offset the cost of some source development activities that provide clear benefits to customers.

The budget proposes to increase fees for offshore oil and gas inspections from $10 million in the 2010 enacted budget to $65 million in 2012. These fee collections incorporate a more robust inspection program and expand the scope of offshore inspection fees to include offshore drilling rigs, given the need for greater scrutiny of drilling operations as a core component of deepwater oil and gas development. This is consistent with the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling. The report states that the oil and gas industry should be "required to pay for its regulators" so that the costs of regulation "would no longer be funded by taxpayers but instead by the industry that is permitted to have access to a publicly owned resource."

Similarly, the budget proposes to collect $38 million for onshore oil and gas inspection activities conducted by the BLM. The budget also proposes new fees totaling $4.4 million for coal and other minerals inspections conducted by the BLM to recover the costs of inspecting these operations.

Likewise, the budget proposes to decrease Office of Surface Mining (OSM) grants to State programs that regulate the coal industry, to encourage those States to increase cost recovery fees for coal mine permit processing.

INVESTMENTS FOR THE FUTURE

*America's Great Outdoors*.—Last year, the administration initiated a national dialogue at the White House Conference on America's Great Outdoors. In 50 listening sessions held across the Country, the public communicated their conservation and recreation priorities, and the result is a report to the President, America's Great Outdoors: A Promise to Future Generations. The report outlines how the Federal Government can support a renewed and refreshed conservation vision by working in collaboration with communities, farmers and ranchers, businesses, conservation-

ists, youth and others who are working to protect the places that matter to them and by engaging people across the country in conservation and recreation.

The report calls for the Government and its partners to help conserve and recreate on the lands and places that Americans care about most. To this end, the report recommends expanding access to green spaces for recreation, restoring, and connecting open spaces and rural landscapes to power economic revitalization and species conservation, and increasing our investment of revenue from oil and gas development in the protection of open spaces. The report calls for the revision of Government policies to improve program effectiveness and alignment, and leverage local, community-driven efforts and asks the Federal Government to be a better partner with States, tribes, landowners, local communities, the private sector and others to meet shared conservation goals.

The 2012 President's budget identifies resources that are targeted on these outcomes with $5.5 billion for programs included in the America's Great Outdoors initiative, an increase of $363 million more than the fiscal year 2010 level. The components of this budget request include land management operations, programs funded through the Land and Water Conservation Fund (LWCF), and grant programs focused on partnerships that conserve natural resources, restore, rivers and trails, and preserve the Nation's historic assets.

The 2012 budget for the America's Great Outdoors initiative includes $4.6 billion for core operations, an increase of $13.5 million, in the land and resource management bureaus—the BLM, FWS, and NPS. Increases in Interior's land management bureaus will enhance cultural and interpretative programs throughout our network of national parks, refuges, and public lands. This funding will also support day-to-day operations, improve the condition of facilities, and address natural resource management needs. More than 285 million Americans and foreign tourists visited the Nation's national parks in 2009, nearly 11 million more than in 2008, a 3.9 percent increase. This was the fifth busiest year for the National Park System, just missing the all-time visitation record set in 1987. The increased visitation to the national parks reinforces the importance and value Americans place on their treasured landscapes.

The initiative also includes $675 million for programs funded from the LWCF. The components of this request are: $375 million for Federal land acquisition, $200 million for an expanded LWCF State grants program including competitive grants, and $100 million for Cooperative Endangered Species Conservation Grants.

The 2012 budget for Interior and the U.S. Forest Service (USFS) includes full funding, $900 million, for the LWCF. This funding is drawn from revenue generated each year from oil and gas development. This fulfills the vision for the LWCF, with a dedicated source of funding generated from the depletion of resources to be used annually to advance resource conservation and recreational opportunities. For the 2012 budget, the Department coordinates Interior bureaus' and the USFS's land acquisition priorities and presents a joint conservation strategy that maximizes conservation outcomes in key geographic focal areas.

The 2012 budget also includes $150 million for fish and wildlife conservation grants, an increase of $7 million, including $50 million for the North American Wetlands Conservation Fund, $95 million for State and Tribal Wildlife Grants, and $5 million for Neotropical Migratory Bird Conservation Grants. An additional $72.4 million is proposed for the NPS partnership programs, including $62.4 million for historic preservation grants to States and tribes, an increase of $6.5 million and $10 million for the Rivers, Trails and Conservation Assistance program, an increase of $1.1 million.

The 2012 America's Great Outdoors initiative focuses on investments that will lead to healthy lands, waters, and resources while stimulating the economy—goals that are complementary. Through strategic partnerships, Interior will support and protect historic uses of lands, restore lands and resources, protect and interpret historic and cultural resources, and expand outdoor recreation opportunities. All of these activities have significant economic benefits in rural and urban communities. An economic impact analysis completed by the Department in December 2009 estimates that in 2008 more than 400 million visits to the Nation's parks, refuges, and public lands generated nearly $25 billion and more than 300,000 jobs in recreation and tourism, contributing significantly to the economic vitality of many communities.

*New Energy Frontier*.—The 2012 budget continues the Department's New Energy Frontier initiative to create jobs, reduce the Nation's dependence on fossil fuels and oil imports, and reduce carbon impacts. Facilitating renewable energy development is a major component of this strategy along with effective management of conventional energy programs.

The Department has made significant advances in its priority goal to increase approved capacity for renewable energy production on Interior lands by at least 10,000 megawatts by the end of 2012, while ensuring full environmental review. To date, the BLM has approved projects that, when built, will generate approximately 4,000 megawatts of energy. The budget requests $72.9 million for renewable energy programs in 2012, an increase of $13.9 million more than the 2010 enacted/2011 continuing resolution level.

While we work to develop renewable energy sources, domestic oil and gas production remain critical to our Nation's energy supply and to reducing our dependence on foreign oil. As was underscored by the tragic explosion of the Deepwater Horizon and the oil spill that followed, we must take immediate steps to make production safer and more environmentally responsible. The recently released report from the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling concludes that neither industry nor the Government were adequately prepared to respond to a blowout in deepwater. We have been aggressively pursuing reforms to raise the bar on safety standards for offshore drilling—including new standards for how well they are drilled and for the safety systems to prevent blowouts, as well as requiring operators to demonstrate that they are able to respond promptly and effectively to a loss of well control in deepwater. We are also making fundamental changes to improve the effectiveness of Government safety oversight and environmental protection.

The Commission's recommendations are, in many ways, a strong validation of the reforms that we at the Department of the Interior have been undertaking to promote safety and science in offshore oil and gas operations. Moreover, the Commission's findings and recommendations bolster the case for Interior's comprehensive reforms and the reorganization of offshore oil and gas oversight that will remedy conflicted missions, stand up a stronger regulatory framework, create an internal review unit to investigate problems in a timely manner, improve agency and industry management of safety and environmental protection, and expand the team of inspectors, engineers and other safety personnel. Many reforms have already been accomplished including:

—Implementation of strong new safety and environmental standards including:
  —a safety rule that raises standards for everything from drilling equipment and well design to casing and cementing;
  —a requirement that companies establish comprehensive risk management programs;
  —a requirement that operators demonstrate capability to deal with a catastrophic blowout;
  —limiting the use of categorical exclusions so that proposed lease sales and drilling projects go through rigorous environmental reviews under the National Environmental Policy Act (NEPA); and
  —requiring companies to put their signature on the line to state that their rigs comply with safety and environmental laws and regulations; and
—Termination of the controversial royalty-in-kind program, which accepted oil and natural gas from producers in lieu of cash royalty payments, in favor of a more transparent and accountable royalty collection system.
—Dissolution of the MMS with the transfer of minerals revenue management to the Office of Natural Resources Revenue (ONRR) in the Office of the Secretary and creation of the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) as an interim organization while further structural changes are made.
—Formulation of a plan for reorganization of the former MMS that will separate the offshore resource management and the safety and environmental enforcement programs into two independent organizations—the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement.
—Development and implementation of regulations and guidance to operators to heighten standards for drilling safety, including requiring operators to demonstrate the ability to respond to a deepwater blowout.
—Continuing to pursue changes responsive to the recommendations of the Safety Oversight Board, the National Academy of Engineering, and the National Commission on the BP Deepwater Horizon oil Spill.
—Completion of a review of ethics issues related to the Department's management of the OCS program and creation of the Investigations and Review Unit.
—Implementation of a recruitment strategy for BOEMRE to expand the field of inspectors and engineers including recruitment tours of petroleum engineering programs at universities across the country.

—Establishment of the Offshore Energy Safety Advisory Committee to advise BOEMRE on issues related to offshore energy safety, including drilling and workplace safety, well intervention and containment, and oil spill response.

The 2012 budget includes $506.3 million for the components of the former MMS to continue our efforts at reorganization and reform of both offshore energy development activities and mineral revenue collection. This includes a total program of $358.4 million for the BOEMRE, an increase of $119.3 million, or 50 percent, more than the 2010 enacted level, after adjusting for the transfer of mineral revenue collections to the new ONRR. The budget proposes to offset BOEMRE program funding with $160.2 million in offsetting rental receipts and cost recoveries and $65 million from oil and gas inspection fees.

The budget makes investments to increase capacity for leasing and environmental review, safety and environmental enforcement, and oil spill research. This request will enable Interior to hire more than 100 inspectors, engineers, and other safety and enforcement staff by the end of 2012. The 2012 budget includes funding for the Investigations and Review Unit to respond to allegations or evidence of misconduct and unethical behavior; oversee and coordinate internal auditing, regulatory oversight and enforcement systems and programs; and ensure the organization's ability to respond to emerging issues and crises, including spills and accidents. Funding is also included to support the use of sound science in all of the Department's offshore energy activities.

The 2012 budget request also includes $147.9 million for the ONRR located in the Office of the Secretary. The proposed $38.7 million increase more than the 2010 enacted level will allow us to strengthen auditing and compliance efforts for royalty revenue collections and to complete the transition of the royalty-in-kind program to royalty-in-value collections.

*Youth in the Great Outdoors*.—Furthering the youth and conservation goals of the America's Great Outdoors initiative, the 2012 budget proposes to continue engaging youth by employing and educating young people from all backgrounds. The 2012 budget includes $46.8 million for youth programs, an increase of $7.6 million more than the 2010 enacted/2011 continuing resolution level.

Interior is uniquely qualified to engage and educate young people in the outdoors and has programs that establish connections for youth ages 18 to 25 with natural and cultural resource conservation. These programs help address unemployment in young adults and address health issues by encouraging exercise and outdoor activities. For example, Interior is taking part in the First Lady's Let's Move initiative to combat the problem of childhood obesity. The BLM, NPS, and FWS have Let's Move Outside programs to promote physical activity for children and families on the Nation's public lands. Interior has long-standing partnerships with organizations such as the 4–H, the Boy Scouts, the Girl Scouts, the Youth Conservation Corps, and the Student Conservation Association. These programs leverage Federal investments to put young people to work and build a conservation ethic.

In 2010, Interior met its high-priority performance goal to employ 15,900 in conservation-related careers through the Department or its partners. This is a 45 percent increase from 2009. The 2012 goal is to increase this youth employment by 60 percent.

*Cooperative Landscape Conservation*.—The 2012 budget realigns programs and funding to better equip land and resource managers with the tools they need to effectively conserve resources in a rapidly changing environment. Significant changes in water availability, longer and more intense fire seasons, invasive species, and disease outbreaks are creating challenges for resource managers and impacting the sustainability of resources on public lands. These changes result in bark beetle infestations, deteriorated range conditions, and water shortages that negatively impact grazing, forestry, farming, as well as the status of wildlife and the condition of their habitats. Many of these problems are caused by or exacerbated by climate change.

The 2012 budget includes $175 million for cooperative landscape conservation, an increase of $43.8 million. The budget funds the completion of the climate science centers and landscape conservation cooperatives, the organizing framework for the Department's efforts to work collaboratively with others to understand and manage these changes. These efforts will allow the Department to meet its priority goal to identify resources vulnerable to climate change and implement coordinated adaptation response actions for 50 percent of the Nation by the end of 2012.

The request for the USGS climate variability science is $73 million, which includes $14.3 million for carbon sequestration research. The USGS is conducting cutting-edge research in biological and geological carbon sequestration, to investigate the potential of removing carbon dioxide from the atmosphere for storage in vegetation, soils, sediments, oil and gas reservoirs, and saline geologic formations. The

2012 budget will advance USGS research to assess rates and potential capacity for carbon storage in ecosystems, and evaluate the Nation's potential resources for geological storage.

*Water Challenges*.—Interior is working to address the 21st century pressures on the Nation's water supplies. Population growth, aging water infrastructure, changing climate, rising energy demands, impaired water quality and environmental needs are among the challenges. Water shortage and water use conflicts have become more commonplace in many areas of the United States, even in normal water years. As competition for water resources grows, the need for information and tools to aid water resource managers also grows. Water issues and challenges are increasing across the Nation, but particularly in the West and Southeast due to prolonged drought. Traditional water management approaches no longer meet today's needs.

The request for the BOR funded in the Energy and Water Development appropriation proposes to fund WaterSMART at $58.9 million. This program is a joint effort with the USGS. The USGS will use $10.9 million, an increase of $9 million, for a multi-year, nationwide water availability and use assessment program.

The Department is working hard to address water issues throughout the West. Most of the work is led by the Department's BOR funded through the Energy and Water Development appropriation. Many of the Department's other bureaus, like the FWS, and the U.S. Geological Survey (USGS), partner and offer additional support to these efforts.

The Bay-Delta is a source of drinking water for 25 million Californians and sustains about $400 billion in annual economic activity, including a $28 billion agricultural industry and up until recently supported a thriving commercial and recreational fishing industry. Our efforts in the Bay-Delta are focused on co-leading an inter-agency effort with the CEQ to implement the December 2009 Interim Federal Action Plan for the California Bay-Delta Conservation Plan. In coordination with five other Federal agencies, we are leveraging our activities to address California water issues, promote water efficiency and conservation, expand voluntary water transfers in the Central Valley, fund drought relief projects, and make investments in water infrastructure. Over the past 2 years, we have invested more than $500 million in water projects in California. We have also, in close coordination with NOAA and the State of California, worked on the California Bay-Delta Conservation Plan, a long-term plan aimed at restoring both reliable water supplies and a healthy Bay-Delta ecosystem.

On February 18, we announced the initial 2011 Water Supply Allocation for Central Valley Project (CVP) water users. We were pleased to report that some of the CVP contractors and waters users will receive a 100 percent allocation due to the precipitation and snowpack in the Sierra Nevada Mountains and improved carry-over reservoir storage. Agricultural water service contractors South-of-Delta have an initial allocation of 50 percent, but this is an improvement on the 46 percent initial allocation they've averaged over the past 20 years. These allocations represent good news given recent years, but many challenges remain. We will continue to work with our Federal, State, and local partners to improve water supply reliability while addressing significant ecological issues.

Our 2012 budget for the BOR includes $53.1 million for the CVP Restoration Fund that is offset by collections estimated at $52.8 million. The 2012 budget for BOR includes $39.7 million for the California Bay-Delta Restoration account and $35.1 million for San Joaquin River restoration. An additional $6.9 million is included in the budget for the FWS and the USGS activities in support of Bay-Delta ecosystem restoration.

*Strengthening Tribal Nations*.—The 2012 budget for Indian programs is $2.5 billion, a decrease of $118.9 million. The reduction includes completion of a one-time $50 million forward funding payment to tribal colleges, completion of $47 million in public safety projects normally funded by the Department of Justice, and $14.5 million for completed water settlements.

The BIA budget includes reductions that are tougher choices, including reductions of $27 million in Trust Real Estate Services, $14.2 million in central oversight programs, and $5.1 million in the Indian Guaranteed Loan Program.

The 2012 budget provides $89.6 million in increases including: $42.3 million for programs that advance the Nation-to-Nation relationship; $20 million to enhance public safety and justice programs; $18.4 million to improve trust land management; and $8.9 million for education programs. The 2012 budget includes an increase of $29.5 million for contract support and the Indian Self-Determination Fund—this was the highest priority of the Indian tribes. These funds will enable tribes to fulfill administrative requirements associated with operating programs.

The 2012 budget supports achievement of a priority goal to reduce violent crime by at least 5 percent within 24 months on targeted tribal reservations through a

comprehensive and coordinated strategy. The budget includes $354.7 million, an increase of $20 million, for law enforcement operations, detention center operations and maintenance, tribal courts, and conservation law enforcement officers.

*Indian Land and Water Settlements*.—The 2012 budget includes $84.3 million in the BOR and BIA to implement land and water settlements.

The BOR's budget includes $51.5 million, an increase of $26.7 million, for the initial implementation of four settlements authorized in the Claims Resolution Act of 2010. The legislation included water settlements for the Taos Pueblo of New Mexico and Pueblos of New Mexico named in the *Aamodt* case, the Crow Tribe of Montana, and the White Mountain Apache Tribe of Arizona.

The Claims Resolution Act of 2010 establishes trust funds for tribes to manage water systems and settlement funds to develop infrastructure. The primary responsibility for constructing these water systems was given to the BOR, while the BIA is responsible for the majority of the trust funds, which includes $207.2 million in mandatory funding in 2011.

These settlements will deliver clean water to the Taos Pueblo and the Pueblos of Nambe; Pojoaque, San Ildefonso, and Tesuque in New Mexico; the Crow Tribe of Montana; and the White Mountain Apache Tribe of Arizona. In addition to funding for the initial implementation of these four settlements, BOR's budget includes $24.8 million for the Navajo-Gallup Water Supply project. In the 2012 budget, BOR is establishing an Indian Water Rights Settlements account to assure continuity in the construction of the authorized projects and to highlight and enhance transparency.

The BIA 2012 budget includes $32.9 million for ongoing Indian land and water settlements, a reduction of $12.9 million, reflecting completion of the Pueblo of Isleta, Puget Sound regional shellfish, and Soboba Band of Luiseno Indians settlements.

*Land Remote Sensing*.—For 40 years, Landsat satellites have recorded the global landscape, creating an archive of both natural and manmade changes. This imagery generates $935 million in value for the U.S. economy by driving innovation in the agricultural, water management, and disaster response sectors. For example, foresters around the country use Landsat imagery to remotely map and monitor the status of woodlands in near real-time. This allows them to track the devastation caused by the pine bark beetle in the Rocky Mountains and monitor drought and fire-prone areas.

Landsat fills an essential need for data that is refreshed on a time scale and with a level of resolution and granular detail that is otherwise not available. Commercial data is not available that fill a void that could be created in the absence of continuous Landsat coverage.

The 2012 budget for the USGS includes $48 million to begin planning activities with the National Aeronautics and Space Administration (NASA) for an operational Landsat program. Consistent with the administration's national space policy, the 2012 budget enables the USGS to assume management responsibility for a new operational Landsat program that will ensure continuity of Landsat data in the future. The USGS will provide data requirements and funding, while NASA, drawing on its historic expertise, will build the Landsat satellites on a reimbursable basis for the USGS. This new operating structure is consistent with the approach used for NOAA's JPSS weather satellites, and will ensure sufficient oversight while avoiding duplication.

The 2012 budget will enable the USGS to gather and prioritize Federal user community requirements for land image data, conduct trade studies on key design alternatives related to the development of the imaging device, initiate the procurement process through NASA for the Landsat 9 and 10 instruments and spacecrafts, and establish a science advisory team, in order to launch Landsat 9 in fiscal year 2019 and Landsat 10 in fiscal year 2024.

Also included within a new separate account for National Land Imaging is an increase of $13.4 million to complete the retooling of the ground receiving stations to be able to receive data from the new instruments on Landsat 8, expected to be launched in December 2012.

MANDATORY PROPOSALS

Interior continues to generate more revenue for the U.S. Treasury than its annual discretionary appropriation. In 2012, Interior will generate revenue of approximately $14.1 billion and propose mandatory legislation estimated to generate another $3 billion in revenue and savings over 10 years. The budget assumes the enactment of legislative proposals that we plan to submit to the Congress in the coming weeks. These proposals will reform abandoned mine reclamation and hardrock

mining on Federal lands, and collect a fair return to the American taxpayer for the development of Federal resources.

*Reform Abandoned Mine Land (AML) Reclamation*.—The administration proposes to reform the AML program to reduce unnecessary spending and ensure that the Nation's highest- priority abandoned coal and hardrock sites are reclaimed. First, the budget proposes to terminate the unrestricted payments to States and tribes that have been certified for completing their coal reclamation work as these payments are no longer needed for reclamation of abandoned coal mine lands. Second, the budget proposes to reform the distribution process for the remaining reclamation funding to competitively allocate available resources to the highest-priority coal AML sites. Through a competitive grant program, a new Abandoned Mine Lands Advisory Council will review and rank the AML sites, so that the OSM can distribute grants to reclaim the highest-priority coal sites each year.

Third, to address the legacy of abandoned hardrock mines across the United States, Interior will create a parallel AML program for abandoned hardrock sites. Like the coal program, hardrock reclamation would be financed by a new AML fee on the production of hardrock minerals on both public and private lands displaced after January 2012. The BLM would distribute the funds through a competitive grant program to reclaim the highest priority hardrock abandoned sites on Federal, State, tribal, and private lands.

Altogether, this proposal will save $1.3 billion over the next 10 years, focus available coal fees on the Nation's most dangerous abandoned coal mines, and hold the hardrock mining industry responsible for cleaning up the hazards left by their predecessors.

*Reform Hardrock Mining on Federal Lands*.—The budget proposes to provide a fair return to the taxpayer from hardrock production on Federal lands. The proposal would institute a leasing program under the Mineral Leasing Act of 1920 for certain hardrock minerals including gold, silver, lead, zinc, copper, uranium, and molybdenum, currently covered by the General Mining Law of 1872.

After enactment, mining for these metals on Federal lands would be governed by the new leasing process and subject to annual rental payments and a royalty of not less than 5 percent of gross proceeds. Half of the receipts would be distributed to the States in which the leases are located and the remaining half would be deposited in the Treasury. Existing mining claims would be exempt from the change to a leasing system, but would be subject to increases in the annual maintenance fees under the General Mining Law of 1872. The ONRR will collect, account for, and disburse the hardrock royalty receipts. This proposal would generate an estimated $100 million in revenue over 10 years.

*Fee on Nonproducing Oil and Gas Leases*.—The administration will submit a legislative proposal to encourage energy production on lands and waters leased for development. A $4 per-acre fee on nonproducing Federal leases both onshore and offshore would provide a financial incentive for oil and gas companies to either get their leases into production or relinquish them so that the tracts can be leased to and developed by new parties. The proposed $4 per-acre fee would apply to all new leases and would be indexed annually. In October 2008, the Government Accountability Office issued a report critical of past efforts by Interior to ensure that companies diligently develop their Federal leases. Although the report focused on administrative actions that the Department could undertake, this proposal requires legislative action. This proposal is similar to other nonproducing fee proposals considered by the Congress in the last several years. The fee is projected to generate revenues to the U.S. Treasury of $25 million in 2012 and $874 million over 10 years.

*Net Receipts Sharing for Energy Minerals*.—The administration proposes to make permanent the current arrangement for sharing the cost to administer energy and minerals receipts, beginning in 2013. Under current law, States receiving significant payments from mineral revenue development on Federal lands also share in the costs of administering the Federal mineral leases from which the revenue is generated. In 2012, this net receipts sharing deduction from mineral revenue payments to States would be implemented as an offset to the Interior appropriations act, consistent with the provision included in 2010 and continued under the 2011 continuing resolution. Permanent implementation of net receipts sharing is expected to result in savings of $44 million in 2013 and $441 million over 10 years.

*Repeal Oil and Gas Fee Prohibition and Mandatory Permit Funds*.—The administration proposes to repeal portions of section 365 of the Energy Policy Act, beginning in 2013. Section 365 diverted mineral leasing receipts from the U.S. Treasury to a BLM Permit Processing Improvement Fund and also prohibited the BLM from establishing cost recovery fees for processing applications for oil and gas permits to drill. The Congress has implemented permit fees through appropriations language for the last several years and the 2012 budget proposes to continue this practice.

Starting in 2013, upon elimination of the fee prohibition, the BLM will promulgate regulations to administratively establish fees for applications for permits to drill. In combination with normal discretionary appropriations, these cost recovery fees will then replace the permit fees set annually through appropriations language and the mandatory permit fund, which would also be repealed starting in 2013. Savings from terminating this mandatory funding are estimated at $20 million in 2013 and $57 million over 3 years.

*Geothermal Energy Receipts*.—The administration proposes to repeal section 224(b) of the Energy Policy Act of 2005. Prior to passage of this legislation, geothermal revenues were split between the Federal Government and States, with 50 percent directed to States, and 50 percent to the Treasury. The Energy Policy Act of 2005 changed this distribution beginning in 2006 to direct 50 percent to States, 25 percent to counties, and for a period of 5 years, 25 percent to a new BLM Geothermal Steam Act Implementation Fund. The allocations to the new BLM geothermal fund were discontinued a year early through a provision in the 2010 Interior, Environment, and Realted Agencies Appropriations Act. The repeal of section 224(b) will permanently discontinue payments to counties and restore the disposition of Federal geothermal leasing revenues to the historical formula of 50 percent to the States and 50 percent to the Treasury. This results in savings of $6.5 million in 2012 and $74 million over 10 years.

*Deep Gas and Deepwater Incentives*.—The administration proposes to repeal section 344 of the Energy Policy Act of 2005. section 344 mandated royalty incentives for certain "deep gas" production on the OCS. This change will help ensure that Americans receive fair value for federally owned mineral resources. Based on current oil and gas price projections, the budget does not assume savings from this change; however, the proposal could generate savings to the Treasury if future natural gas prices end up below current projections.

*Repeal of Authorities to Accept Royalty Payments In Kind*.—The administration proposes to solidify a recent Departmental reform terminating the Royalty-in-Kind program by repealing all Interior authorities to accept future royalties through this program. This change will help increase confidence that future royalty payments will be properly accounted for. The budget does not assume savings from this change because the administration does not anticipate restarting the program; however, if enacted, this proposal would provide additional certainty that a new Royalty-in-Kind program would not be initiated at some point in the future.

*Federal Land Transaction Facilitation Act*.—The administration proposes to reauthorize this act, eliminating the 2011 sunset date and allowing lands identified as suitable for disposal in recent land use plans to be sold using the act's authority. The act's sales revenues would continue to be used to fund the acquisition of environmentally sensitive lands and the administrative costs associated with conducting sales.

*Federal Migratory Bird Hunting and Conservation Stamps*.—Federal Migratory Bird Hunting and Conservation Stamps, commonly known as Duck Stamps, were originally created in 1934 as the annual Federal license required for hunting migratory waterfowl. Today, 98 percent of the receipts generated from the sale of these $15 stamps are used to acquire important migratory bird areas for migration, breeding, and wintering. The price of the Duck Stamp has not increased since 1991, while the cost of land and water has increased significantly. The administration proposes to increase these fees to $25 per stamp per year, beginning in 2012. Increasing the price of Duck Stamps will bring the estimate for the Migratory Bird Conservation account to approximately $58 million. With these increased receipts, the Department anticipates additional acquisition of approximately 7,000 acres in fee and approximately 10,000 acres in conservation easement in 2012. Total acres acquired for 2012 would then be approximately 28,000 acres in fee title and 47,000 acres in perpetual conservation easements.

*Compact of Free Association*.—On September 3, 2010, the United States and the Republic of Palau successfully concluded the review of the Compact of Free Association and signed a 15-year agreement that includes a package of assistance through 2024. Under the agreement, Palau committed to undertake economic, legislative, financial, and management reforms. The conclusion of the agreement reaffirms the close partnership between the United States and the Republic of Palau. Permanent and indefinite funding for the compact expired at the end of 2010. The 2012 budget seeks to authorize permanent funding for the Compact as it strengthens the foundations for economic development by developing public infrastructure, and improving healthcare and education. Compact funding will also undertake one or more infrastructure projects designed to support Palau's economic development efforts. The Republic of Palau has a strong track record of supporting the United States and its

location is strategically linked to Guam and United States operations in Kwajalein Atoll. The cost for this proposal for 2012–2021 is $188.5 million.

*Extend Service First Authority*.—The budget includes legislative language to extend authority for the Service First program. The laws creating Service First give the Departments of the Interior and Agriculture the authority to establish pilot programs that leverage joint resources. Service First allows certain land management agencies to conduct activities jointly or on behalf of one another; collocate in Federal offices or leased facilities; make reciprocal delegations of respective authorities, duties, and responsibilities; and transfer funds and provide reimbursements on an annual basis, including transfers and reimbursements for multi-year projects. This authority is currently set to expire at the end of 2011. The extension included in the budget will make the Service First authority permanent to continue these arrangements that have saved costs and improved effectiveness.

CONCLUSION

Thank you for the opportunity to testify on the President's 2012 budget request for the Department of the Interior. We have a tremendous opportunity to improve the future for our children and grandchildren with smart investments. This budget has fiscal discipline and restraint, but it includes forward looking investments. For America to be at its best and win the future, we need lands that are healthy, waters that are clean, and an expanded range of energy options to power our economy. I thank you again for your continued support of the Department's mission. 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 REED. Mr. Secretary, thank you for your statement, and I apologize that I almost pre-empted it inadvertently. So forgive me.

I know Senator Cochran is here. Senator, do you have any comments?

STATEMENT OF SENATOR THAD COCHRAN

Senator COCHRAN. Mr. Chairman, thank you very much. I am pleased to join the other members of the subcommittee in welcoming the distinguished Secretary to our subcommittee.

We did start off the day together at the Migratory Bird Conservation Commission meeting where we have worked together for some time. Of course, he was a Senator and he knows us all very well. So we cannot get away with bluffing or any of that.

We have got to know what we are talking about today.

But it is a pleasure to welcome him to our subcommittee.

Senator REED. You are absolutely right, Senator. This is more conversational than testimonial. That is why I think I slipped into the questions too quickly. But forgive me.

OIL AND GAS REVENUES

Just renewing the initial question, Mr. Secretary, with respect to the revenue program, there is a request for additional resources, additional employees. Can you tell us how you are going to use these resources to increase revenues and get this office off the GAO high-risk list?

Secretary SALAZAR. Absolutely. It is important to recognize, Senator Reed, that the principle we are aiming at is to get a fair return to the taxpayer because these are assets owned by the American citizen. It is a responsibility which I take seriously. It is a responsibility I know you want me to take seriously.

We have moved forward with significant reform efforts on the revenue side of what we do at the Department of the Interior, including the creation of the Office of Natural Resources Revenue

(ONRR), so we can make sure the problems in the past, including the ethical lapses and criminality within the royalty-in-kind program in Lakewood, Colorado, do not occur again. We are implementing the recommendations from the General Accounting Office, and in the budget that is before you, we have a request for $10 million for audit and compliance. Hopefully it will allow us to do an even better job in honoring that principle.

Senator REED. Thank you.

OIL AND GAS INSPECTIONS

A related issue and that is the issue in terms of inspection of some of this offshore drilling. You have requested the authority to impose an increase in fees from $10 million to $65 million. This has been objected to in some quarters as sort of an unsupportable burden on the industry. But we did a little checking and just as a comparison, for example, BP, which had Gulf of Mexico revenues last year of $10.9 billion, is being asked to pay under this new scheme about $1.5 million. That is .01 percent of their revenues. Similarly, Shell Oil, which made $61.1 billion in the gulf last year, is being asked to pay $1.8 million, or .03 percent of their gross revenues. And I could go on and on and on.

This money seems to be essential to benefit these companies and the American public by allowing you to be more thorough in your inspections, more confident in your leasing. And I am just surprised that this would be greeted by any opposition. I think it is a sensible business-like way of getting the job done.

So if you do not get this increase in fees, if you have to rely on the appropriations, the $10 million, what will that do in terms of the inspectors, in terms of speeding up the process of not only inspecting, but of just overall development of resources, Mr. Secretary?

Secretary SALAZAR. Thank you, Chairman Reed.

First, let me just say the revenues we seek here for the BOEMRE are absolutely essential if this Congress wants us to move forward with robust energy and gas production in America's oceans. We intend to do that, but we cannot do it without the personnel to do the job.

Second, I believe the fees we have suggested are reasonable fees. I will walk through a couple of them. For example, a $17,000 inspection fee for facilities that have up to 10 wells. You know, $17,000 in terms of the inspection fees for those kinds of facilities—and there are many of those operating on platforms off the gulf—does not seem to me to be unreasonable. An inspection fee of $31,500 for facilities with more than 10 wells. When you understand the complexity of these operations in the offshore, you have to recognize the need in order to be able to do the job of inspecting them. You need to have the right personnel and the right resources to do it. The fee program we have put forward in the budget to do the inspections, I think, is a reasonable one.

Senator REED. Thank you, Mr. Secretary.

I have additional questions, but at this time I would like to recognize the ranking member. Then we will conduct a second round if your time allows.

CHUKCHI SUPPLEMENTAL EIS

Senator MURKOWSKI. Thank you, Mr. Chairman.

Mr. Secretary, I would like to ask my initial question about a decision that came out Friday of last week. The BOEM announced that as part of its ongoing litigation in the lease sales up north, that it has revised its schedule for the completion of the supplemental EIS that is being prepared for the oil and gas lease sale 193 up in the Chukchi. And now I understand that the supplemental EIS is going to be revised to include a very large oil spill scenario. This is going to be made available to the public for comment, I understand, in May.

I am trying to understand kind of the thought process or what was behind all this, understanding when the supplemental EIS is expected to be completed, whether or not it will be worked on at the same time as the exploration plans.

What I am trying to get at here is, as you know very well, we have already experienced some very lengthy delays in the leasing process with both the Beaufort and the Chukchi. Shell canceled their plans for the 2011 season. I am trying to determine what impact this additional assessment, this revision is going to have on Shell and their proposal moving forward in 2012. So if I can ask you to speak to that.

Secretary SALAZAR. I will have David Hayes to speak to the specifics in terms of the timelines when we expect the supplemental EIS to be completed because I think he has those on the tip of his tongue.

Senator Murkowski, because I know your great interest in this, as well as the members of the subcommittee, our view on the Arctic, looking at what happened in the Gulf of Mexico last year, is it is a place where we need to move forward thoughtfully and make sure that we have adequate resources for oil spill response, and the science is well understood. We are, in fact, for the proposed plan scoping in the Arctic in both the Beaufort and the Chukchi Seas.

Having said that, I will also tell you there is a lot of work to be done up there. We had hoped the Shell exploration well could have moved forward this year in 2011. It probably will be on schedule to move forward in 2012.

Because your question is specifically on Chukchi 193 and the decision that came down, let me just have David Hayes speak about the SEIS and the rationale behind moving forward with that process. David.

Mr. HAYES. Yes. Senator, the reason for the additional environmental review is, during the comment period on the supplemental EIS, many critical comments came in suggesting the spill response analysis in the original EIS was vulnerable in a post-Macando world because it assumed no blowout had occurred in 30 years and had sort of the usual pre-Macando suggestion that the blowout was virtually inconceivable. We thought it was important, therefore, to address the issue on the record to ensure the environmental review associated with sale 193 will be valid and will provide the basis for moving forward with drilling.

We are on an expedited schedule to complete the supplemental work. As you correctly said, the draft we expect to come out in May

and a final SEIS is scheduled for September. We are looking forward to reviewing in parallel the exploration plan from Shell. We do not want this or expect this to affect the permitting process. We understand the timing sensitivity.

Senator MURKOWSKI. Let me ask you, though, because the initial comment period for the original SEIS had ended in October. So why did it take from October until just now last week in March to initiate this new scenario study? What was going on?

I guess an additional question to that was was there any consultation or discussion of the pros and cons regarding the additional study with any of the stakeholders on either side as we kind of talk about how we move forward to 2012.

Mr. HAYES. Senator, I am not privy to what sort of discussions there were. I know this was largely driven by the legal view the EIS was vulnerable and it should be addressed. I will be happy to look into the issue for you in terms of the outreach to the stakeholders.

Senator MURKOWSKI. Do you know why it took from October until now to add this additional scenario, if you will?

Mr. HAYES. I do not.

DEEPWATER DRILLING PERMITS

Senator MURKOWSKI. One more question before my time expires here, and this relates to an issue that was brought up in the Energy Committee hearing last week. I had asked you, Mr. Secretary, about Judge Feldman's ruling that the Department needed to act on five deepwater drilling permits in the Gulf of Mexico by the end of next week. I asked you if you were still on track. You at that time said that there was some disagreement, of course, with Judge Feldman's ruling. Mr. Hayes went on to state, I believe it was, that you did feel that you would be on track to complete or to comply with the order.

So where are we? That time period, as I understand, now for compliance is the end of next week. So the question is, will we be seeing anything in terms of additional permits between now and the time that the judge has requested?

Secretary SALAZAR. Senator Murkowski, let me say two things.

First, I disagree with the court order. Not only this court order, but other court orders issued in this particular situation. We will be appealing the judge's decision. So that is something that we will work out, work its way through the legal review, and we will see what the Fifth Circuit has to say about what I consider to be an overreach into administrative authority. Those arguments will obviously go into the realm of the legal review.

With respect to the issuance of permits, which is I think the more fundamental question you care so much about, as do other members of the subcommittee, we are moving. We did issue, as I testified in front of the Senate Energy and Natural Resources Committee, the first of the deepwater permits. It is a well which is at about 6,000 feet deep and will go almost 3½ miles below the ocean. It is a well which is expected, based on the geophysical information available, to be a huge producer in the Gulf of Mexico.

We have in hand a number of other permits that we expect to issue very soon in the deep water. These first permits, hopefully,

will become the template for allowing other deepwater permits to be issued in the Gulf of Mexico.

Part of the reason why these deepwater permits have not been issued until this point is because the oil spill containment efforts, which industry had been working on and which we had been encouraging, frankly were not ready and, indeed, are now just basically ready to come on line. Both the Helix oil spill containment program as well as the Marine Well Containment Corporation program are works that have been in progress.

The Deputy Secretary, along with Michael Bromwich and myself, went to Houston to do a visual inspection of the sealing caps and other things proposed as part of the containment program. We are more comfortable today, but frankly if industry is straight with the Congress and with the American people, they will tell you they were not ready to deal with an oil spill or blowout of the kind we saw at Macando, and we are just getting there now.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Senator REED. Thank you, Senator Murkowski.

Senator Tester.

Senator TESTER. Yes, thank you, Mr. Chairman and Ranking Member Murkowski. It is a pleasure to serve with you on this subcommittee.

Welcome, Secretary Salazar. Thank you for being here. I will tell you that I appreciate your vision for public lands and keeping them public for access. Critically important is your vision for water. You know how important water is being a Westerner. It is our most valuable resource. And I appreciate the work you have done for our Native Americans in this country. It has been very impressive.

And I know you have had a very difficult year with what transpired in the gulf. I think a lesser man would have had all his hair pulled out, and it is good it has not affected you in that way at all.

So thank you for being here.

WOLVES

Secretary, of course, you know what I am going to talk about. I am going to talk about wolves. Secretary Salazar, last month you began reviewing a conservation hunt proposal for the State of Idaho so that State professionals can cull wolf packs to protect livestock and big game. This is important. It is allowed under the 10(j) rule of the Endangered Species Act.

The State of Montana submitted an application for a professional hunt in the Bitterroot Valley, but the request has not moved forward. We had visited earlier about this issue. I was assured that Montana would receive authority last month in an expedited process. It is a critically important issue, as you know, that we get Montana's hunt approved as soon as possible. Can you give me the assurance today that we will start the same review, Montana being "we", as Idaho this week?

Secretary SALAZAR. The answer, Senator Tester, is yes. Let me just make two quick comments about the wolf issue because I know it is one of the issues which you have been so concerned about and have been pushing very hard to allow the wolf management to be turned back to the State of Montana so the hunts can be continued.

We believe at the Department of the Interior, the wolf has, in fact, been recovered and we should, in fact, return management of the wolf back to the State of Montana. We have litigation saying we have to consider Wyoming and Idaho as well. The Idaho and Montana plans are acceptable to us, as well as to the courts. On the other hand, Wyoming's plan is not. We are trying to work through a solution. We support your legislative efforts to move forward to find a solution.

Senator TESTER. Well, I appreciate that. I appreciate your leadership on that.

MONUMENTS AND REFUGES

I want to talk about monuments and refuges for a second. Mr. Secretary, the Department of the Interior does some great work in Montana. You need to be commended for that. You are partnering with landowners, local nongovernmental organizations, community groups, local businesses, and others to protect the way of life in the Rocky Mountain front for generations to come from oil and gas development. And make no mistake. There are folks who do not understand how important the front is to Montana's ranching and outdoor heritage. You do.

I appreciate your work with Canada, British Columbia, and the State of Montana to protect the North Fork of the Flathead from mining in the headwaters of the Flathead up in Canada. You have done some great work on that. It is outstanding.

These are all great efforts with huge benefits now for our children and grandchildren. The projects are locally supported, and they are great conservation success stories and I firmly believe any conservation in Montana must have solid local support before anything happens.

On the other hand, the Department of the Interior is not hearing a clear voice from eastern Montana residents about monuments and refuges. There is not the kind of local support that is critical to making this work. We have talked about this in the past. You have told me that nothing would go forward without local input, and I do appreciate that. But I am here to tell you that I am hearing clearly from the folks in eastern Montana when it comes to monuments and refuges, do not do this. There cannot be a new monument or refuge on the Missouri River in eastern Montana. Period.

Let us focus your efforts on the Rocky Mountain front, the Blackfoot, the North Fork, where you have done such great work. Let us focus making life better in Indian country in Montana. But the will is simply not there in eastern Montana. You can either comment to that or not. That is up to you.

Secretary SALAZAR. I would first say the great work you have done on the Flathead and the Rocky Mountain front, I think, are the great examples in Montana, and I could cite many of those kinds of examples all over the United States. It is what we want to do and we want to do it with our America's Great Outdoors effort throughout the country. They are locally driven conservation initiatives where we as the Federal Government can be partners in the same way as in the Migratory Bird Commission with Senator Cochran. I think we reviewed seven very significant projects for

wetlands and wildlife. It is that kind of approach that underpins everything we will do in conservation.

Senator TESTER. I appreciate that, Secretary Salazar. I can tell you what the people in eastern Montana told me very, very recently. Montana is a State of about 950,000 people. Not a lot of them live in the eastern part of the State. The majority of the population lives in the West. And they said we are a few people. We have been on this land for more than 100 years in many cases, and when it comes to input, is our input going to be given more weight than folks that live outside the State or outside the area? And that is really what their concern is. When we talked about ground up, you and I both know what we are talking about when we talk about ground up. But the fact is that if people within the EPA give as much weight to people that live outside the area and outside the State, as folks who have lived there, it could be a real problem.

Do you have any comment about that?

Secretary SALAZAR. I fully agree with the concept. I think coming from a very rural area myself, I never liked Denver telling the San Luis Valley what to do, and I did not like Washington telling Colorado what to do. I very much understand. And that is why we have engaged in significant outreach. I will tell you, Senator Tester, I intend to continue that kind of outreach in all the 50 States of the United States before we make final decisions on how we are moving forward on conservation initiatives.

Senator TESTER. Okay, thank you.

My time has run. Thank you, Mr. Chairman.

Senator REED. Thank you, Senator Tester.

Senator Blunt.

Senator BLUNT. Thank you, Chairman. I look forward to working with you and Senator Murkowski and others on this subcommittee.

Secretary, it is nice to see you again. I am glad you are here and I look forward to working with you too.

Just a couple of comments before I get to a question.

LAND ACQUISITION

One is in line with—maybe I will go ahead and ask a question. Do you anticipate acquiring more land? You mentioned that comment we are going to grow by another 100 million people. Where do they go? Is it part of your budget to acquire more Federal lands?

Secretary SALAZAR. The answer is yes, as appropriate, but as we have seen—and if I may, Senator Blunt and Mr. Chairman, just take as an example of what we did in Kansas with former Senator Brownback and now Governor Brownback and others as we created the Foothills National Conservation Area. It was an effort which was supported strongly by the Kansas Livestock Association, the Kansas Farm Bureau, and the Nature Conservancy, and a whole host of other organizations. What we did there was to create a 1.1 million acre national wildlife conservation area which will protect the last of the remaining tall grass prairie within North America. It was important for the ranchers that we do that because the ranchers wanted to make sure they had the ranching heritage on these working lands to pass on to future generations. They have been partners with us as we moved forward with the initiative. We are not buying those lands. It is a partnership that we are working

on with private landowners. We will seek as many of those opportunities as possible.

On the other hand, if you look at the Grand Tetons National Park, which is a crown jewel for the Nation and for the State of Wyoming, there are significant inholdings within the national park itself. We have an effort included in this budget request to buy out those inholdings so we do not have trophy homes essentially being built in the middle of what is one of the Nation's crown jewels.

Senator BLUNT. Well, thank you. I appreciate that. In fact I have in the past encouraged the Department to buy some pieces of land that made parkland more whole and more secure and more intended for what it wanted to be.

I will continue to be concerned, though, as I know you are, about maintaining what we have, whether it is the 50-year-old St. Louis Arch that is 50 years old this year and has significant challenges—I know you have been there and visited that location—or the mall 200 or 300 yards from where we sat. Maintaining what we have or making it conducive to people to visit is also important. And I look forward to working with you on that because our maintenance needs have been great in the system since I came to the Congress a dozen years ago, and they do not seem to be getting any better. They seem to be getting greater all the time.

I am glad to see some of the things happening on the mall with lots of private encouragement, and that is good. It seems like all of our big projects now have to involve a public/private partnership for lands or facilities that were essentially put there by the Federal Government for the people of the country and wind up with this big maintenance backlog. And I am concerned about that and will continue to be interested in that and want to work with you on that.

BUDGET REQUEST COMPARED TO 2008

Just a fundamental question. How does the 2012 budget compare to the 2008 budget? Does anybody have that number?

Secretary SALAZAR. Let me ask our budget director.

Senator BLUNT. While you are looking, I will let her look for that, and we will come back to that.

OIL SPILL

On the oil spill that you mentioned as a national crisis—and it was. I heard kids at school every day, as I would drop my son off there, saying has the oil spill stopped yet. And they were very concerned about it.

I hear different reports as to the long-term impact of that, and I think the last White House report I heard was that the long-term impact, not to minimize the oil spill or suggest we would ever want it to happen again, may be not as bad as we had thought. What do you see in the public and private lands as the impact of that oil spill?

Secretary SALAZAR. Senator Blunt, I have spent a good amount of time, obviously, in the last year over the Gulf of Mexico and the Mississippi Delta and have done so because I feel I have responsibility to make sure, as we move forward with oil and gas drilling, that we are doing it safely. I also have done it because of the great

importance of protecting the environment and the ecosystem. My hope is that out of this tragedy we will basically be able to stand up a gulf coast restoration program that finally restores the marshlands of the Mississippi River and helps us with barrier reefs and a whole host of other things that are so important to the five States that share the gulf coast. I know there is legislation being considered to try to at least get some of the civil penalties coming from this case into that kind of a gulf coast restoration.

My own personal view of what I have seen through my eyes as I have been in the area is much of the oil, yes, has been cleaned up, but there are still many places in the gulf where you can still see the remnants of oil. The assessments of what the damage is are still continuing. We have a Natural Resource Damage Assessment Program where we are working closely with the affected States to determine what the final damage is going to be. We will not know for a while, frankly, because there is a lot of science involved in trying to figure out what happened with the oil. It is an ongoing issue.

BUDGET REQUEST COMPARED TO 2008

Senator BLUNT. Back to the other question, I think maybe we have got the answer to that, the 2012 number versus the 2008 number.

Ms. HAZE. Yes, sir. The 2012 request is $12.2 billion. The 2008 funding level for the Department in discretionary funding was $11.5 billion. If you include supplemental appropriations from that year, it was $11.8 billion.

Senator BLUNT. And what about 2010? Do you happen to have that available also, which is the level we are spending right now.

Ms. HAZE. Right. That is $12.2 billion.

Senator BLUNT. $12.2 billion. And you are asking for——

Ms. HAZE. $12.2 billion.

Senator BLUNT. You are asking for the 2010 level.

Ms. HAZE. Essentially.

Senator BLUNT. Any new revenue sources in that that would not have been——

Ms. HAZE. Yes. We have increases for inspection fees in both the BOEMRE and the BLM. I am trying to remember if there is anything else.

Senator BLUNT. But level funding from 2010 and up from 2008 even with the supplemental in 2008.

Ms. HAZE. Right.

Senator BLUNT. I think I have gone over my time here, Mr. Chairman. I am sorry.

Senator REED. Thank you, Senator Blunt.

Secretary SALAZAR. If I may, Mr. Chairman——

Senator REED. Mr. Secretary.

Secretary SALAZAR [continuing]. Just make a quick comment to respond to Senator Blunt.

I think one thing, as we deal with these very difficult times on the deficit, Senator Blunt—and I know it is a concern of yours, a great concern of the members of this subcommittee, is to look at the history of funding of the different Departments. If you look at the Department of the Interior from 2001 through 2008, it essen-

tially was not funded at the levels that in my view were appropriate. The consequence is we ended up having a Government that, frankly, was dysfunctional in some areas, and including the efforts with respect to ocean energy and MMS. What we have been trying to do in the budgets for the last several years is to get up to the funding needs that will essentially allow us to do the job assigned to us over the now 163 years of history of the Department of the Interior.

Senator REED. Senator Collins, please.

Senator COLLINS. Thank you, Mr. Chairman.

Mr. Secretary, as I said, it is great to see you here again today.

OFFSHORE WIND ENERGY

One of the most promising renewable energy technologies in the country, indeed in the world, is the development of deepwater offshore wind energy to help us meet some of our Nation's electricity needs. I am very concerned that the United States may lose the race in developing this technology. Too often with the other alternative energy technologies, we have seen the development of the initial technology in the United States, but then we see China or some other country end up doing the development or the manufacturing. And solar is an example of that where the Chinese now manufacture the majority of solar panels.

I do not want us to lose the race for the development of deepwater offshore wind technology which does offer such promise. In order for the United States to win that technology race, we are going to need a partnership with the Federal Government, State governments, universities, and the private sector.

And that is exactly what we have been putting together in the State of Maine. The University of Maine, the State of Maine, a consortium of private companies have been working together to develop the research and technology and actually to develop a prototype of a windmill with new composite blades that are stronger and can more easily withstand the persistent, stronger offshore winds, which is, of course, the advantage of offshore deepwater winds.

With respect to the role of the Department of the Interior, where does deepwater offshore wind fit in within Interior's plans for leasing opportunities?

Secretary SALAZAR. Senator Collins, let me say it is a very high priority for the Department of the Interior. I am going to have David Hayes comment specifically on the deepwater offshore wind. But let me preface it by saying this.

We have worked very hard over the last 2 years with the Governors, Democrats, and Republicans—we do not make a distinction—from all the States on the Atlantic. We view the opportunity for the development of offshore wind as a huge opportunity on the Atlantic because of the quality of the wind and the importance of not having to go through the choke you sometimes have to go through when you are dealing with transporting renewable energy on the offshore and you have to build transmission. We have some great opportunities and have been working closely with the Department of Energy in funding a number of different projects and are looking at including the research. I am going to have David answer

part of the question because otherwise he will say, well, why do you need a deputy if you do all the talking?

Secretary SALAZAR. So David Hayes, the Deputy Secretary.

Senator COLLINS. Mr. Hayes.

Mr. HAYES. I will resist.

Senator, we share your enthusiasm for deepwater technology and think the State of Maine is the place to test drive this new technology. It fits in, as the Secretary is suggesting, with our Atlantic strategy, and Maine is the place with the deepwater and the strong winds. We are partnering, as you know, with the Department of Energy to pilot projects and with the efforts of the University of Maine and others. We are looking forward to continuing to work with the task force set up in Maine and with the new Governor to identify the best areas to pilot test the technology. We look forward to working with you to have Maine leading the world in terms of deepwater wind technology.

Senator COLLINS. Thank you. I am truly so excited about this opportunity. And the winds off the coast of Maine, as you know, are some of the strongest and most persistent. That is why I was a little concerned when I saw that the Department was designating some mid-Atlantic States for the expedited permitting when we have better wind.

I mean, there are a lot of opportunities, obviously, along the Atlantic sea coast, but truly, the studies do show that we have stronger and more persistent wind.

There is a need to inform the rulemaking and permitting processes for deepwater floating technologies, including the environmental design and safety criteria. Do you see a role for the Department by helping perhaps to sponsor a prototype deployment? That is what we are looking at in Maine is developing an offshore windmill that could be anchored or floated. They are still working out the technology. Do you see a role for the Department in helping to sponsor such a prototype?

Mr. HAYES. Absolutely, Senator. We are very interested in doing that. We are partnering with DOE to find some dollars, and they have already committed $1 million toward this effort. We will do our part, which is the permitting part, to help make that happen.

Senator COLLINS. Great. Thank you very much.

And thank you, Mr. Chairman.

Senator REED. Thank you, Senator Collins.

Senator Cochran.

PREPARED STATEMENT

Senator COCHRAN. Mr. Chairman, thank you very much. I have already made a comment or two, and I have an opening statement which I could read and I am sure everyone would appreciate my artful way of saying things. But I will withhold that impulse and ask——

Senator REED. We appreciate that also.

Senator COCHRAN [continuing]. That my statement be printed in the record.

Senator REED. Without objection.

[The statement follows:]

PREPARED STATEMENT OF SENATOR THAD COCHRAN

Mr. Chairman, I am pleased to join you in welcoming the distinguished Secretary of the Interior to present the fiscal year 2012 President's budget request for the Department of the Interior to our subcommittee.

The Department of the Interior has seen quite a few changes this year—many in response to last year's Gulf of Mexico oil spill. As you know, this oil spill has created much hardship in my State, from rig workers to restaurateurs to fishermen. The entire gulf coast economy has been hurt by the spill, and because we were already suffering from an economic recession, gulf coast residents have been hit harder than most.

Mr. Secretary, I appreciate the fact that you and your staff have worked very hard to reorganize the agency that oversees offshore drilling in order to increase safety. It is important to ensure that nothing comparable to the Deepwater Horizon incident ever happens again. The effects on the drilling industry, however, have been severe. Domestic drilling employs thousands throughout the gulf region, and with every month of delay in the Department of the Interior's permitting process, the option of closing domestic production altogether becomes more of a threat. As gas prices rise to more than $3.50 a gallon nationally, I urge you to consider how this lack of energy security affects consumers all over the United States.

The Mississippi gulf coast is a wonderful resource, and I hope that rehabilitation and maintenance of the Gulf Islands National Seashore remains at the top of your priority list. Additionally, I thank you for your continued support of the scenic Natchez Trace Parkway that runs from one corner of Mississippi to the other. It is important to recognize and take care of such interesting and historically significant areas of America.

I appreciate your attention to our concerns, and I look forward to hearing your testimony.

Senator COCHRAN. I join others on the subcommittee in complimenting the Secretary for the good job he is doing and finding out that he has a Deputy Secretary that he lets do some of the talking when pressured.

But thank you very much, Mr. Chairman.

Senator REED. Thank you, Senator Cochran.

Mr. Secretary, I think you have to depart in approximately 10 minutes, and so let me ask one question, Mr. Secretary, then recognize my colleagues down the line for questions.

Secretary SALAZAR. Mr. Chairman, it is another U.S. Senator that I can push back.

So if the subcommittee wishes me to continue to answer questions, I am happy to stay here a little longer.

Senator REED. I admire your patience and your fidelity to duty.

Secretary SALAZAR. It happens to be a Senator from Colorado. So I might be able to just tell him——

Senator REED. Then I am revising. We will have 10-minute second rounds. No.

Let me go ahead and ask one question.

Just for the record, all statements of my colleagues will be made part of the record.

In addition, I assume additional questions will be submitted to you, Mr. Secretary, very promptly for your written response, and we would appreciate that response promptly.

Let me ask my one question and then in the remaining time recognize my colleagues.

LANDSAT

This is with respect to the USGS. There is a $61 million request for additional funding for the Landsat program, and there are two areas I want to focus on.

First, there seems to be a change in the basic program. My understanding is that previously NASA would assume responsibility and budget for the preparation, the launch, that once the vehicle got in space, Landsat would run it and distribute the data and do all the things that you had to do to manage the satellite. Now the proposal is—and this is for Landsat 9 and 10. There is already 5, 7, and 8 that are orbiting—that essentially the Department will absorb all the costs and contract back to NASA the costs that they were previously fronting in terms of preparation and launch.

So it raises one significant issue. Why are we changing it this way? Is this just sort of moving money around on the Federal budget between two agencies? What is the advantage?

And it is significant because, as I look at the numbers going out to fiscal year 2016, maintaining or budgeting for 5, 7, and 8, the satellites in progress now, it is about a $50 million annual cost. With 9 and 10, because of the new regime, it is $264 million a year. So that is a lot of money going forward. Can you afford it and again why are we doing it this way if the previous system seems to work?

And it raises a related question, which is then-Secretary Kempthorne formalized a policy that this information is no cost to the public. And I think in the concept of public libraries and the schools, that is great, but with large corporations that use this information for their own purposes, market it, sell it at a profit, there might be some consideration to some type of fee structure in which you would get paid for what is very valuable information.

So two comments. Why are we making the changes? Can you substantiate in a budget authority over several years this new responsibility? And are you thinking about charging appropriately for for-profit use of the information?

Secretary SALAZAR. Chairman Reed, the proposal we have in front of you is as a result of a very long and extensive effort involving the President's National Space Council. That is where this proposal has emerged.

I am going to ask the Deputy Secretary to address the issue.

Mr. HAYES. Senator, the reason for the change basically is to mirror what we do with weather satellites, which is to have the agency using the data, helping to develop the program and to implement the program for which the satellite data is used to have overall responsibility for managing the data, et cetera. That is the Interior Department. We run the Landsat program. Traditionally it has been awkward with NASA essentially being the delivery mechanism. They have also had sort of a gray area with us in terms of programmatic responsibilities. The idea is to consolidate those with us, have NASA as our partner as necessary in terms of the launching of the satellites, et cetera. We think this will be more efficient, we will save money in the long run, and we will have a more organized way to run this program.

Of course, the information from the Landsat program is central to the resource mission of this Department. Our agricultural water management, disaster response, national security, all is managed through the USGS as part of the Department of the Interior and our companion bureaus.

With regard to your second question about the potential charging for Landsat type information, under the current law we would only

be able to charge incremental costs of the generation of the images themselves. That is the way the Land Remote Sensing Policy Act works. That incremental cost is very modest, particularly compared with the heavy public usage of this information. In fiscal year 2010, more than 2.5 million scenes were downloaded and used by localities, States and Federal Government. I actually represented the United States in some international discussions, and the availability of Landsat imagery is actually providing international benefits to the United States.

The most we think we could recover would be about $200,000 under the statute. We think the availability of this information for free to the public is a tremendous benefit, and the transaction costs of 10 cents an image probably does not make sense. So that is our view on that, Senator.

Senator REED. I appreciate it very much. Again, given the daunting challenges, the budget challenges, there might be an opportunity or an obligation to rethink not for the public libraries, for the individual farmers throughout the country, et cetera, but for large companies that are using this information. And if this would require a legislative change, then obviously we would like to be informed.

Thank you.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Two last questions, and of course they are easy ones: Strategic Petroleum Reserve (SPR) and BOEM reorganization. So this should go really quickly.

SPR

I understand, Mr. Secretary, that it is not the Secretary of the Interior's decision on SPR. It is the Secretary of Energy. I have expressed a concern about tapping into the SPR in order to reduce the price of gas just temporarily. I think there are some other factors there. I guess the question to you would be if the administration were to move on such a proposal, do you expect that BOEM would be directed to take its royalty-in-kind and use that to replenish the SPR? And recognizing that we have abolished the royalty-in-kind program, would it complicate our ability to do so?

Secretary SALAZAR. Thank you very much, Senator Murkowski.

The royalty-in-kind program is no longer available because it was part of the reform effort which we instituted in the last year. The program has been phased out.

On whether or not the SPR is ultimately triggered, there are lots of considerations going on. I think you raise some very valid considerations.

Senator MURKOWSKI. Are you being consulted in that process?

Secretary SALAZAR. We are involved in the discussions with other members of the Cabinet and with the White House. These decisions will be made in the context of what is in the best national interest, but no decision has been made at this point in time.

In terms of the replenishment, if in fact there was a reduction in the amount of oil in the SPR, there would be a program to replenish it. How that would be put together I cannot tell you right

now, but I would be happy to get the information back to you in a hypothetical sense.

Senator MURKOWSKI. Does it make a difference? I mean, recognizing that our domestic production is down, I understand that production will fall 13 percent in 2011 primarily because of the decreased activity in the Gulf of Mexico. Is that an issue that we need to be looking at as we discuss this as an option? And again, it is not one that I am supporting. But do we have the confidence that we will be able to replenish the SPR given what we are facing just domestically in terms of the decreased production levels?

Secretary SALAZAR. Senator Murkowski, we will, number one, have a program and strategy for the replenishment because it is essential, from our point of view, for the United States.

In terms of the decrease in production you raise, I think it is important for us to remind ourselves, even in the midst of this horrific oil spill, we were able, with a very small agency, to still continue to oversee the steady, very significant production from the Gulf of Mexico, which produces, I believe, 29 percent of all of the oil we domestically produce here in the country. As we look ahead, while there may be some modest decline in the production from the Gulf of Mexico because of the Deepwater Horizon and the need to make sure we were doing exploration and production in a safe way, it is modest from all the projections we have seen, including our own and those of EIA. You may see a blip, but the fact of the matter is we have more rigs in the Gulf of Mexico, interestingly, today than we did a year ago. Part of that is because the oil and gas industry sees the very significant potential with respect to oil and gas development in the gulf.

BOEMRE REORGANIZATION

Senator MURKOWSKI. Let me ask you about the reorganization, and I am mindful of your time here.

The GAO came out with its list of agencies and programs that are at high risk of waste, fraud, and abuse, and one of the programs that was at the top of the list was the management of Federal oil and gas leases. And in their findings, they cite the challenges. And we have had an opportunity to talk about the challenges that you have with hiring and training and retaining the staff in some key positions.

I know that you are engaged in the reorganization of both the offshore oil and gas management, the revenue collection. Under the reprogramming guidelines that we have in this subcommittee, you have got to submit your major staff reorganizations and the budget reorganizations for us to approve. Do you have any idea in terms of timelines when you would submit such a reprogramming?

Secretary SALAZAR. We have submitted information to the subcommittee and to the Congress on parts of the reorganization which have been implemented, for example, the ONRR, which has been split off from what had been the former MMS. As we move forward with the completion of the reorganization, we will continue to keep the subcommittee informed.

Let me say that the issues the GAO has raised, including their recommendations, are ones that we are taking seriously and many of them we have already implemented. At its core, as we look at

the reorganization for this subcommittee, it is important to identify the three missions which were in conflict and which we are attempting to deconflict through the reorganization. Those three missions were revenue collection; second, leasing and permitting of the lands and the resource; and then the third, the safety and environmental compliance mission which was with MMS. The reorganization we have put together deconflicts those missions so we do not end up in the same kinds of situations which existed for the last 30 years while the MMS functioned from 1981 until last year.

Senator MURKOWSKI. And I cannot imagine what you are going through in terms of this kind of a reorganization because, as you point out—you make it sound pretty neat and tidy with three categories, but this is a large undertaking. And at the same time that you are doing this, there is the expectation that the work is being conducted, that the production records are being kept, the environmental standards are maintained. We certainly have an interest in making sure that all that is happening, and you have got a couple things going on at the same time, maybe more than a couple things going on at the same time. I know that you are paying attention to this, but I guess that I would just add we are very mindful of the fact that we do need to be doing all of the daily work, while at the same time the reorganization goes. So as these reprogramming requests come through, we will be taking careful looks at them.

Secretary SALAZAR. Senator Murkowski, I very much appreciate the comment. The reality is you are looking at a relatively small agency with the revenue piece split off from what was MMS. You are looking at a staff of about 1,000, and they have the responsibility for safety, environmental compliance, permitting, all of the new sets of rules we have required of industry. There is just a tremendous amount of work going on, and we are mindful of that.

We have asked the Congress for assistance with additional resources. We have received some of those additional resources in the budget for 2012. I asked for the additional resources we believe we need to create a robust agency.

I will say one other thing. Director Bromwich, as he has worked very, very hard to stand up this robust agency needed for these important functions, has already gone out to the universities in Texas, Louisiana, and other places to try to recruit people to come and work in the Department in these positions so we make sure we have the expertise from an engineering, petrochemical, and financial point of view to be able to do the job. We are hopeful if we get the resources from this Congress, we will be to achieve the goal.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Senator REED. Senator Blunt.

Senator BLUNT. Mr. Secretary, thanks for staying. I know you have another appointment. Even if it is a Colorado Senator, I want you to be sure and make it.

OFFSHORE PERMITTING

I have just two or three questions actually about drilling and searching for resources. I agree with you that our conventional resources have to continue to be an important part of what we are

doing for a long time, and we ought to be looking for more of everything—more wind, more solar, more nuclear—how do we add on to meet the new capacity needs we have.

But have there been any new offshore drilling permits in the gulf issued since the Deepwater Horizon? Is there one permit that has been issued?

Secretary SALAZAR. The answer is yes. The first was issued on, I believe it was, Monday of last week. We expect there will be additional permits that will be issued very soon.

Senator BLUNT. And would you anticipate that the $500 million increase that you asked for in the BOEM would make that permitting go faster, or will that have no impact on that particular part of what you do?

Secretary SALAZAR. I think the request that we have in front of you for the additional personnel will help us do the job and hopefully we can undertake the permitting process in a way to meet the requirements of the law and make sure we are doing it in a safe and environmentally protected way. We have new rules of the road we created which we announced related to everything from certification to the kind of oil spill containment put into place. It is going to take a while for industry and for the BOEMRE to get up to speed with the post-Macando world.

I view the oil and gas from our Nation's oceans in the pre-Macando well and the post-Macando well timeframe, and I think at the post-Macando well time frame, it is important for us to recognize, one, the policy of the United States has not changed. We continue to believe in the development of oil and gas in our Nation's oceans. Second, we need to learn the lessons from the Macando well blowout, meaning we need to make sure, moving forward, we are doing it in a safe and environmentally protected way.

We have had the good fortune of working with a lot of people as we move forward with this agenda, including industry, and obviously this is a dynamic situation we would be happy to continue to brief you and other members of the subcommittee on.

Senator BLUNT. When do you think the capacity or the production there will reach its pre-new horizon levels, or do you think it ever will get back to that level of production?

Secretary SALAZAR. I think it possibly could, especially with some of the geophysical information being developed. There are reservoirs out there in the Gulf of Mexico which have a high-production capability. You saw one of those reservoirs as it came up through the Macando well for 87 days. There are significant reservoirs out there, and there is interest, significant interest, on the part of industry to continue to explore and develop in the Gulf of Mexico.

We have approximately 37 million offshore acres in the Gulf of Mexico leased, and, there is significant opportunity to expand oil and gas.

Senator BLUNT. And the additional rigs you mentioned that were in the gulf today were prior approved leases, just people set new platforms or something in areas that had already been approved? Did I not hear you say there were more drilling rigs in the gulf today than there were——

Secretary SALAZAR. There are more rigs, and part of what we will do, as we issue these permits, is those rigs hopefully will be able to go back to work soon.

Senator BLUNT. So more rigs would include inactive rigs then.

Secretary SALAZAR. This is our latest count. March 3, 2011, there were 126 rigs in the gulf. On March 3, 2010, there were 121 rigs—an additional 5 rigs. Now, some of those rigs are under contract and some of them are not. Some of them have been going through maintenance and upgrades. That is a flotilla waiting to begin the exploration activities and the drilling activities as we get going here.

Senator BLUNT. As you know, there was a lot of concern whenever the moratorium was put on the deepwater rigs, if they were never moved out of the gulf—it was too expensive to move them in and out, and we would not see those rigs again. Has that happened?

Secretary SALAZAR. I have heard anecdotes there may have been a few rigs that have left, but I think the presence of them in the gulf reaffirms the great interest on the part of industry to develop the gulf. I think it reaffirms the statements the President of the United States made and I have made since the Deepwater Horizon that we will look at the Gulf of Mexico as a central place to provide the energy to power our economy.

Senator BLUNT. And have you issued any nondeepwater, the shallower water leases since the Deepwater Horizon?

Secretary SALAZAR. We have worked very hard on that, Senator Blunt, and at the last count, it was 37 shallow well permits issued in the Gulf of Mexico. Indeed, one of the things we did, as we started to stand up the post-Macando world, is the Deputy Secretary and Michael Bromwich and I spent time visiting the different kinds of rigs operating in the Gulf of Mexico, including rigs that are operating in the shallow waters. It was based on some of those demarcations that we felt we could move forward with permits in shallow water, and is why there have already been 37 permits issued for those waters.

Senator BLUNT. For the shallow water wells.

WILDLANDS POLICY

The only other comment I would make, while you are here—and we will talk more as the time progresses—is that I am concerned that the wild lands policy can have a negative impact on resource development in public lands. And the way that is phased in, whether or not there is a true resource effort to look at what resources are there, would be important, I would think, to know at what point those lands need to go into that wild lands category if there is some environmentally friendly way to utilize those resources before we set those lands—I assume once you go into the wild lands idea, that has the potential if not—maybe it definitely puts those lands off the list of public lands we could look at for drilling and exploration and other inventory issues. That is my last question, if you want to comment on that.

Secretary SALAZAR. I will have the Deputy Secretary comment on this last question.

Senator BLUNT. I was hoping I could eventually ask a question so difficult that the Deputy Secretary would answer it.

Secretary SALAZAR. I can answer the question, but I want to make sure he has a turn at the mic.

Senator BLUNT. I hear you. Thank you, Secretary. It is good to see you again.

Secretary SALAZAR. It is good to see you.

Mr. HAYES. I think the first part of your question was what the impact might be on available resources. We have 41 million acres already onshore leased for oil ad gas development. Only about 30 percent of those are currently in production. We have an inventory of about 30 million acres of leased oil and gas lands onshore that are not in production at all.

The second part of your question, I think, Senator, was whether once identified as wildlands, is it a forever designation. The answer is no. Only the Congress can establish a wilderness area that is off limits. The idea of the wild lands policy is, as part of the normal resource management planning process under the Federal Lands Policy Management Act, the BLM will make decisions through a public process of how to manage the different multiple uses of lands. In an update of a resource management plan, it may decide that certain lands with wilderness characteristics should be identified and protected during the life of the resource management plan as wild lands. But the decision can be revisited with a revision to the resource management plan.

PERMITTING

Senator BLUNT. Let me ask one more thing since you brought this up. Just because you have given a leased area does not mean you have approved specific individual actions, does it? It is not all the fault of the leaseholder that they are not fully utilizing all of those leases.

Mr. HAYES. Senator, you are right. There is a permit process, of course. Most of these leases are dormant; they are not pending applications to drill. In fact, last year we approved more than 5,000 applications to drill. This year we expect to approve more than 7,000 applications to drill onshore. We are processing those applications to drill as they come in. There is not a major backlog there.

ADDITIONAL COMMITTEE QUESTIONS

Senator BLUNT. And would those be on public lands or on——

Mr. HAYES. Yes. These are all on public lands.

Senator BLUNT. Thank you, Mr. Chairman, for your generosity with the time.

[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 PATRICK J. LEAHY

*Question.* White Nose Syndrome (WNS) continues to spread across the country and we have experienced a die-off of historic proportions that I fear will have far reaching effects, not only for wildlife and ecosystems, but also American agriculture and public health. We now have several States considering listing the little brown, northern long-eared, and tri-colored bats as either threatened species or a species of concern, when just a few years ago these bat populations were considered very

strong. A significant investment is needed to get this under control and I would like to hear from you how much funding you believe is needed in fiscal year 2012 to tackle this problem and halt the spread of WNS before our bat populations are wiped out entirely.

Can you please share with us what the Department of the Interior (DOI) is doing to get to the bottom of this mystery disease and stop its spread? And are these funds coming at the expense of other Endanger Species Act programs?

Answer. The Fish and Wildlife Service (FWS) is coordinating WNS response activities with more than 100 agencies, organizations, and institutions. In May 2011, the FWS published "A National Plan for Assisting States, Federal Agencies, and Tribes in Managing White-Nose Syndrome in Bats." The plan outlines the actions necessary to coordinate Federal and State efforts and identifies actions in support of State, Federal, tribal, and partner WNS management efforts. The FWS has funded research on the fungus causing the disease, the impacts of the disease on bats and bat populations, and potential management controls. The FWS has also provided funding to States for developing response plans, conducting surveillance and monitoring, participating in research, and implementing management actions. In addition to leading the development of a national plan to guide the response effort, the FWS has issued a national cave advisory to reduce the risk that humans might spread the fungus to unaffected areas. The FWS' coordination needs will increase as WNS, now found in 16 States and 3 Canadian Provinces, continues to spread, and as additional agencies, institutions, nongovernmental organizations, and individuals become engaged in the response effort or are impacted by response actions. The number of States needing assistance also continues to increase.

The FWS received a $1.9 million congressional appropriation in fiscal year 2010 that was used to address these issues. The FWS estimates its base funding to address WNS in fiscal year 2010 was $712,000. The FWS' base funding for WNS comes from the endangered species recovery subactivity account which would be directed to recovery efforts for other federally listed endangered and threatened species.

In partnership with the FWS and other partners, the United States Geological Survey (USGS) responded quickly to identify the causes and potential spread of the WNS outbreak once discovered, working closely with partners to provide critical scientific information to support management. Using field sampling, diagnostic testing and analysis, and surveillance, USGS scientists isolated and identified the causative fungal organism, the role of humans in WNS spread, and evaluated potential modes of transmission, all key factors in resolving any disease outbreak. The USGS has unique capabilities to address emerging diseases including specialized facilities for diagnosis and research.

Bats play a major role in pest insect suppression; studying their ecology is important not only to understanding the disease, but to other public interests. Getting this problem under control requires additional research, and leveraging existing funding to provide the additional data and information critical to science-based solutions for State and Federal agencies charged with managing this outbreak. The USGS research staff has the ability to conduct a disease investigation and has mobilized quickly to meet this challenge. Solving this problem means revealing potential weak links in the disease cycle that can be exploited to manage and control WNS, requiring a significant increased effort of ongoing research to expand our understanding of the interactions among bats, the environment and a novel pathogen.

*Question.* The FWS has functionally accepted full, Federal control of the Sea Lamprey Control Program on Lake Champlain. This program was previously run by the States of Vermont and New York and the FWS. I greatly appreciate FWS now leading the way. This Federal leadership has increased the sustainability, efficiency and effectiveness of the lamprey program considerably. The recent transition to Federal control has been facilitated by funds from the Great Lakes Fishery Commission, but I feel that the FWS should make the Sea Lamprey Control Program part of the basic operations and budgeting process within the northeast region. That is the most efficient and sustainable continued path for this important work. Lake Champlain Sea Lamprey Control Program is not, however, fully funded within the FWS 2012 budget proposal.

Why has the DOI not included full funding of the Lake Champlain Sea Lamprey Control Program as a part of the fiscal year 2012 budget for the northeast region?

Answer. The sea lamprey control program is a highly successful program. Because of the FWS' long history in sea lamprey control to support salmonid fisheries in the Great Lakes and the capability we have developed on Lake Champlain, it is appropriate to adopt the model employed in the Great Lakes, where the FWS biologists implement the lamprey control program. The opportunity to use $1.2 million from the allocation for Lake Champlain in the Great Lakes Fishery Commission budget

in 2010 allowed the FWS to assume this lead responsibility, which the FWS will continue as long as funding allocations through the Commission allow.

This Federal leadership provides for more effective sea lamprey control through dedicated, professional staff and clearer procedures to address bi-State and within-State administrative challenges. In addition to the core lamprey control program, which relies on the careful use of lampricides, the FWS is supporting research and implementation of alternatives to control sea lamprey, enhancing lamprey population assessment capabilities, and pursuing investigations toward restoring self-sustaining salmon populations to the lake. Because of effective lamprey control on Lake Champlain in recent years, the lamprey wounding rate on salmon is now at its lowest point in more than a decade. Record-breaking fish are being caught by anglers, and public support of the fishery is high.

*Question.* And, will you include this program as part of the operations and budget for fiscal year 2013?

Answer. The sea lamprey control program is one of many issues that the DOI is considering in the fiscal year 2013 budget formulation process, and funding decisions have not been finalized.

*Question.* The final Champlain Valley National Heritage Partnership management plan is now complete, approved by the regional office, and I understand that it is at headquarters awaiting your final signature.

Will you approve this plan as soon as possible and can you assure me that this partnership will be considered a fully fledged National Heritage Area (NHA), co-equal with the other fine areas across the United States when the National Park Service (NPS) allocates fiscal year 2011 funding among these areas?

Also I see that your fiscal year 2012 budget proposes to cut funding for the NHA program from $15 million to $8 million, just when there are several new areas being approved. How can this important program be sustained under these circumstances?

Answer. The NPS Northeast Regional Office is finalizing its review of the Champlain Valley National Heritage Partnership management plan. Upon completion of the review, the plan will be forwarded to the Washington program office for final approval. Once the Secretary has approved the management plan, the plan is implemented as funding and resources are available, including the 1:1 match in funding by the managing entities required in authorizing legislation. In fiscal year 2012, the Heritage Partnership Program will focus on supporting recently authorized area planning and areas in the early stages of development, such as the Champlain Valley National Heritage Partnership.

The reduced fiscal year 2012 funding level for National Heritage Areas supports the directive in the 2010 Interior, Environment, and Related Agencies Appropriations Act for NHAs to work toward becoming self-sufficient. State and local managers of NHAs continue to rely heavily on Federal funding, even though the Federal "seed" money authorized in legislation to help NHA organizations become established was not intended as a pathway to long-term Federal funding. NPS will continue to work with the NHAs and the Congress to develop a method for allocating funding that considers the age and scope of the areas, whether self-sufficiency plans have been put into place and cumulative funding provided to date.

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## QUESTIONS SUBMITTED BY SENATOR DIANNE FEINSTEIN

### CADIZ

*Question.* On June 30, 2009, I wrote a letter to the Department of the Interior (DOI) requesting a re-examination of a 1989 Solicitor's Opinion that suggests that nonrail uses for railroad rights-of-way across public lands are permissible in certain circumstances. I raised this issue out of concern for the proposed use of the Arizona & California Railroad Right-of-Way for a water conveyance pipeline in the Mojave Desert. While the DOI acknowledged my letter, I have yet to receive a formal response. This is a matter of growing importance because recently a California water district announced its intention to begin preparing the state environmental report necessary to develop the Cadiz water project which proposes to use this Right-of-Way for water conveyance. In my opinion, it would be inappropriate for a right-of-way granted to a railroad by the Federal Government for rail purposes to be used for anything other than rail.

What is the DOI's position in the appropriate uses of rights-of-way granted to railroads across public lands and this proposed use in particular?

Answer. I have asked the Solicitor to review this question in close coordination with the Bureau of Land Management (BLM). The Solicitor's Office has not yet completed its review.

FISH AND WILDLIFE HABITAT CONSERVATION PLANS (HCP)

*Question.* The Fish and Wildlife Service (FWS) has worked with communities across the country to develop and approve HCP that are intended to provide a "clear regulatory mechanism to permit the incidental take of federally listed fish and wildlife species" as explained in FWS Handbook on HCPs. Recently, however, the FWS has undermined the certainty that communities felt they had secured through the HCPs, and designated critical habitat within approved HCP boundaries, for example with the Santa Ana Sucker fish and the Western Riverside HCP.

What assurances can you provide to communities developing HCPs that their work will indeed result in the clear regulatory mechanism they hope to secure, and not be later encumbered with further regulatory burden?

Answer. When designating critical habitat, the FWS evaluates the physical and biological features essential to the conservation of the species, identifies the areas with those features and determines whether the features may require special management concern. The act provides that lands with the physical and biological features essential to the conservation of the species and in need of special management consideration may be excluded from critical habitat if the FWS determines that the benefits of excluding the lands outweigh the benefits of including them. In these instances where the FWS did designate lands within the Multiple Species Habitat Conservation Plan (MSHCP), it reviewed and evaluated the benefits of inclusion and benefits of exclusion and the rationale for inclusion or exclusion is explained in detail in each rule.

The FWS recognizes the ongoing efforts of the Western Riverside County Regional Conservation Authority to fulfill its obligations under the MSHCP, and is committed to continuing to work in good faith with them to implement the MSHCP to conserve our covered species and their habitats.

CENTRAL VALLEY AQUIFER

*Question.* In 2009, the United States Geological Survey (USGS) completed a study of the groundwater aquifer beneath the Central Valley in California, which revealed very useful information about the risk of subsidence beneath critical infrastructure. This work is very useful, and much appreciated by decisionmakers.

What are you doing to continue to monitor the risk of subsidence in critical areas?

Answer. The USGS is currently working on two studies to address subsidence in the Delta-Mendota and Westlands areas of the San Joaquin Valley (see Figure 1 below). It is also trying to find funding partners to do additional subsidence monitoring in the southern part of the valley.

The Delta-Mendota study is titled "Evaluation of Groundwater Conditions and Land Subsidence Along the Delta-Mendota Canal" and is funded by the Bureau of Reclamation. The objectives of this study are to:

—determine the location and characteristics of changes in land-surface elevation, develop and implement an approach to improve understanding of groundwater conditions and land subsidence; and

—develop groundwater flow and land-subsidence simulations to provide input to stakeholders.

The Westland study is titled "Evaluation of Groundwater Conditions and Land Subsidence Along the California Aqueduct", and is funded by the California Department of Water Resources. The objectives of this study are to determine the location and characteristics in land-surface elevation along the California Aqueduct in the Westlands area from 2003 to 2010, develop and implement an approach to monitor subsidence in the Westlands area, and improve the understanding of groundwater conditions and land subsidence.

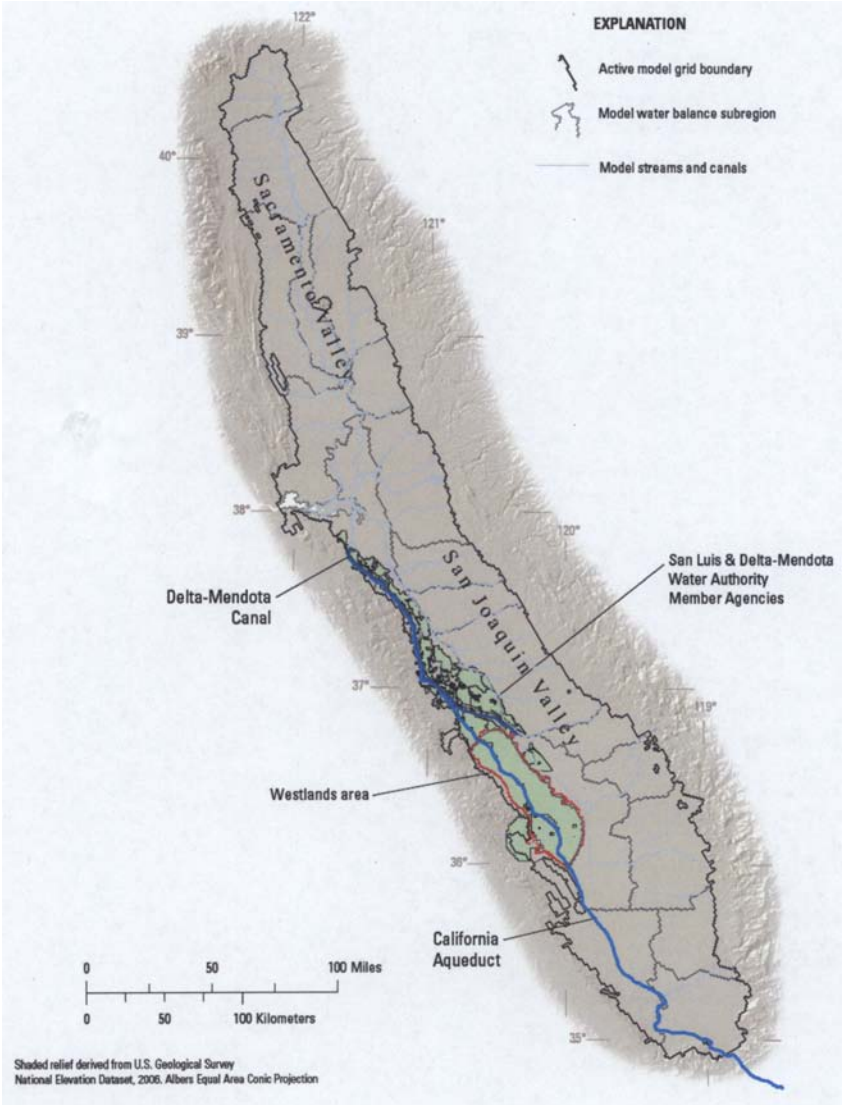


FIGURE 1. Location of Delta Mendota and Westlands study areas.

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QUESTIONS SUBMITTED BY SENATOR TIM JOHNSON

*Question.* While I understand the difficult budget decisions that the Interior Department (DOI) is facing, I am extremely concerned about the inadequate resources provided to authorized rural water projects within the Bureau of Reclamation (BOR). The Congress provided $121 million for authorized rural water projects in fiscal year 2010, and yet the administration has requested just $35 million in fiscal year 2012. I am especially interested in the Lewis and Clark Regional Water System, which will provide water to 300,000 people in South Dakota, Minnesota, and Iowa when completed. The project is more than half-way complete, and the 20 local sponsors have pre-paid their share, many well in advance of receiving water from

the project. This project requires approximately $35 million annually to remain on schedule for completion, and yet that is essentially the amount provided in the entire account for authorized rural water projects. The amount requested for Lewis and Clark—just $493,000—is insufficient and will not provide for any forward progress on construction. Recognizing that we will likely continue to face a difficult budget situation over the next several years, can you assure me that the DOI is committed to finishing these vital rural water systems in a reasonable period of time?

Answer. The DOI is committed to finishing these projects in a reasonable period of time. We recognize and appreciate what these projects mean to the communities they serve: good quality water for municipal, industrial, and environmental purposes. BOR utilized a set of standard criteria to allocate funding for rural water projects. The first priority is funding for the required operations and maintenance component of all projects. Second, for the construction component, BOR allocated funding based on objective criteria that gave priority to projects nearest to completion and projects that serve on-reservation needs. We will continue to allocate funding to these projects as best as we can within available resources.

*Question.* This administration has placed a high priority on infrastructure investments, especially in the context of creating jobs and growing our economy, and I agree with that philosophy. Utilizing funding from the American Recovery and Reinvestment Act (ARRA), BOR provided more than $56 million to Lewis and Clark for the water treatment plant—no small investment. ARRA, which I supported, was intended as economic stimulus; it was never meant to supplant the regular budget process. Jobs have already been created in these communities, but I am extremely concerned that economic opportunities will be missed and growth constrained, if the Federal Government does not do more to prioritize this type of crucial infrastructure project in the budget. What is the administration's justification for cutting rural water project funding so significantly, and will you work to provide additional funding for congressionally authorized water systems in coming years?

Answer. We certainly appreciated the funding that the DOI received from ARRA. The BOR obligated $232.1 million of ARRA funding for rural water projects. This helped us make major progress on these projects, especially enabling us to engage in some projects that would have far exceeded our funding ability from our annual appropriations. Recovery Act funds did not supplant our regular program. Nonetheless, the BOR's rural water projects must compete for funding with all of our other priorities and programs within available resources. Commissioner Connor and I will be happy to work with you to identify additional funding opportunities in the coming years.

*Question.* With regard to the DOI's energy initiatives, I commend your commitment to making sustainable and renewable energy a top priority. Wind energy is a key part of the green energy economy, and South Dakota can capitalize on tremendous wind potential to help meet our renewable energy goals. I am interested in how the DOI is balancing the need to grow renewable energy development with its charge to protect birds and other wildlife species. I have heard from wind farm developers and turbine manufacturers that Land-based Wind Energy Guidelines recently released by the DOI could put development of tens of thousands of megawatts of wind energy in the United States at risk. What is the DOI doing to harmonize the protection of birds and other wildlife with continued development of wind energy?

Answer. The Guidelines are an example of how the DOI tries to balance protection of wildlife with the need for renewable energy development. It is not the intent of the draft Guidelines to inhibit wind energy development; rather, the goal of the draft Guidelines is to help guide developers to site and construct wind energy facilities in areas where there is least risk to wildlife species. Because construction and operation of wind energy facilities can have adverse impacts to migratory birds, western ground-nesting birds, bats, eagles, and other wildlife, it is important to thoroughly evaluate a site prior to construction to verify that the facility will not negatively impact wildlife populations. The draft Guidelines recommend early and frequent communication between wind energy developers and agencies so that it is known early in the development process whether a site may pose a risk to wildlife, and if needed, measures to further assess and address those risks. The assessment is dependent upon the anticipated level of risk to wildlife. If a development site has no or few wildlife issues, the need to invest in pre- and postconstruction studies will be minimal. The level of environmental coordination provided for renewable energy projects is consistent with other development project reviews, including residential and commercial construction, transportation, surface coal mining, oil and gas extraction, and construction of electrical generation facilities.

QUESTIONS SUBMITTED BY SENATOR MARY L. LANDRIEU

*Question.* Mr. Secretary, your agency delayed the next Outer Continental Shelf (OCS) lease sale until next year. The OCS leasing program brings in billions annually to the U.S. Treasury. What analysis have you done on the economic impacts of a delayed and scaled-back leasing program under the OCS leasing program? Do you have a clear understanding of what revenues and taxes will be lost to the U.S. Treasury because of the delayed lease sale?

In addition, do you have estimates on the revenues lost to the Federal treasury because of the slow issuance of permits in the gulf?

Answer. The Outer Continental Shelf Lands Act requires that the Secretary of the Interior balance the potential for oil and gas discoveries against the potential for environmental or other harms from the continued development of our domestic energy resources on the OCS. This balancing takes on new meaning in the wake of the Deepwater Horizon disaster.

In light of the oil spill that resulted from the Deepwater Horizon event, Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) must assess the extent to which the baseline environmental information utilized in the 2007 Gulf of Mexico (GOM) Environmental Impact Statement (EIS) has changed. BOEMRE has begun appropriate environmental reviews, including development of a supplemental EIS for the remaining GOM sales. In light of the need for these environmental reviews, on May 27, 2010, pursuant to the presale process, I cancelled Western GOM Sale 215, which was scheduled for August 2010. Central GOM Sale 216, which had been scheduled for March 2011, is being consolidated with Central GOM Sale 222, currently scheduled for 2012. Pending completion and results of additional NEPA analysis, Western GOM Sale 218 remains on the schedule for the 2007–2012 program.

BOEMRE is in the process of planning for a sale in the Western GOM within the next year, possibly even before the end of this calendar year. The bonuses that would have been received in August 2010 and 2011, while delayed, are not lost.

*Question.* The budget recommends that offshore inspection fees be increased to raise $65 million to help fund the BOEMRE budget. Over the past decade, the industry has paid on average $7 billion a year in royalties, bonus bids, and rental fees. This number excludes taxes paid by the industry. Why not reassign the $7 billion first to help fund the $65 million the agency needs? If the industry can't get permits to go back to work, it seems unfair to assess higher fees on the industry.

Answer. Royalties and user fees are not interchangeable. The purpose of royalties is to achieve a fair return to the taxpayer for the use of Federal resources; while the purpose of a user fee is to recover the costs the Federal Government must pay to regulate an industry. Because these regulatory activities benefit the oil and gas industry, it is in the interest of the industry to ensure a more robust regulatory agency is available that can function efficiently and timely.

The proposed level of inspection fees, with minor exceptions, amounts to less than 1 percent of gross revenues for companies incurring these costs. The administration does not believe this to be an unreasonable or burdensome cost. Findings from the numerous investigations of the Deepwater Horizon incident highlighted the need to reform the regulatory oversight of leasing, energy exploration, and production to assure human safety and environmental protection. This has resulted in new processes, rules, and regulations that must be followed by the oil and gas industry. In testimony before the National Commission on BP Deepwater Horizon and Offshore Drilling, Marvin Odum, President, Shell Oil Company, and Upstream Americas Director, Royal Dutch Shell, stated that:

"The industry needs a robust, expertly staffed, and well-funded regulator that can keep pace with and augment industry's technical expertise. A competent and nimble regulator will be able to establish and enforce the rules of the road to assure safety without stifling innovation and commercial success."

The National Commission, after noting current contributions from the oil and gas industry, stated that:

"The oil and gas industry, however, should do significantly more and provide the funds necessary for regulation of offshore oil and gas operations and oil spill preparedness planning. The amount of funding needs to keep pace as industry moves into ever-more challenging depths and geologic formations because the related challenges of regulatory oversight likewise increase . . . No matter the precise mechanism, the oil and gas industry would be required to pay for its regulators, just as fees on the telecommunications industry support the Federal Communications Commission. Regulation of the oil and gas industry would no longer be funded by tax-

payers but instead by the industry that is being permitted to have access to a publicly-owned resource."——National Commission, Final Report p. 290.

BOEMRE continues to review and approve applications that demonstrate the ability to operate safely and contain a subsea blowout in deepwater. The rate of deepwater permit applications is increasing, which reflects industry's growing confidence that it understands and can comply with the applicable requirements, including the containment requirement. However, the need for additional resources to support this function is widely recognized and supported by industry. With the additional personnel requested in the fiscal year 2012 budget, BOEMRE will ensure a thorough and timely review of permitting requests.

*Question.* The budget presents a 45 percent increase to the agencies that oversee offshore drilling activity and revenue collection. Previously, the Minerals Management Service was funded at $338 million. Now, the President proposes that BOEMRE and the Office of Natural Resource Revenues (ONRR) be funded at $506 million. Can you please provide a breakdown of the number of full-time employees you expect to hire with this budget and the number of employees that will be hired to review environmental assessments and drilling applications? If BOEMRE is provided with the funds to hire these full-time employees, do you expect further permitting delays in the gulf? Or will these employees provide BOEMRE with enough manpower to handle the permits in a more timely fashion?

Answer. The fiscal year 2012 President's budget requests a total of $506 million for BOEMRE and ONRR. Of this total, $358 million is requested for BOEMRE and $148 million for ONRR; increases of $134 million and $39 million, respectively, more than the fiscal year 2010 enacted level.

BOEMRE's request is composed of funding increases for resource management functions; safety and enforcement functions; and administration, savings, and other budget adjustments. The request also contains funding for an independent advisory board and an investigations and review unit. BOEMRE is requesting a total of 1,417 full-time equivalents (FTE), an increase of 321 more than the fiscal year 2010 enacted level.

Forty-one additional FTE are requested to review and process lease management, qualification, bonding and unitization requests and issues, as well as requests for development activities, such as plan and permit processing and approval. A recently published report by the Department of the Interior OCS Oversight Safety Board to the Secretary of the Interior states that the "Gulf of Mexico district offices are challenged by the volume and complexity of permit applications and the lack of a standardized engineering review protocol. In addition, the Pacific region's permitting staff is facing significant succession issues." It goes on to state that the workforce associated with regulating day-to-day activities has not increased proportionately to work demands, creating challenges in the need to balance an adequate analysis of permit requests with the need to be responsive to industry. For instance, Applications for Permits to Modify have increased by 71 percent from 1,246 in 2005 to 2,136 in 2009 in the New Orleans district. In the Pacific region, 80 percent of current permitting employees will be retirement eligible in the next 2.5 years. The requested funds will enable BOEMRE to ensure that staffing levels are commensurate with increasing workloads.

The fiscal year 2012 request includes $3.6 million for 23 FTE originally requested in fiscal year 2011. The reviews conducted by BOEMRE staff are necessary to ensure the safety and environmental soundness of oil and gas drilling and production on the OCS.

Additional resources are essential to effectively meet industry demand for an efficient, effective, transparent, and stable regulatory environment given the increased review that must occur. BOEMRE continues to review and approve applications that demonstrate the ability to operate safely and contain a subsea blowout in deep water. We have seen the rate of deepwater permit applications increasing, which reflects growing confidence in the industry that it understands and can comply with the applicable requirements, including the containment requirement. BOEMRE expects additional permit approvals in the near future. However, the need for additional resources is recognized and supported by industry, as evidenced by a letter, dated November 17, 2010, to the House and Senate subcommittees on Interior, Environment, and Related Agencies signed by the American Petroleum Institute; American Exploration & Production Council; International Association of Drilling Contractors; Independent Petroleum Association of America; National Ocean Industries Association; and US Oil and Gas Association.

Additional detail on BOEMRE's fiscal year 2012 request appears in the following table.

[Dollars in thousands]

| Item | Full-time equivalents | Amount |
|---|---|---|
| Fiscal year 2010 Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE)—direct appropriation: | 1,684 | $181,520 |
| Baseline adjustment reorganization: | | |
| Transfer to Office of Natural Resource Revenues (ONRR)/Policy, Management and Budget (PMB) | −588 | −109,244 |
| Fiscal year 2010 BOEMRE—revised baseline—direct appropriation [1] | 1,096 | 72,276 |
| Fiscal year 2011 continuing resolution (Public Law 111–322) [2] | | +12,036 |
| Fiscal year 2012 BOEMRE changes: | | |
| Administration, savings, and adjustments: | | |
| Fixed costs | | +1,192 |
| Reorganization efficiencies and budget changes | +1 | +1,058 |
| Administrative savings | | −1,432 |
| Offsetting collections (rental receipts and cost recovery fees) | | −5,273 |
| Subtotal | +1 | −4,455 |
| Resource management: | | |
| NEPA and environmental studies staff | +52 | +8,063 |
| Environmental studies | | +6,500 |
| General support | | +2,527 |
| Renewable energy | +11 | +2,050 |
| Fair market value | +1 | +1,930 |
| Marine spatial planning | +4 | +1,000 |
| Bid evaluation | +2 | +310 |
| Center for Marine Resources and Environmental Technology | | −900 |
| Marine minerals | | −2,000 |
| Subtotal | +70 | +19,480 |
| Safety and Environmental Enforcement: | | |
| Inspection/monitoring capability [3] | +116 | +44,483 |
| Engineering studies—TA&R | +12 | +11,360 |
| Oil spill research | +4 | +8,620 |
| Permitting | +41 | +6,945 |
| Environmental and operational oversight compliance | +33 | +5,115 |
| Management operations support | +12 | +2,860 |
| General support | | +1,246 |
| Oil spill response compliance | +8 | +1,240 |
| Inspection fees | | −55,000 |
| Subtotal | +226 | +26,869 |
| Other: | | |
| Investigations and review unit | +20 | +5,782 |
| Independent Advisory Board | +4 | +1,200 |
| Subtotal | +24 | +6,982 |
| Total, BOEMRE fiscal year 2012 request—direct appropriation | 1,417 | 133,188 |

[1] The direct appropriation funding shown here is provided for comparison with the BOEMRE fiscal year 2012 request. Because ONRR is funded through the ROMM appropriation in 2010 and 2011 and has access to offsetting collections, the actual budget reflects higher direct appropriations and lower offsetting collections.

[2] Public Law 111–322 provided a total of $24.9 million in direct appropriations over fiscal year 2010. Of this amount, $12.9 million was designated for ONRR. Public Law 111–242 (a previous continuing resolution) included a $25 million rescission of prior year unobligated balances for the OCS Connect Project for which budget authority is restored in fiscal year 2012. FTE hired with funding from Public Law 111–322 are reflected in the total request for the Inspection/Monitoring Capability initiative.

[3] An additional net amount of $10.2 million was provided for regulatory activities in the fiscal year 2011 continuing resolution (Public Law 111–322) which has enabled BOEMRE to initiate, on a limited basis, some of the efforts planned in fiscal year 2011 for this initiative. This includes hiring new inspection team members, the acquisition of additional helicopter support, vehicles, and space needs required to support additional inspection/monitoring capability.

*Question.* The price of gas is skyrocketing, and we cannot afford to suddenly have our energy supplies disrupted with the resulting price surges, gasoline lines and uncertain economic future when we have reliable sources of energy here at home. American families cannot afford to pay $4 per gallon of gas—do you have an answer for the families already struggling to fill up the tank on why you are not aggressively making every effort you can to provide more energy now?

Answer. In fact, we are making every effort to provide more energy in a safer and less environmentally risky manner. A domestic energy source cannot be considered reliable in a broad sense if the potential for a catastrophic accident, such as we have experienced both domestically and internationally within the past year is not minimized. Our assessment of the Federal offshore oil and gas program following the Deepwater Horizon incident was that there were readily identifiable actions that we could adopt and which the industry should be required to undertake that could reduce the program risks in a meaningful way. It is now up to the industry to demonstrate that it can implement the changes that we have codified in rules, regulations, and notices to lessees.

We at the Department of the Interior continue to believe that under the President's energy program, conventional oil and gas resources are a very important part of powering our economy. We continue to operate a robust energy development program for both oil and natural gas.

The President's energy agenda also includes nuclear power and renewable resources, such as offshore wind and onshore solar power, in order to have a robust energy program for the Nation into the future. More specifically, the Department of the Interior has made it a major priority to develop the renewable energy potential that we find offshore especially along the Atlantic coast. In November 2010, Secretary Salazar launched the "Smart from the Start" wind energy initiative for the Atlantic OCS. This initiative is designed to facilitate siting and leasing for commercial wind projects on the OCS, thereby spurring responsible development. This is a significant initiative of the Department. The budget before the Congress for 2012 has a goal to authorize and stand up 10,000 megawatts of renewable energy power.

*Question.* The BLM recently finished the Antelope Complex gather, and I understand it was stopped short of the planned removal number because they did not find enough horses. This suggests that the program is operating under an inaccurate count of how many horses are left on the range. In addition, the BLM has only been able to adopt approximately 3,000 animals per year. Considering this, in addition to the 39,000 horses already under the BLM's care in short and long-term holding, 7,600 removals per year still seems high. Since the bulk of costs for this program is in caring for the horses removed from the range, would the BLM consider limiting the number of removals to 3,000 per year, the number they are able to adopt, at least until the National Academy of Sciences (NAS) study is complete?

Answer. The Congress has asked the BLM to find ways to manage wild horses and burros in a more cost-effective, humane manner, and the Department is committed to doing that. To achieve these goals, the BLM has issued a proposed strategy for the Wild Horse and Burro Program and invited public comment. As part of this new strategy, the BLM intends to reduce the annual number of wild horses removed for at least the next 2 years from 10,000 to 7,600, a level that would essentially maintain the current number of wild horses and burros on the range. The BLM is adopting this more conservative gather approach pending the findings of the NAS study that will review the program's current policies and make recommendations on how best to manage wild horses and burros based on the latest scientific research.

*Question.* In follow up, we cannot effectively and responsibly manage the wild horse and burro population without an accurate count. Can you confirm that population estimate methods will be considered in the NAS study? Is the BLM committed to a state-of-the-art Census once the NAS study is complete?

Answer. The BLM is committed to using the best science available in managing wild horses and burros on western public rangelands. Accurate population survey data is the foundation for management decisions, and the BLM is continuing to take steps to ensure that it is using the best methods available to estimate horse populations. This summer, the BLM will fill a new wild horse and burro population survey specialist position and begin to train field personnel to use two new methods recently developed for horse surveys by the U.S. Geological Survey. These new methods are expected to enhance the BLM's population estimate data by accounting for the animals not seen during aerial surveys through statistical analysis. The BLM also is asking NAS to review these new methods and determine if there are better methods that could be used to estimate herd population numbers.

*Question.* Mr. Secretary, I understand that gathers may continue to be necessary, but as you know, I still have grave concerns about the timing of these gathers. I

have heard that the Triple B gather in northeastern Nevada is planned for July, one of the hottest months of the year. Many horses died at a gather conducted last July in the same area of Nevada. Gathers should not be conducted during the summer months except in emergencies and the Triple B does not qualify as an emergency. Will the BLM consider rescheduling this gather for the fall of 2011? If not, why not?

Answer. The BLM is preparing to gather wild horses in the Triple B Complex, located near Ely, Nevada, beginning in July 2011. This proposed gather is needed to improve the health of the herds and public lands and to prevent an emergency similar to the Tuscarora gather, during which 13 wild horses died as a direct result of water starvation or of complications related to dehydration. During summer months and dry years, water resources become very limited within the Triple B Complex. When this occurs, wild horses tend to concentrate around the few existing water sources resulting in negative effects to riparian resources. These effects on water resources are compounded by a wild horse population in the Triple B Complex that is nearly three times above the appropriate management levels. Many of the limited water sources are unable to keep up with the current wild horse population and the BLM has been hauling water to designated spring sources within the Triple B Complex. Reducing population size would help ensure that the remaining wild horses remain healthy and are not at risk of death or suffering due to insufficient forage and/or water as a result of frequent drought conditions.

A key reform to the Wild Horse and Burro Program is increasing the number of mares treated with fertility control. The Porcine Zona Pellucida vaccine should be applied to mares in the fall and winter months to ensure its effectiveness at preventing foaling. Therefore, logistically the BLM is scheduling fertility control gathers for the fall of 2011. All other gathers, including Triple B, are for the summer months.

The BLM adjusts its operations during summer months to ensure that the wild horses are humanely gathered. Temperature and animal condition are monitored, and the gather activities are usually limited to the morning and early afternoon hours when the temperatures are cooler. The BLM and the gather contractor also make sure there is plenty of clean water for the animals to drink once they have been gathered and removed from the range.

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QUESTIONS SUBMITTED BY SENATOR JACK REED

*Question.* Mr. Secretary, your budget includes a 33 percent increase for cooperative landscape conservation programs, for a total of $175 million. That amount includes a $17.5 million increase for the U.S. Fish and Wildlife Service (FWS) to expand its Landscape Conservation Cooperatives (LCC) network and a $10.4 million increase to expand the U.S. Geological Survey's (USGS) Climate Science Centers (CSC). Could you please explain what these investments will actually buy in terms of increased science capacity and on-the-ground restoration work?

Answer. To protect the viability of fish, wildlife, plants, and their habitats from the serious threats of sea level rise, drought, shifting wildlife migration, habitat loss, disease and invasive species that are associated with the effects of compounding environmental stressors, the Department of the Interior (DOI), must rapidly develop the ability to deliver conservation across connected landscapes of habitats, based on the best available scientific understanding.

To meet that goal, the DOI is establishing a new business model with our partners to manage at the landscape scale and leverage the conservation capacity of individual organizations to attain biological outcomes larger than any one partner could achieve alone. The 2012 President's budget proposes an increase of $10.2 million through the FWS for these landscape partnerships, LCCs, which will identify landscapes, habitats, and species that are most vulnerable to climate change; define clear conservation objectives; and focus management actions where they will be most effective on the landscape. Building on the nine LCCs currently operating, the FWS will establish three LCCs by the end of 2011 and another six in 2012. An additional three LCCs will be led by other DOI bureaus, completing the national network.

Concurrently, the FWS budget proposes an increase of $7.3 million to acquire key scientific information needed to inform planning and design and to continue to develop an in-house applied science capability.

A specific example of the role LCCs will play is evidenced in the DOI's ecosystem restoration efforts across the Nation. The LCCs will conduct science assessments to appraise the current spectrum of scientific knowledge surrounding shared resource priorities, and will identify and prioritize management questions and related re-

search and technical assistance gaps and needs. They will explore potential approaches for utilizing existing information, developing scientific tools, and improving the state of knowledge. These assessments will identify common needs for science among the various partners and partnerships to meet their conservation priorities and goals, and will be developed in coordination with CSCs.

Specific examples of how this acquired scientific information will be used in ecosystem restoration are as follows:

—In the California Bay Delta region, the California LCC will work to address water supply and environmental challenges outlined in the Interim Federal Action Plan for the California Bay Delta. The region will use the LCC and new Strategic Habitat Conservation business model to work in this changing ecosystem, ensuring that our actions are driven by science, respect for our partners and a focus on outcomes.

—The Gulf Coastal Plains & Ozarks (GCPO) LCC and its partners have developed habitat modeling capabilities in its geographic area. Two new working groups, the Alligator Gar Conservation Group and the Louisiana Pearlshell Mussel Group, have begun to model habitat needs for these species, which will characterize their existing habitats, identify potential areas of new or unknown populations, and identify areas with potential for restoring populations. The modeling process will also be used as a template for aquatic habitat models for similar species within the GCPO and other LCCs with similar habitats and species.

The 2012 President's budget requested increase of $10.4 million for CSCs will enable the USGS to complete the network of eight climate science centers, by establishing the remaining five CSCs, serving all parts of the United States. These centers will provide access to the highest-quality academic talent in a rapidly evolving scientific field. The linkage to management—largely through the input of LCCs—will ensure that the funds appropriated to the USGS are directed to high-priority needs of managers from the DOI, States, and other management partners. For example, the Northeast Climate Science Center will be faced with demands from State and Federal coastal managers to provide information on how climate-driven changes in sea level rise, increased storm surges, and increased intensity and frequency of coastal storms will affect coastal ecosystems, species, and human infrastructure. Through the CSC framework, the DOI will be able to access the most appropriate scientific expertise on climate change research.

*Question.* How are the investments in LCCs and CSCs unique compared to current FWS or USGS programs?

Answer. A common theme throughout the various response strategies to climate change and other environmental stressors is the recognition that no individual agency or program has the capacity to unilaterally provide the needed science and information or to stand alone in any effort to address the suite of threats to our natural resources. The conservation community must establish more effective and coordinated mechanisms for research, the sharing and transfer of science and related information, and the creation of innovative and effective science-based conservation tools, all predicated on collaboratively developed priorities. The community must also develop more effective processes for collaborative approaches to conservation planning, prioritization, and evaluation to support adapted responses to a wide variety of natural resource stresses including, but not limited, to climate change. This realization is what led to the initiation of a national network of LCC and CSCs.

Both the CSC and LCC networks allow the bureaus to collaborate with interested parties across the landscape, breaking down traditional jurisdictional boundaries. CSCs provide the basic data and understanding of how climate will affect natural and cultural resources with the goal of supporting LCCs and other managers in making local landscape-scale decisions about climate adaptation. LCCs bring together public and private sector managers to apply science to resource management decisions in specific places or for specific species or other resources. The 21 LCCs are landscape-scale applied conservation science partnerships that will support and enhance on-the-ground conservation efforts by facilitating the production and dissemination of applied science for resource management decisionmakers. The LCCs may consist of Federal, State, tribal, international, local, and private stakeholders. The LCCs will identify and seek to coordinate among existing relevant conservation partnerships, plans, agreements, and programs with the specific goals of identifying common needs for information and sharing information and science. Science development can be accomplished through the LCCs' relationships with CSCs as well as through LCC-specific funded applied science and LCC-supported science developed by partners. LCCs will also actively share the results of new research and development with local partners and with the LCC network nationwide. Accordingly, LCCs will help the larger conservation community achieve better implementation of their programs by fostering improved communication and coordination among partners.

Through participation in LCCs, conservation agencies and organizations can more strategically target and implement actions that satisfy their missions as well as landscape conservation priorities shared by the LCC partners. None of this work could be completed on this scale within current programs at any of the DOI's bureaus on their own.

*Question.* How will the proposed LCCs and CSCs work together to help the DOI set its conservation priorities?

Answer. The eight regional CSCs will provide fundamental scientific information, tools, and techniques that land, water, wildlife, and cultural resource managers and other interested parties can apply to anticipate, monitor, and adapt to climate change impacts. Much of the information and tools provided by the CSCs, including physical and biological research, ecological forecasting, and multi-scale modeling, will be in response to the priority needs identified by the LCCs. Working closely with the LCCs, the CSCs will help develop statistically sound sampling programs and processes to monitor climate change effects and help develop adaptive management approaches. The CSCs will be partnership-based regional entities functioning with LCCs as well as the regional management community, scientific entities, and other stakeholders.

LCCs and CSCs will have strong, collaborative, and complementary roles and functions. These roles and responsibilities fall along a continuum of research and science needs, which range from fundamental climate science modeling and tool development by CSCs to applied science that is management specific through LCCs. Interactions between LCCs and CSCs will involve:

*Science Priority Setting.*—LCCs will deliberate and communicate shared priority science needs and conservation priorities to the regional CSC, which will review the input of all relevant LCCs to develop a regional science agenda.

*Scientific Collaboration.*—LCCs and CSCs have complementary science roles. Working with downscaled atmospheric climate models, CSCs will produce models, datasets, decision support tools, and research products that support applied conservation planning through LCCs. LCCs will utilize these science resources and tools to further develop and support applied scientific information tailored to specific locations and resource management priorities.

*Integrated Data Management.*—LCCs and CSCs have a mutual goal of developing integrated data management networks to facilitate easy sharing of information; these systems will maintain consistency with DOI-wide information standards (e.g., shared data standards, databases, and GIS protocols) to enable coordination and information sharing.

Furthermore, with the creation of the DOI's Energy and Climate Change Council, policy oversight, and direction for the DOI bureaus will be provided with respect to the Department's efforts to facilitate renewable energy development and respond and adapt to climate change impacts on the resources managed by the DOI. Working groups have been formed within the DOI to address specific issues related to implementation of the CSC and LCC networks, and these entities are charged with facilitating coordination and communication among bureaus in this effort.

*Question.* Your budget request assumes that the FWS will establish 12 new LCCs in fiscal year 2011 and fiscal year 2012, for a total of 21. It also assumes that the USGS will add five more CSCs, for a total of eight. These new cooperatives and centers require significant funding increases at the same time we are facing tight budget constraints. Can you maintain these new investments over the long run without negative impacts to other core science and land management programs?

Answer. It is imperative that the DOI build and maintain the scientific capacities envisioned within LCCs and CSCs to achieve mission goals. In light of current budget constraints, it is more crucial than ever that we be able to effectively target programs, and set and evaluate goals for performance.

Additionally, one of the key factors of success for CSCs and LCCs is partnerships. By building on existing partnerships, the LCC network will provide the information needed to accomplish conservation objectives that no single agency or organization can accomplish alone. LCCs will comprise a seamless national network with the scientific and technical capacities to help conservation agencies and organizations maintain landscapes capable of sustaining abundant, diverse and healthy populations of fish, wildlife, and plants. At present, no other organization is fulfilling this function, and we believe our conservation partners will assist us in ensuring that the LCC work, focusing on the landscape scale, will only help to inform (not harm) other core science and land management programs.

U.S. GEOLOGICAL SURVEY—LANDSAT FUNDING

USGS LANDSAT FUNDING PROJECTIONS

[In millions of dollars]

| Item | Fiscal year 2012 | Fiscal year 2013 | Fiscal year 2014 | Fiscal year 2015 | Fiscal year 2016 |
|---|---|---|---|---|---|
| Landsat 9 and 10 estimated costs [1] | 48.0 | 159.0 | 410 .0 | 306 .0 | 264.0 |
| Landsat 5, 7, and 8 | 53.5 | 53.5 | 53.5 | 53.5 | 53.5 |
| Total, Landsat 5, 7, 8, 9, and 10 | 101.5 | 212.5 | 463.5 | 359.5 | 317.5 |

[1] Includes both NASA and USGS Landsat 9 and 10 activities.

*Total USGS Funding Levels.*—Fiscal year 2010 enacted: $1,111,740; fiscal year 2011 request: $1,133,359; fiscal year 2012 request: $1,117,854.

IMPACT ON USGS PROGRAMS

*Question.* The 2012 budget includes $112 million in program increases, including $61 million in additional funding for the Landsat program. These amounts are offset by $84 million in decreases to existing programs and another $29 million in estimated savings for efficiencies. The Director of the Office of Science and Technology Policy in written testimony submitted to the House Committee on Science, Space, and Technology last month stated that significant reductions to USGS programs like minerals and water resources research were necessary to offset funding priorities like Landsat.

Water resources programs, earthquake and volcano hazards detection, minerals resources investigations, and biological studies are just some of the areas in which the USGS currently provides information that is vital to the public's safety, the Nation's security and protection of the environment. Will these programs continue to have the funding needed to provide these services in a time of declining budgets or is this the beginning of a shift in mission for the USGS from these services to a satellite mission?

Answer. The core mission of the USGS has not changed, but the budget is being realigned with the science missions detailed in the science strategy. The 2012 budget reflects tough choices. We are repositioning core responsibilities to better address complex multidisciplinary issues within a reduced funding level.

The request for an increase to begin transitioning the National Land Imaging Program to the USGS will create a stable home for the Landsat series of satellites. While NASA will still be our partner with responsibility for spacecraft instrument integration and launch, by aligning budgetary authority with the USGS, major programmatic decisions will be made with the best interest of the user community in mind. Landsat belongs with the USGS just like weather satellites belong with National Oceanic and Atmospheric Administration, so that data users can be responsible for the determination of data requirements on the satellite.

The administration supports both the development of a National Land Imaging Program at the USGS and the traditional USGS disciplines, and would be happy to work with the Congress to ensure this Landsat transition occurs responsibly.

LANDSAT

*NASA vs. USGS*

The division of responsibility for the Landsat land imaging program has traditionally been a shared one with NASA designing and launching the spacecraft and the USGS managing the operations of airborne satellites and the collection, processing and archiving of data. The new proposal would give the USGS primary budget authority for the all aspects of the Landsat program.

The budget request for NASA's earth sciences program in fiscal year 2012 is $1.65 billion, larger than the USGS' entire $1.1 billion request, and includes at least a dozen separate earth observation satellite missions. Given this fact, can you explain the rationale for severing the Landsat program from these other similar missions and moving it to the DOI?

Answer. NASA's primary mission is to develop research missions, where new technology is developed and tested. Some of these instruments are then transitioned to

operational missions, where they can collect routine, continuous observations over long time periods. Just as weather satellites have transitioned from NASA as research missions to NOAA as operational missions, it is time for Landsat to transition to an operational mission, hosted by the DOI. The model proposed by the DOI for a sustained land-imaging capability is similar to that of the Nation's weather satellite capabilities whereby NOAA provides mission requirements and funding to NASA, which develops and launches the spacecraft that NOAA then operates in order to widely and freely distribute meteorological data and information. This approach ensures that the primary data users are responsible for the development of the mission requirements and funding. This approach has been supported by the last two administrations and is reflected in the President's national space policy.

*Question.* Under the new proposal, once funding is appropriated and the USGS contracts with NASA on a reimbursable basis to design and launch the spacecraft, doesn't business proceed as it has in the past?

Answer. The primary difference in the business model will be that the USGS will have the programmatic lead for Landsat missions, including the development of mission requirements, which is essential to ensure that user needs of the Federal agencies are a priority in mission development. After the development of mission requirements, the construction of the satellite will continue in largely the same way as it has in the past, capitalizing on existing infrastructure, capabilities and lessons-learned.

*Question.* What does another administrative layer with an additional set overhead costs add to the process and how is it more efficient than appropriating design and launch funds directly to NASA?

Answer. The DOI is one of the primary users of Landsat imagery and has been since Landsat I was launched in 1972. It will be more efficient for Interior, through the USGS, to have responsibility for the development of Landsat data requirements. The USGS was reconfirmed as the organization responsible for operational land remote sensing requirements in the recent national space policy and will actively work with the other Federal agencies and Landsat users on defining Landsat data requirements. The USGS will be responsible for making decisions about trading technical capabilities defined by these requirements and the schedule to manage the Landsat program within its budget. Separating control of the budget from the data user creates conflicts of interest, diminishing the effective operation of the program. While the USGS will need to develop the capability to oversee and manage this project, they will not duplicate NASA's role, minimizing any additional costs while maximizing the overall effectiveness of the mission.

REIMBURSEMENT OF COSTS

*Question.* In a 2004 report to the Congress, the USGS described Landsat as a $21.2 million annual program of which $10.2 million was appropriated and $11 million was derived from data product sales and cost share fees from International Cooperator (ICs). In 2012, base funding for Landsat 5, 7, and 8 will be $53.5 million and the funding request for Landsat 9 and 10 adds another $48 million to the bottom line for a grand total of $98.5 million. At the same time, there is no longer a revenue stream to partially support the Landsat budget. Technological advances have standardized and streamlined access to information and shifted the costs of customizing data away from the USGS to the end user. Former Secretary Kempthorne formalized the policy of data availability at no cost to the public in an announcement in 2008.

Given the inevitability of dwindling Federal resources, has any thought been given to other innovative ways in which the Landsat program might recoup some of the Federal investment and generate some sort of offsetting revenue stream?

Answer. There has been some consideration of offsetting revenue. Since the USGS no longer provides products tailored to individual customers, the only fee-for-service that might be applicable under Public Law 102–555 would be for the negligible cost of each customer downloading a scene from a USGS server (currently around 10 cents per scene). If imposed, this fee would cost the USGS more to process than the fee charged.

Some operational costs for Landsats 5 and 7 are recovered by the USGS via charges for providing data downlinks to IC ground receiving stations, which also serve as valuable data-capture back-ups should a Landsat satellite's onboard image—data recorder or image—data relay capability be lost, as in the case of Landsat 5. Such fees, however, cover only a portion of Landsat operations.

NASA and NOAA have distributed vast amounts of digital satellite data at no charge to users for many years. NASA and NOAA base their data distribution on the following policy:

"Policies concerning distribution of government-produced information . . . are founded on the concept that government-produced information is a public resource and that its value is maximized when it is made freely available for widespread and convenient use. Policies on fees allow for charges for the costs of distribution only not for the costs of production. These policies apply to all kinds of US Government information—weather data, census data, geophysical data, financial data, etc. regardless of which agency is creating/collecting the information. They have served to create many information service industries in the US that generate jobs and create economic growth. Trying to use sales of government information to support government activities beyond recovering costs of distribution is contrary to these policies and would be, in effect, a form of taxation."

Since these data products are generated and placed on the Internet for timely distribution; fee-for-service or joint venture do not appear viable. Other reasons to maintain the current approach are:

—Tax dollars have already paid for the development, launch and operations of the satellite, plus image-data reception, archiving, and processing;
—Landsat data distribution policy is aligned with other USGS, NOAA, and NASA data distribution policies;
—By law, the data must be distributed on a nondiscriminatory basis at no more than the cost of fulfilling user requests; and
—Landsat data are considered a "public good" similar to GPS and weather data.

RE-EXAMINATION OF PROPOSAL

*Question.* The concept of USGS assuming primary responsibility for all aspects of the Landsat program has been discussed for years and was formalized in a report issued in 2007 by the previous administration. The fiscal landscape has changed dramatically since that time and Federal budgets are going to contract significantly.

What is the rationale for moving forward at this time with a proposal that is 4 years old and developed under more robust economic times? Wouldn't this be an appropriate time to re-evaluate the program with an eye toward forming partnerships that might reduce the overall cost? Why can't functions be consolidated and streamlined?

Answer. The proposal under consideration in the 2012 budget reflects the administration's preferred model for future Landsat missions. Consolidation and partnership for Landsat missions was considered as an option for reducing cost, but will ultimately be less successful than the model presented in the budget. For example, several years ago, the administration directed that the Landsat primary sensor be added to the National Polar-orbiting Environmental Satellite System (NPOESS) weather satellite mission. However, the extremely precise pointing requirements for the Landsat sensor were not achievable by the NPOESS satellite bus without extensive and costly modifications. It was quickly determined that it was not in the Government's best interest to add Landsat to the already-complex NPOESS mission, and the decision was made to make Landsat a free-flyer mission. The same issue would arise again should future Landsat sensors be placed on another satellite. Further complicating the issue is the need for a separate thermal instrument to accompany the Landsat primary sensor. Adding two instruments with stringent pointing requirements to another satellite would be problematic, increasing the cost to the taxpayer.

Landsats 4 and 5 were built and launched by NASA for NOAA. After the 1980s failure of Landsat commercialization, the Congress directed NASA to build and launch Landsat 7, which has been operated by the USGS since October 2000. NASA built and launched Landsats 1 through 5 and 7 and is currently building Landsat 8 (LDCM) in partnership with the USGS. NASA also built and launched all of the NOAA satellites currently on orbit. NOAA's cancelled NPOESS Program was a departure from the NOAA-funded/NASA-built model, which NOAA has since returned to and which the USGS is proposing to follow. NOAA's scientific expertise and satellite operations focus on the oceans and atmosphere while the USGS concentrates its science and satellite operations on the land.

The budget's Landsat proposal builds off of the successes and failures of Landsat's long history in various Federal agencies and the private sector. Ultimately, the DOI-funded/NASA-built satellite will best meet the needs of the data user community, at the least cost to the American taxpayer.

*Question.* Technology continues to develop at a lightning fast pace. Has there been a recent assessment of Landsat's planned technology investments that assures us that 7 years down the line, when Landsat 9 is scheduled to be launched, our investments will still be current and provide the best data? Is anyone looking at other ways of obtaining the information that we now get via Landsat?

Answer. The Landsat Data Continuity Mission (LDCM or Landsat 8 after launch), scheduled to launch in December 2012, boasts state-of-the-art imaging technology in both the primary multispectral Operational Land Imager instrument and the Quantum Well Infrared Photo-detector based Thermal Infrared Sensor. These two sensors are substantial improvements over past Landsat sensors, and are expected to deliver easily the highest-quality Landsat data in the history of the program, and should spawn a host of new applications to the tens of thousands of current Landsat users. The baseline plan with Landsat 9 is to take maximum advantage of the recurring engineering development work already accomplished with the LDCM imaging instruments in order to significantly reduce development risk and launch the new mission on time and budget.

Under the budget proposal, NASA would continue in its role of investigating, developing, and testing cutting-edge technology for land-imaging sensors plus data transmission and processing systems. The USGS, in turn, would operate Landsat satellites built by NASA using technology it has already found to be flight-proven and reliable.

The Landsat Science Team, a 16-member group of external independent scientists and engineers (from government, academia, the private sector, and international organizations) advises the USGS on requirements for sensors to meet the needs of Landsat users to ensure the technological needs of Landsat missions are achieved. The science team has repeatedly called for Landsat data continuity for the future. Alternate sources of data identical to that of Landsat and routinely captured on a global scale are not available.

Beyond contracting for another Government-managed free-flyer space system, there really are no other acceptable ways to obtain the information we now receive from Landsat. Alternate sources of data identical to that of Landsat are not available. Other possible imaging systems either have spectral or spatial resolutions inconsistent with that of Landsat, have insufficient ground systems to capture global datasets, or lack the operational characteristics necessary to support the tens of thousands of current Landsat users. Landsat has provided a 38-year record of continuous land use imagery data. The value of the Landsat data is the consistent record of land imagery with common imaging characteristics over a significant period of time. Changing key technical characteristics would significantly alter the data set and diminish the utility of the continuity of data.

OFFSHORE WIND DEVELOPMENT

*Question.* I applaud your efforts to streamline the regulatory process to approve offshore wind development through your Smart from the Start initiative. Rhode Island has already made great strides in preparing for offshore wind development, which is why I was disappointed that Rhode Island was not included in the initial group of States announced last February for this initiative. In particular, through extensive data collection and stakeholder outreach, Rhode Island developed a comprehensive coastal resource management plan called the Ocean Special Area Management Plan (SAMP). I believe these efforts have positioned Rhode Island well to prudently, but rapidly advance through the all stages and components of the regulatory process in offshore wind development. Can you explain how the extensive work of the Ocean SAMP will be incorporated into developing the DOI's plan for Rhode Island? Will the plan also include clearly defined next steps for Rhode Island to take that build upon the Ocean SAMP and will help Rhode Island rapidly advance through the regulatory process?

Answer. BOEMRE has coordinated closely with Rhode Island throughout development of the Ocean SAMP. As we consider leasing in the Area of Mutual Interest agreed to by Rhode Island and Massachusetts, the information gathered through the SAMP effort will be instrumental in identifying a Wind Energy Area (WEA) that is suitable to offer for lease for commercial wind development under Smart from the Start. The SAMP will continue to be a source of useful information as we complete environmental analysis of the WEA to be offered for lease, as well as in the preparation of required plans by the eventual lessee(s) and subsequent review by BOEMRE. The SAMP information has great potential for allowing lessees to prepare and submit combined Site Assessment/Construction and Operations Plans (SAP/COP), which would significantly reduce the permitting timeline. This approach has been discussed by BOEMRE and Rhode Island officials in developing a Rhode Island pilot project under the Atlantic Offshore Wind Energy Consortium established by Secretary Salazar and 10 Atlantic States to focus and expedite offshore wind development efforts. BOEMRE and Rhode Island officials have discussed process steps and will develop a timeline for SAP/COP submission and review after the lease process

is initiated and we determine whether a commercial lease(s) will be issued competitively or noncompetitively.

AMERICA'S GREAT OUTDOORS INITIATIVE/ENVIRONMENTAL EDUCATION

*Question.* Mr. Secretary, I appreciate the emphasis that the America's Great Outdoors initiative places on environmental education for young people. I have long advocated including environmental education in elementary and secondary education because it can pique a child's interest in learning and reinforce concepts taught in the classroom. That's why I have been proud to sponsor the No Child Left Inside Act, which I'll be reintroducing this Congress. I believe that the keys to success in these initiatives are strong coordination among environmental agencies and education agencies. Can you please tell me how the DOI and other environmental agencies will work with the Department of Education to coordinate environmental education programs? How will you work assess outcomes from your programs?

Answer. The America's Great Outdoors report to the President recommends that the Department of Education and other Federal agencies, including the DOI align and support programs that advance the awareness and understanding of nature. To that end, Secretary of the Interior Salazar and Secretary of Education Duncan have discussed collaborating on education programming in the areas of environmental science, social studies, history and civics, and science, technology, engineering, and mathematics (STEM) education. As a result, the Departments of Education and the Interior have drafted a Memorandum of Understanding (MOU) due for signature later this spring. Following establishment of the MOU, the National Park Service (NPS) will work with the Department of Education on a detailed interagency agreement establishing specific collaboration efforts including environmental science, STEM, and history and civics teacher preparation and development, distance learning, higher education through tribal colleges and universities, and place-based learning research. All programs jointly managed between the two agencies will have a built-in evaluation component to assess student and teacher outputs and learning outcomes. Currently, the NPS works to integrate evaluation into many of its curriculum-based programs. Outcomes often include increases in students' motivation for and confidence in learning science and history, improved test scores, increased desire to care for the environment, and increases in teacher confidence in using hands-on, interactive and place-based teaching methods.

The DOI has also recently developed a Youth Programs Impact Evaluation Tool-Kit that will provide another tool to program managers for evaluating the impact of participating in our environmental education programs; the Tool-Kit will provide yet another way for managers to assess a program's impact on environmental literacy, civic engagement, and career preparedness.

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QUESTIONS SUBMITTED BY SENATOR JON TESTER

IMPLEMENTATION OF THE INDIAN LAND CONSOLIDATION PROGRAM (ILCP)

*Question.* With no funds requested in the President's budget request for fiscal year 2012, what is your vision for how the ILCP will be implemented and when will that begin?

Answer. On December 8, 2010, the President signed into law the Claims Resolution Act of 2010 that includes the $3.4 billion *Cobell* settlement. Under the terms of the settlement, approximately $1.5 billion will be distributed to the class members to compensate them for their historical accounting claims and to resolve potential claims that prior U.S. officials mismanaged the administration of trust assets. The second part of the settlement establishes a $1.9 billion fund for the voluntary buy-back and consolidation of fractionated land interests to address the continued proliferation of thousands of new trust accounts caused by the division of land interests through succeeding generations. The land consolidation program will continue to provide individual Indians with an opportunity to obtain cash payments for divided land interests and consolidate ownership(s) for the benefit of tribal communities. In response to this provision, funds for the ILCP are not requested in the Bureau of Indian Affairs (BIA) budget in fiscal year 2012. In addition, as an added inducement to facilitate the purchase of fractionated land interests, up to $60 million of the $1.9 billion for land acquisition will be contributed to an existing, nonprofit organization for the benefit of educating American Indians and Alaska Natives. Upon final approval by the U.S. District Court for the District of Columbia, the *Cobell* v. *Salazar* settlement agreement will be implemented.

*Question.* Has the Department of the Interior (DOI) consulted with or otherwise communicated with the congressional committees of jurisdiction, Indian tribal leaders, or class members in the *Cobell* lawsuit?

Answer. The DOI stands ready to implement the *Cobell* settlement when it is approved by the court. The court-supervised process of notifying class members has begun, and is being handled by the plaintiffs. The court anticipates holding a "fairness hearing" in June prior to finalizing the settlement. During the pendency of this process, the court is continuing to restrict communications between DOI officials and class members. As a result, the DOI cannot yet begin the Government-to-government consultations with tribes and tribal members to discuss how we will move forward with the implementation process.

The DOI has a briefing with the congressional committees of jurisdiction scheduled in April 2011. Deputy Secretary David Hayes and Solicitor Hilary Tompkins began hosting monthly calls with tribal leaders in February 2011, and hosted a call on March 25, 2011. Tribal leaders from all 565 federally recognized tribes were sent an invitation.

*Question.* What new structures does the DOI believe are needed to successfully implement the trust land consolidation fund?

Answer. As mentioned above, the DOI cannot yet begin the Government-to-government consultations with tribes and tribal members to discuss how we will move forward with the implementation process, which includes implementation of the land consolidation fund. Nonetheless, we will use these intervening months to have internal discussions regarding how best to proceed with implementation, so that we will be prepared to have productive discussions with the tribes and trust beneficiaries, as soon as the settlement is finalized and approved by the court.

*Question.* What has the DOI's experience been in the ongoing land consolidation efforts?

Answer. The ILCP was established in 1999 on three reservations within the Midwest region to study the feasibility and provide the groundwork for the reduction or elimination of the fractionation problem. In 2000, an amendment to Indian Land Consolidation Act initiated a land consolidation acquisition program within the BIA to consolidate fractionated lands. The program became permanent through American Indian Probate Reform Act in 2004. Its mission is to acquire fractionated interests. Overall, the program has acquired 427,153 interests (642,554.6 acres) through February 4, 2011.

*Question.* Are there regional or statewide differences in progress made thus far in consolidating Indian land that is fractionated?

Answer. The ILCP focus has been targeted in the Great Plains, Midwest and Eastern Navajo Regional land bases as the strategy was to target highly fractionated interests. A majority (not all) of the tracts that resided in the Midwest land base and some Navajo tracts were valued by the Office of Appraisal Services in a timely manner as those tracts were relatively homogenous, could be valued at the same time, and the Office of Mineral Evaluation had already completed mineral evaluations where tracts were identified as having low mineral content. The Great Plains Region has an automated valuation system that allows for many of these tracts to be valued with minimal preparatory work. Due to these factors, these interests within the Great Plains were consolidated at a much faster rate.

RENEWABLE ENERGY DEVELOPMENT

*Question.* Mr. Secretary, When I was president of the Montana State Senate, I led the charge to institute a renewable portfolio standard. That standard has created a number of good jobs in Montana and attracted investment throughout the State.

Though we don't have a renewable energy standard here, your Department is working toward the goal developing 10,000 MW of renewable energy on public lands by 2012. I know you've worked hard to achieve this goal and have approved 4,000 MW on Bureau of Land Management (BLM) land. You've requested an increase in funding ($14 million increase to $73 million) to achieve this.

How do you plan to double these efforts this year, while still adhering to a strong environmental review?

Answer. The President's fiscal year 2012 budget request includes a $13.9 million increase for renewable energy efforts for the DOI, including a $3 million increase for the BLM. To help meet the goals for permitting renewable energy projects on public lands, the BLM has identified 20 projects (10 solar, 5 wind, and 5 geothermal) on our 2011 Priority Project List (PPL). To be a priority project, a company must demonstrate to the BLM that the project has progressed sufficiently to formally start the environmental review and public participation process, as well as

have the potential to be approved by the end of 2011. In addition, the projects must be sited in an area that minimizes impacts to the environment. All renewable energy projects proposed for BLM-managed lands will receive the full environmental review required by the National Environmental Policy Act, and will include the same opportunities for public involvement required for all other land-use decision-making by the BLM. PPL projects have been screened in accordance with this policy and are generally located away from sensitive areas and believed to have relatively few conflicts with other important resources.

*Question.* What are you doing in expand renewable energy development in Montana?

Answer. In the BLM's Montana/Dakotas State office, the agency has staffed a renewable energy team of five positions (two permanent, three limited term) to facilitate development of renewable energy on public lands. While wind testing and monitoring locations approved on BLM-administered lands over the last several years have not resulted in development applications from industry, the BLM is reviewing lands to determine if there are areas that have limited conflicts with other resources and values where renewable energy development might be focused. Funding is also being used to inventory for golden eagles and cultural resources in areas across the State with high-potential wind resources. The BLM also has been conducting proactive work with tribal representatives to engage them in discussions on renewable energy and enhance consultation protocols. Additionally, the BLM has placed a priority on the processing and review of transmission projects crossing BLM-administered lands in Montana that may result in opening markets for energy generated in Montana, including the State's high potential wind energy resources.

LAND AND WATER CONSERVATION FUND AND CONSERVATION EASEMENTS

*Question.* Mr. Secretary, your budget emphasizes conservation of our special landscapes, and conservation easements can be a particularly useful way of maintaining these assets for the future. In Montana's Crown of the Continent and elsewhere, we've seen what an economic driver to the local economy easements can be. I know Lyle Hodgskiss—a banker from Choteau, Montana—has testified before the Congress that easements create $4 in the local economy for each $1 invested.

They help ranchers get working capital protecting traditional land uses and jobs on our ranches and in our forests, while safeguarding the places we all care about.

In fiscal year 2012 you plan to continue the easement-based conservation effort on the Rocky Mountain Front, as well as to acquire key in-holdings including one at Glacier National Park.

Can you tell us how conservation easements fit into your conservation strategy?

Answer. With more than 70 percent of the Nation's lands privately owned, working lands are vital to conserve water resources, ecosystems, and wildlife and to provide recreational opportunities for hunters, anglers, and other outdoor enthusiasts. In the 21st century, partnerships with both private and public stakeholders will be critical to the success of conservation and restoration goals.

The 2012 Federal land acquisition request includes $41.3 million for conservation easements. Conservation easements are one cost-effective tool through which private landowners and the Federal Government can enter into mutually beneficial agreements that help keep our working lands—forests, farms, and ranches—in production, while delivering conservation benefits to the broader landscape. These voluntary agreements provide an economic boost for rural landowners who wish to undertake conservation activities on their own lands, often alongside agricultural operations.

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QUESTIONS SUBMITTED BY SENATOR THAD COCHRAN

GULF OF MEXICO DRILLING

*Question.* Mr. Secretary, the Oil Spill Commission appointed by the President recently concluded that the oil spill in the Gulf of Mexico (GOM) was the fault of one company's errors, and not a systemic issue within the industry of offshore oil drilling.

The gulf coast remains plagued by issues related to the oil spill, Hurricane Katrina, and the overall slow national economy, yet the Department of the Interior continues to hold back drilling in the GOM by dragging its feet in issuing permits and creating new hurdles for offshore drilling companies to maintain operations. The offshore drilling industry is incredibly valuable not only to the livelihood of the gulf coast, but also to the Nation. As gas prices continue to climb, it would be beneficial to all Americans to open up more waters for drilling.

*Question.* How is the newly formed Bureau of Ocean Energy Management (BOEMRE) working to accelerate operations in the gulf so that precious American jobs are not lost to overseas operations?

Answer. There are some that dismiss Deepwater Horizon incident as an isolated event that does not represent a systemic problem. The evidence developed by the National Commission convincingly refutes the notion that Deepwater Horizon was a one-in-a-million event. The commission identified 79 loss-of-well control incidents in the GOM between 1996 and 2009. That implies a much higher risk than one in a million. Very recently, we saw a loss of well control in the GOM involving a platform in shallow water. Thankfully, the consequences were not dire, but that event certainly undermines the claim that such events are exceedingly rare. Moreover, the National Commission cited failures not only by BP, but by TransOcean and Haliburton as contributors to the Deepwater Horizon accident and oil spill, which supported its view that Deepwater Horizon reflected a systemic issue.

The primary focus of BOEMRE is to make future drilling and production activities significantly safer than they were before the Deepwater Horizon event. We are doing so through the issuance of new prescriptive regulations to bolster safety, and to enhance the evaluation and mitigation of environmental risks. BOEMRE has raised the bar for equipment, safety and environmental safeguards in the drilling and production stages of offshore operations; we will continue to do so in open and transparent ways in the coming months and years. We have also introduced performance-based standards similar to those used by regulators in the North Sea. We have done this through the implementation of two new rules.

The Drilling Safety Rule is an emergency rule prompted by the Deepwater Horizon event. It has put in place tough new standards for well design, casing, cementing and well control equipment, including blowout preventers. Operators are now required to obtain independent inspection and certification of each stage of the proposed drilling process. In addition, blowout preventers must meet new standards for testing and maintenance and must be capable of severing the drill pipe under anticipated well pressures.

The second rule is the Workplace Safety Rule, which aims to reduce the human and organizational errors that lie at the heart of many OCS incidents. The development of this rule was in process well before the Deepwater Horizon incident. Operators now are required to develop a comprehensive Safety and Environmental Management System (SEMS) that identifies the potential hazards and risk-reduction strategies for all phases of activity, from well design and construction, to operation and maintenance. Although many forward-looking companies developed SEMS systems on a voluntary basis in the past; others had not.

In addition to these important new rules, we have issued Notices to Lessees (NTLs) that provide additional guidance to operators on complying with existing regulations.

—In June 2010, we issued NTL–06, which requires that operators' oil spill response plans include a well-specific blowout and worst-case discharge scenario—and that operators also provide the assumptions and calculations behind these scenarios.

—In November 2010, we issued NTL–10 which requires that operators provide a mandatory corporate statement that they will conduct the applied-for drilling operation in compliance with all applicable agency regulations. The NTL also confirms that BOEMRE will be evaluating whether each operator has submitted adequate information to demonstrate that it has access to, and can deploy, subsea containment resources that would be sufficient to promptly respond to a deepwater blowout or other loss of well control.

We are working hard to ensure that this important industry continues to operate successfully. Since February 17, 2011, when the groups organized by industry established that they had developed a suite of options capable of dealing with a subsea blowout, we have approved eight deepwater permits for seven unique wells. More permits will be approved in the coming weeks and months as operators demonstrate that they meet our requirements. BOEMRE believes firmly that developing programs and policies that ensure drilling safety must be the Bureau's highest priority.

HUMANITIES AND PRESERVATION FUNDING CUTS

*Question.* Secretary Salazar, for the second year in a row, you have recommended stopping funding for the Save America's Treasures (SAT) grant program and reducing funding for both the National Endowment for the Humanities and the Historic Preservation Program.

I have been a supporter of such funding for years, and I believe that refurbishing historic buildings has a rippling effect of good throughout a community—from job

building to improving blighted neighborhoods. I understand budget constraints, but I notice that you have created and seek funding for a new cultural investment program called America's Great Outdoors.

*Question.* Can you please explain why you have replaced SAT, an extremely popular and competitive program, with this new initiative?

Answer. The National Park Service (NPS) administers the Historic Preservation Fund and within that appropriation, SAT grants. The National Endowment for the Humanities is part of the National Foundation on the Arts and the Humanities and is an independent grant-making agency.

The America's Great Outdoors initiative recognizes that the protection of the Nation's historic heritage is an objective shared by all Americans and that lasting conservation solutions should arise from the American people. The initiative seeks to empower all American citizens, community groups, and local, State and tribal governments to share in the leadership responsibility for protecting, improving, and providing greater access to the Nation's historic heritage.

In a time of difficult budget trade-offs, the America's Great Outdoors initiative focused the 2012 budget on nationwide historic preservation goals. The 2012 budget includes a total increase of $6.5 million in the Historic Preservation Fund for grants-in-aid to States, territories, and tribes to operate and provide grants through State and Tribal Historic Preservation Offices (THPOs) to carry out Federal responsibilities under the National Historic Preservation Act. The budget eliminates funding for SAT grants that are duplicative of grants available through SHPOs and THPOs and do not necessarily fund priorities established in statewide comprehensive historic preservation plans. Further, the Federal Government has no obligation to provide historic preservation grant funding through this program under the National Historic Preservation Act. Many high-quality projects have been awarded through the SAT program, but there is no long term or systematic strategy in awarding grants and at least half of SAT projects are annually earmarked by the Congress without using merit-based criteria.

The 2012 request includes an increase of $3.5 million for a total of $50 million to fund historic preservation Grants-in-Aid to States and territories to carry out Federal responsibilities under the National Historic Preservation Act. Increased funding will facilitate the ability of State Historic Preservation Offices (SHPOs) to respond to the steadily increasing number of section 106 compliance reviews on federally funded infrastructure projects Government-wide. It will also increase the number of individual National Register of Historic Places eligibility opinions, as part of compliance reviews, which have increased by between 5,000 and 10,000 annually; from 73,900 opinions in fiscal year 2005, to an estimated more than 110,000 determinations nationwide in fiscal year 2010. In addition, the increased funding will support additional and larger grants to Certified Local Governments (CLGs) and more preservation activities at the local level. The number of CLGs participating in the Federal Historic Preservation Program will increase to approximately 1,870 in fiscal year 2012, an increase of 16.3 percent from the 1,608 CLGs participating in fiscal year 2007. The National Historic Preservation Act requires that States pass 10 percent of their HPF allotment to CLGs.

The 2012 request also includes an increase of $3 million for a total of $11 million to fund grants-in-aid to tribes. This funding will enable approved tribes to develop fully effective, ongoing cultural and historic programs and provide the necessary funding for the steadily increasing number of Indian tribes that are approved by the NPS to assume Historic Preservation Officer duties on tribal lands pursuant to the National Historic Preservation Act. In fiscal year 2010, there were 100 approved THPOs. The number of approved THPOs is expected to grow to 125 in fiscal year 2012.

BUREAU OF INDIAN AFFAIRS (BIA)

*Question.* Why does your fiscal year 2012 budget provide for only 65 percent of actual need for education-related tribal support costs, while it provides approximately 92 percent of actual need for contract support costs (CSC) for all other tribally run programs?

Answer. The administration has committed to support and advance tribal self-determination and self-governance for the 565 federally recognized American Indian tribes. Approximately 63 percent of the annual BIA appropriation is transferred to Indian tribes or tribal organizations through Public Law 93–638 contracts and self-governance compacts. Tribes and tribal organizations utilize the contracted funds to employ individual Indians as tribal police officers, social workers, school teachers, foresters, and firefighters. The Congress amended the act to provide that, under self-determination contracts, tribes would receive funds for CSCs in addition to the

base program amount to manage their contracts. Contract Support Funds (CSF) are used by tribal contractors to pay a wide range of administrative and management costs including, but not limited to, finance, personnel, maintenance, insurance, utilities, audits, communications, and vehicle costs. The BIA CSC policy stabilizes funding to each tribe, expedites annual payments, and prevents the reduction of CSF from one year to the next.

In fiscal year 2012, the President's budget includes a $25.5 million increase in funding for CSC; this is an approximate 15 percent increase more than the 2010 enacted level. The budget increase provides almost all of the indirect CSC need and approximately half of the direct contract support need. Indirect CSCs are incurred for a tribe's common services, such as financial management and accounting. Direct CSCs are the costs that tribes incur, but are not provided in program funding or indirect funding, such as the cost of program-specific training, and costs related to direct program salaries (i.e., unemployment taxes, workers compensation insurance, and retirement costs).

Tribal Grant Support Costs (TGSC) are provided to schools to cover administrative expenses and indirect costs incurred in operating contract and grant schools. All 126 tribally controlled schools and residential facilities receive TGSCs. During the fiscal year 2012 formulation process, tribal priorities led to the decision to increase CSC over TGSCs.

Tribal priorities weighed heavily in the formulation of the fiscal year 2012 budget request, as it includes additional funding to bring both CSC and TGSC levels closer to full funding. However, given the fiscal constraints of Federal funding for fiscal year 2012, the urgency of funding increases was a factor that tribal representatives considered during consultation. As a result, the budget request prioritizes a larger funding increase ($25.5 million) for CSC primarily because it impacts a larger number of tribes on a nationwide basis, as the vast majority of tribes have at least one self-determination contract or self-governance compact and are thus eligible to receive CSC funding. Also included in the balance of tribal priorities in the fiscal year 2012 budget, is a $3 million increase in TGSC to ensure that progress continues to be made toward full funding in this critical area as well.

*Question.* What is the impact of underfunding education-related tribal support costs, particularly as it pertains to the self-determination of tribes in the educational context?

Answer. By not funding TGSC, tribally controlled schools and residential facilities have to resort to other funding sources to cover administrative and indirect costs that include finance, procurement, records management, insurance, and legal services.

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QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

*Question.* Secretary Salazar, in the summer of 2009, we enjoyed a wonderful visit to Acadia National Park, a jewel of Maine's coast and an important economic driver in the region. Thank you for making that trip, and we look forward to hosting you in Maine again soon.

As you saw during your visit, Acadia is unique among National Parks in that it still contains many privately owned land parcels within the Park's official boundaries. With the present uncertainty about the remainder of fiscal year 2011, I wanted to highlight the $1.7 million in Land and Water Conservation Fund (LWCF) funding included in the previous budget request for Acadia to purchase a key 39-acre parcel near Lower Hadlock Pond, which is appraised at $3 million. Recognizing that things are still very much in the air with the fiscal year 2011 budget, has the Department of the Interior (DOI) considered how it might allocate funding within the LWCF if the account is not funded at President's requests level for fiscal year 2011? How might a reduced fiscal year 2011 funding level affect the prioritization of funding in fiscal year 2012?

Answer. The National Park Service (NPS) has a prioritization process that allows parks, their respective regional offices, and the national office to calculate a priority for each request, as submitted on an annual basis. In each of the fiscal years 2011 and 2012, more than 300 projects were submitted through this process for funding. Once the NPS has set its priorities, Department-wide criteria were applied to come up with a final list for each fiscal year.

For the fiscal year 2011 request, the Acadia National Park's request ranks number 26 of 27 line-item projects requested for funding. This request of $1.76 million is to acquire approximately 23 acres that border Round Pond located in a section of Mount Desert Island within the park boundary. For the 2012 request, the Acadia National Park's request ranks number 13 of 34 projects requested for funding. The

funding requested, $3 million, would be used to acquire approximately 37 acres located near Lower Hadlock Pond within the park boundary.

If the LWCF account is funded below the President's request level for fiscal year 2011 projects would be funded by priority. Upon enactment of the 2011 budget, the NPS and the DOI would have to re-prioritize the projects requested in 2012 with those not funded in 2011 to ensure that the highest land acquisition priorities are addressed. The projects requested but not funded in 2011 may or may not be funded in 2012 under this scenario.

*Question.* The LWCF accrues $900 million annually, primarily from offshore oil and gas revenues. These credited monies cannot be spent unless appropriated by the Congress. From fiscal year 1965 through fiscal year 2010, about $32.6 billion has been credited to LWCF, but only about half that amount—$15.5 billion—has been appropriated. What happens to the unappropriated balance of funds?

Answer. Unappropriated funds remain in the Treasury account. Today there is approximately $17 billion in unappropriated balances within the LWCF.

*Question.* One of the most important Federal programs to assist in the preservation of recreation and environmental resources is the LWCF. Secretary Salazar, you have been such a leader in this area, and I was pleased to be able to work with you to support this important program during your time in the Senate. In this challenging economy where budgets are stressed and we are identifying ways to cut spending, prioritization and partnerships are going to be absolutely essential. With the recent release of the new America's Great Outdoors report, I would like to pick up on your mention of landscape conservation cooperatives.

Maine provides an outstanding example of how important it is to engage and support the efforts of private landowners to sustain working farms, ranches, and forests—we have been able to support a robust forest products industry, protect biodiversity, public access to recreation and increase opportunities for tourism.

What do you see as the role of private landowners when it comes to the administration's efforts to focus on large-scale landscape conservation? Do you see maintaining working lands as compatible with conservation efforts?

Answer. About two-thirds of the landscape in the contiguous United States is owned and managed by farmers, ranchers, and forest and other landowners. A small portion of these private lands are under easement and other arrangements that ensure that they are protected over the long term; the majority is in active agriculture and forestry uses. Even in areas with large Government ownership of land, privately owned lands often provide important wildlife habitat and migration corridors. These working lands are an essential piece of vibrant and diverse rural communities that are part of the fabric of our Nation.

What is increasingly clear is that well-managed private lands also support healthy ecosystems that provide clean water, wildlife habitat, recreational opportunities and other environmental services that benefit all of our communities. One of the goals of the America's Great Outdoors initiative is to catalyze large-scale land conservation partnership projects through economic incentives and technical assistance. To implement this goal, the Federal Government will support and catalyze landscape-scale efforts for conservation of working lands by using the LWCF and other existing revenue sources and grant programs. We will also obtain this goal by improving coordination and alignment in use of technical and financial resources among Federal, State, tribal, and local governments and other partners.

The 2012 budget provides some key tools to advance these goals. The budget requests full funding of the LWCF, including a total of $117 million for a new competitive component of the NPS LWCF Stateside Grant program. Projects that are consistent with State Comprehensive Outdoor Recreation Plans and promote large-scale land conservation through the use of voluntary conservation easements, among other criteria, will be eligible for these funds.

Additionally, $41.3 million of the Federal land acquisition component of the LWCF request is for conservation easements. Conservation easements are a cost-effective tool through which private landowners and the Federal Government can enter into mutually beneficial agreements that help keep our working lands—forests, farms, and ranches—in production, while delivering conservation benefits to the broader landscape. These voluntary agreements provide an economic boost for rural landowners who wish to undertake conservation activities on their own lands, often alongside agricultural operations.

*Question.* As the ranking member of the Homeland Security and Government Affairs Committee, I read with interest the recent findings of the Government Accountability Office (GAO) and the Office of Inspector General (OIG) with regard to weaknesses in the oversight and collection and management of royalties. Specifically that the OIG has listed revenue collections as a top management challenge for more

than 10 years, and a finding that the Department's systems are too reliant on industry-supplied data.

Can you elaborate on how the system is being updated to remedy this situation to ensure the right revenues are being collected? Do we have a clear picture at the moment of what is owed and has not been collected?

Answer. The GAO's high-risk report identified three major shortcomings in the DOI's revenue collection policies, including ensuring that:

—the Federal Government receives a fair return on its oil and gas resources;

—the DOI completes its oil and gas production verification inspections; and

—Interior's data on production and royalties are consistent and reliable.

In their related reports, GAO provided estimates of the amount of revenue that the Department of the Interior did not collect due to shortcomings with production and royalty data. Specifically, the GAO "reported that MMS was missing about 5.5 percent of royalty reports for fiscal years 2006 and 2007 that were due on sales of oil and gas from leases in the Gulf of Mexico, potentially resulting in $117 million in uncollected royalties".

The Office of Natural Resources Revenue (ONRR) has a comprehensive risk-based audit and compliance program to target underpayments and to ensure that royalties do not go uncollected. On average, over the last 5 years, the DOI's audit and compliance program collected payment of approximately $110 million a year from companies. These amounts represents companies' underpayments in their initial voluntary reporting, which were discovered through on-going compliance activities.

In 2008, the former Minerals Management Service agreed with GAO, that detection of missing royalty reports cannot wait until an audit is performed. Since GAO's 2008 report, ONRR has undergone several reforms to catch underreporting sooner and ensure that the right revenues are being collected. Up front system edits now put more emphasis on industry to report correctly through a series of royalty and production edits to ensure that data is correct before it arrives at ONRR. Current technology and system capabilities have opened new avenues for ONRR to identify and analyze erroneous data on a real-time basis. The ONRR has initiated a data mining effort to provide earlier detection of missing or inaccurate royalties. In our fiscal year 2012 budget request, we are seeking funding of $1.98 million and 12 full-time equivalents to expand data mining reviews addressing earlier detection of missing or inaccurate royalties in direct response to GAO's recommendation. The ONRR is also taking preliminary steps to evaluate alternative methods of collecting output data.

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## QUESTIONS SUBMITTED BY SENATOR LISA MURKOWSKI

### ENERGY FEE INCREASES

*Question*. The fiscal year 2012 budget proposes new fees on the oil/gas industry to pay for both onshore operations administered by the Bureau of Land Management (BLM) and offshore operations by the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE). For onshore operations, the new fees are $38 million and at BOEMRE you propose to raise fees on offshore operators from $10 million to $65 million.

Can you tell me how you determined the amount of these fees and if there are any circumstances under which they might be adjusted?

Answer. The proposed $55 million increase in inspection fees roughly offsets the $56.4 million requested to increase inspection/monitoring capability. Additional resources are essential to effectively meeting industry demand for efficient, effective, transparent, and stable regulatory environment given the increased review that must occur. The need for additional resources is broadly recognized and supported by industry, as evidenced by a letter, dated November 17, 2010, to the House and Senate subcommittees on Interior, Environment, and Related Agencies signed by the American Petroleum Institute; American Exploration & Production Council; International Association of Drilling Contractors; Independent Petroleum Association of America; National Ocean Industries Association; and US Oil and Gas Association.

The proposed level of inspection fees provides sufficient funding in fiscal year 2012 to meet industry and public demands for efficient and effective regulation of the OCS at no additional cost to the taxpayer. Fees may be adjusted in the future as required to maintain as recommended by the Department of the Interior (DOI) Inspector General ". . . a robust, sufficiently staffed inspection program that possesses the tools necessary to conduct inspections effectively."

BLM fees are based on the cost of inspections onshore, and are designed to recoup the majority of these costs. The fees will be re-evaluated each year to ensure funding is adequate to fulfill the BLM's inspection and enforcement responsibilities and to meet the needs of the program.

*Question.* No one likes to pay more fees, but I also understand that the oil/gas industry is always a convenient target. I think what many companies are troubled by is that they paid for roughly one-half of the budget of the Minerals Management Service (MMS) through rental payments on their OCS leases from the Government. Under the fiscal year 2012 budget request they would pay for two-thirds of the BOEMRE budget, while at the same time they see a confusing maze of new rules and an organization that is becoming more of an obstacle to developing projects that cost them billions of dollars. How would you address these concerns?

Answer. Royalties and user fees are not interchangeable. The purpose of royalties is to achieve a fair return to the taxpayer for the use of Federal resources; while the purpose of a user fee is to recover the costs the Federal Government must pay to regulate an industry. Because these regulatory activities benefit the oil and gas industry, it is in the interest of the industry to ensure a more robust regulatory agency is available that can function efficiently and timely.

The proposed level of inspection fees, with minor exceptions, amount to less than 1 percent of gross revenues for companies incurring those costs. The administration does not believe this to be an unreasonable or burdensome cost. Findings from the numerous investigations of the Deepwater Horizon incident highlighted the need to reform the regulatory oversight of leasing, energy exploration, and production to assure human safety and environmental protection. This has resulted in new processes, rules, and regulations that must be followed by the oil and gas industry.

The National Commission on BP Deepwater Horizon and Offshore Drilling, after noting current contributions from the oil and gas industry, stated that:

"The oil and gas industry, however, should do significantly more and provide the funds necessary for regulation of offshore oil and gas operations and oil spill preparedness planning. The amount of funding needs to keep pace as industry moves into ever-more challenging depths and geologic formations because the related challenges of regulatory oversight likewise increase . . . No matter the precise mechanism, the oil and gas industry would be required to pay for its regulators, just as fees on the telecommunications industry support the Federal Communications Commission. Regulation of the oil and gas industry would no longer be funded by taxpayers but instead by the industry that is being permitted to have access to a publicly-owned resource."——National Commission, Final Report p. 290.

*Question.* If these fees are approved by the subcommittee, can industry expect more timely processing of permits with the new personnel that you will hire?

Answer. BOEMRE continues to review and approve applications that demonstrate the ability to operate safely and contain a subsea blowout in deepwater. The rate of deepwater permit applications is increasing, which reflects industry's growing confidence that it understands and can comply with the applicable requirements, including the containment requirement. BOEMRE expects additional permit approvals in the near future. However, the need for additional resources to support this function is widely recognized and supported by industry. With the requested additional personnel in the fiscal year 2012 budget, BOEMRE will ensure a thorough and timely review of permitting requests.

*Question.* The BLM fees are intended to cover the inspection and/or processing of permits and will not affect the time necessary to complete environmental reviews. The fee replaces existing appropriations in order to shift costs from the taxpayer to the industry that benefits from these activities; it does not supplement existing appropriations to hire additional personnel. The BLM has a good record of clearing pending permits. For example, fiscal year 2010 began with 5,370 pending Application for Permit to Drill (APD) and BLM received an additional 4,251 new APDs. The BLM processed 5,237 APDs during the year, reducing the pending APDs by nearly 1,000 to 4,384 at fiscal year end.

There are still some smaller operators onshore—will there be any exemptions for certain operators under your fee structure?

Answer. The proposed BLM inspection and enforcement fee is not a blanket per-well fee, but is tiered in a way so that smaller producers pay less than larger producers. For example, a producer with one lease with 5 wells would pay a $1,200 inspection fee, while a producer with one lease with more than 50 wells would pay $5,700. The following fee schedule is tied to the number of active and inactive wells for each lease or agreement:

—$600 for each lease or agreement with no active or inactive wells, but with surface use, disturbance, or reclamation;

—$1,200 for each lease or agreement with 1 to 10 wells, with any combination of active or inactive wells;
—$2,900 for each lease or agreement with 11 to 50 wells, with any combination of active or inactive wells; and
—$5,700 for each lease or agreement with more than 50 wells, with any combination of active or inactive wells.

BLM/ENVIRONMENTAL PROTECTION AGENCY HARDROCK MINING FINANCIAL ASSURANCES

*Question.* Mr. Secretary, I sent a letter to both you and Secretary Vilsack yesterday concerning the EPA's efforts to impose financial assurance requirements on hardrock mining operations. Since you are here today, I thought I'd raise the issue with you to get your initial reaction. The BLM and the U.S. Forest Service (USFS) have required financial assurances for hardrock mines on Federal lands since 1981 and 1974, respectively.

In light of the statutory authorities and years of experience that those agencies already hold, do you think adding another layer of bureaucracy to this process is warranted?

Answer. On February 25, 2009, the U.S. District Court for the Northern District of California ordered the EPA to comply with the requirements set forth under CERCLA § 108(b) by identifying a priority list of facility classes requiring financial assurance for potential future cleanup activity (see, *Sierra Club, et al.*, v. *Johnson*, 2009 U.S. Dist. LEXIS 14819). On July 28, 2009, the EPA identified the hard rock mining industry as a facility class falling under the financial responsibility requirements under CERCLA § 108(b) (see, 74 FR 37213–37219). The EPA has been coordinating with the BLM as it develops the rule for this industry in order to ensure that both agencies meet their statutory requirements while demonstrating good government—protecting the public interest in ensuring that the taxpayers do not bear the cost of addressing past and future releases of hazardous substances, while ensuring that the Federal Government provides a streamlined set of requirements for those developing hardrock mineral resources. We defer further questions on the timing and content of the rule to the EPA.

ALASKA CONVEYANCE CUTS—TRIBAL CONTRACTING IMPACTS

*Question.* I mentioned the severe cut to the Alaska Conveyance Program in my opening statement and some of the reasons that I find it unacceptable. But I should also point out that it really is, for lack of a better phrase, a "double whammy" for the Native Alaskan community. Not only are they not getting the patents for lands that they are entitled to in a timely manner, but much of the survey work is in remote locations and is performed through tribal contracting. This provides job opportunities for Native Alaskans where jobs are hard to come by. I'm going to work with Chairman Reed and the House and I hope to get funds restored for the program this year.

This is the second year in a row that the DOI has proposed substantially reducing the Conveyance program. We've spoken about this issue many times, is the real problem here, Office of Management and Budget?

Answer. The budget reflects difficult choices. The administration proposes to reduce funding for the BLM Alaska Conveyance Program as part of an effort to reevaluate and streamline the conveyance process so that available resources are focused on completing the goal of transferring title to 150 million acres the agency is required to convey. The BLM has already issued final or interim conveyance on most of these acres but now needs a strategy to complete final transfers. The reduction will mean the BLM will reduce some work performed by contractors and some by Federal employees, in the least disruptive fashion possible. The DOI remains committed to working with tribal governments to ensure the available funding for the land conveyance program is used in the best manner possible.

IZEMBEK WILDLIFE REFUGE ENVIRONMENTAL IMPACT STATEMENT (EIS)

*Question.* I am very pleased that the Fish and Wildlife Service (FWS) is moving forward to complete the EIS required before a land exchange approved in 2009 involving lands in the Izembek National Wildlife Refuge can go forward. I understand the FWS plans to issue a draft EIS this spring and a Record of Decision in 2012.

Can you assure me that this timeline will be met? This is critical for the residents of King Cove, Alaska.

Answer. The FWS is planning to complete the draft EIS this fall and deliver the final EIS to the Secretary by the early summer of 2012.

BIA CONTRACT SUPPORT COSTS (CSC)

*Question.* Federal law and policy encourages Indian tribes to take over direct operations of many Federal trust programs for the benefit of tribal members. Tribes and tribal organizations that exercise these responsibilities are entitled by law to receive Tribal Grant Support Costs (TGSC) to cover the administrative or indirect costs incurred.

I am pleased that your budget increases both budget line items which pay these CSCs, one for education-related costs and one for all other tribally run programs. The budget line which pays for education-related CSCs is funded at 65 percent of actual need. And the budget line for all other tribally run programs is funded at 92 percent of actual need.

When we don't fully fund the CSCs, the tribes are reducing teachers and other personnel and diverting funds from the programs they are administering to meet their statutorily mandated administrative requirements. Do you have any thoughts on how we can improve the budget for these costs?

Answer. During formulation of the Bureau of Indian Affairs (BIA) budget, tribal consultation is engaged by the Assistant Secretary to ensure that tribal priorities are reflected in the request each year. This occurs formally through quarterly meetings of the Tribal/Interior Budget Council, which is comprised of BIA senior leadership, two tribal representatives from each of the 12 BIA regions, and two tribal co-chairs. The tribal members are designated representatives of all tribes in their respective regions to ensure that the priorities of tribes on a nationwide basis are represented to the greatest extent possible during budget consultation.

Tribal priorities weigh heavily in the fiscal year 2012 budget request, as it includes additional funding to bring both CSC and TGSC levels closer to full funding. However, given the fiscal constraints of Federal funding for fiscal year 2012, the urgency of funding increases was a factor that tribal representatives considered during consultation. As a result, the budget request prioritizes a larger funding increase ($25.5 million) for CSC primarily because it impacts a larger number of tribes on a nationwide basis, as the vast majority of tribes have at least one self-determination contract or self-governance compact and are thus eligible to receive CSC funding. The budget increase provides almost all of the indirect CSC need and approximately one-half of the direct CSC need.

Also included in the balance of tribal priorities in the fiscal year 2012 budget, is a $3 million increase in TGSC to ensure that progress continues to be made toward full funding in this critical area as well.

UNITED STATES GEOLOGICAL SURVEY (USGS): NATIONAL LAND IMAGING (LANDSAT)

*Question.* The budget includes $100 million for the Landsat program within the USGS, a $60 million increase. I understand almost $50 million, or half of Landsat's budget, is the amount that NASA historically would cover and you are proposing that the USGS begin paying for and managing the entire program. What is extremely troubling is that your budget projects that this funding will triple to $159 million in fiscal year 2013 and balloon to $410 million in fiscal year 2014. The entire USGS budget is only $1.1 billion, so it's realistic that the Landsat program could be 42 percent of the USGS's budget in the near future.

At a time when budgets are staying flat and everyone is tightening their belts, why would the USGS decide to take on this enormous undertaking? It's obvious that this funding will come at the expense of other programs within the USGS, many of which are core functions that provide critical scientific information to Federal agencies including State and local governments. One that is critical to us in Alaska is the Alaska Volcano Observatory that ensures air traffic safety when volcanoes erupt, which not uncommon.

Answer. The Landsat series of satellites has been an important element of America's extensive suite of Earth observation capabilities. With almost 40 years of recording both natural and human-induced changes on the global landscape, Landsat is the world's gold standard for Earth observation. Consecutive administrations have concluded that Landsat is a vital national asset, and its importance to a broad array of users across the country justifies its move from the realm of NASA research missions to a sustained operational program within the USGS. Landsat furthers the DOI's important role in land remote sensing under the President's national space policy and provides invaluable data for land change analysis, agriculture, forestry, water management, natural resource management, geology, emergency response, wildfire mitigation, and energy. The USGS has been involved with Landsat since its inception and currently operates two Landsat satellites, is developing a new ground system for the next Landsat mission, manages the Nation's Landsat data archive, and distributes the data to users throughout the United States and around

the world. As the primary operational agency responsible for Landsat, it's a logical step for the USGS to take overall leadership of the program to ensure the next mission continues to meet user requirements for highly calibrated land imaging data far into the future.

The USGS recognizes the magnitude of this project relative to its existing portfolio. For that reason, it has moved to establish a separate Treasury account for Landsat, to responsibly fund an operational Landsat program while ensuring the Bureau continues to sustain its vital core functions, like the Alaska Volcano Observatory. The new account will include funding for current satellites (Landsats 5 and 7), the Landsat Data Continuity Mission (Landsat 8), which is scheduled to launch in December 2012, and the development of Landsats 9 and 10. Establishment of this account and the increase in funding will provide the stable budgetary foundation needed for a continuous land imaging capability. A permanent budgetary and managerial structure will ensure the continued collection and maintenance of the important data the Landsat satellite series provides.

COASTAL IMPACT ASSISTANCE PROGRAM (CIAP)

*Question.* The CIAP was created by the Energy Policy Act of 2005 and provides funding to six Outer Continental Shelf (OCS) oil and gas-producing States, including Alaska, to conserve and protect the coastal environment. The fiscal year 2012 budget proposes to transfer the management of this program from the BOEMRE to the FWS to allow the BOEMRE to focus on its regulatory and enforcement mission. It's my understanding that in the beginning the MMS and the BOEMRE had regulations that were very confusing for the States to follow. I believe that things have improved, but my staff tells me the DOI still has approximately $700 million in unspent funds for the program.

I'm concerned that just as things appear to be improving with this program now it's being moved to another agency and we may have a new system that the States will have to comply with. Can the States be assured that they won't have a new layer of "redtape" to deal with when the program is moved to the FWS?

Answer. The purpose of moving administration of CIAP from BOEMRE to the FWS is two-fold:

—to focus the role of BOEMRE on its regulatory and enforcement mission; and
—to capitalize on the achievement record of the FWS to work productively with States and other grantees to effectively and efficiently implement grant programs while maintaining accountability and public transparency. The FWS' Wildlife and Sport Fish Restoration Program has been the FWS model to implement conservation grant programs with State partners for more than 50 years. The expectation is that efficiencies will be gained by centralizing administration within an experienced the FWS grant function to reduce delays in the internal review and award processing. Every effort is being made to minimize impacts to recipients during this transfer of CIAP responsibilities within the DOI.

*Question.* Everyone knows that the budget is tight and it doesn't look very good to have a program with such high unobligated balances. Plenty of folks up here are looking to rescind money. When do you see getting this money out to the States for the purposes intended by the Energy Policy Act?

Answer. Currently, the BOEMRE has stated that all grant applications are due from eligible CIAP applicants by December 31, 2013 and all CIAP projects are to be completed by December 31, 2016. These milestones are not expected to change when the FWS takes on CIAP administration duties. However, increased the FWS efficiencies in administering the program are expected to decrease delays in awards and more quickly address any backlog in application processing.

USGS—DATA PRESERVATION PROGRAM

*Question.* I note the USGS budget proposal eliminates funding for the Data Preservation Program claiming that this program is "largely duplicative of other Federal and private programs."

Each year I am visited by the State geologists and each year they remind me how very important this program is to their efforts dealing with traditional and renewable energy programs. I worry that by eliminating this program, we will lose the core samples and data already collected and we will certainly not be adding new information to the collection.

Can you tell me exactly what other Federal agencies are collecting and maintaining these drill logs and whether those agencies are more committed than the USGS at maintaining this information?

Answer. This program is not duplicative: it is the only Federal program dedicated to preserving physical and analog geoscience data, including rock and ice core sam-

ples, fossil and fluid samples, and derived and indirect data, such as geochemical and geophysical data, maps, and field notebooks. The Program cooperates with and grants money to State geological surveys to facilitate these preservation efforts. However, this program is a lower Federal priority than other USGS programs, and therefore proposed for elimination.

*Question.* Your document also suggested that there are private programs that are collecting and maintain similar information. Can you assure me that those private programs will allow other potential users of that data free and unfettered access to the information?

Answer. While private industry collects and maintains rock and ice cores, fossils, and fluid samples, the data and information are proprietary and generally not available for others to use. Some commercial vendors supply similar data, but only at a significant cost to the user.

LAND AND WATER CONSERVATION FUND (LWCF)

*Question.* The LWCF budget request provides a 100 percent increase to $900 million. Of this request, $465 million is included for the Federal Government to buy more land.

Can you address why, with such an enormous maintenance backlog totaling billions of dollars, the DOI is focusing such a large amount of money on acquiring more Federal lands?

Answer. Through the America's Great Outdoors (AGO) listening sessions and public input process, the DOI learned there is a powerful consensus across America that outdoor spaces—public and private, large and small, urban and rural—remain essential to our quality of life, our economy, and our national identity. Americans communicated clearly that they care deeply about our outdoor heritage, want to enjoy and protect it, and are willing to take collective responsibility to protect it for their children and grandchildren.

Americans support concrete investments in conservation. Last November, voters across the country overwhelmingly approved a variety of measures for land conservation, generating a total of $2 billion in new land protection funds. Of 36 proposals on State and local ballots for conservation funding, 30 passed—an approval rate of 83 percent. This is the highest rate during the past decade and the third highest since 1988.

Consistent with these results at the State and local levels, the feedback received during the AGO listening sessions indicated that full funding of the LWCF program is a high priority for the American people. Respondents also suggested that LWCF funding could be more effectively used if it was strategically focused on specific project types and/or locations.

The DOI's 2012 request, together with USFS' request, fully funds the LWCF at $900 million. Activities funded under LWCF ensure public access to the outdoors for hunting, fishing, and recreation; preserve watersheds, viewsheds, natural resources, and landscapes; and protect irreplaceable cultural and historic sites. LWCF funds are also used to protect historical uses of working lands, such as grazing and farming.

According to a return-on-investment (ROI) analysis by the Trust for Public Lands, for every $1 invested in Federal land acquisition through LWCF, there is a return of $4—a ROI of 4 to 1. The ROI can be even higher when future returns beyond 10 years are added to the equation. The $675 million DOI LWCF request will contribute an estimated $1 billion in economic output and support about 7,600 jobs. Along with this significant economic impact, full funding in 2012 will increase the Federal Government's ability to engage in strategic conservation that yields community benefits and measurable ecological outcomes.

The DOI's acquisition programs work in cooperation with local communities, rely on willing sellers, and maximize opportunities for easement acquisitions. Proposed acquisition projects are developed with the support of local landowners, elected officials, and community groups. This year, the Departments of the Interior and Agriculture took a highly strategic approach to using LWCF land acquisition funds: The Departments collaboratively identified opportunities throughout the country where the LWCF could be used to leverage other Federal resources, along with those of non-Federal partners, to achieve the most important shared conservation outcome goals in the highest priority landscapes.

More than 97 percent of the DOI's acquisition request will be used for inholdings—isolated parcels of non-Federal land that lie within the boundaries of parks, refuges, or other Federal units. Acquisition of inholdings does not generally require any significant additional operating costs as no new staff or equipment are required to manage new lands within existing boundaries. In addition, these acqui-

sitions greatly simplify land management for Federal managers and neighboring landowners. For instance, the National Park Service request for $2.5 million at Katmai National Park and Preserve would acquire an easement interest in two tracts containing a total of 6,932 acres at the park. The Igiugig Native Corporation owns the surface estate, and the Bristol Bay Native Corporation owns the subsurface estate of these lands. The Igiugig Corporation is in need of revenue and is considering offers from developers. Increasing numbers of park visitors start float trips on the Alagnak Wild River in this currently undeveloped area. Acquisition of these easements would mitigate the threat of residential or recreational development that would plague the NPS's ability to protect the natural resources of this Alaskan park. The corporations are interested in selling a conservation easement to the NPS that would prohibit any large-scale development. Within the Togiak National Wildlife Refuge, a request for $1.2 million would acquire 720 acres in six riparian parcels within the Western Alaska Landscape Conservation Cooperative. All six parcels provide vital habitat for moose, bears, wolves, wolverines, and caribou and are currently owned by Native Alaskans who wish to sell for financial reasons, but prefer the lands remain undeveloped and available for subsistence uses. This acquisition would also protect world-class salmon and trout fisheries, threatened eiders, and to promote landscape-level conservation.

The LWCF funds for Federal acquisition will: support simpler, more efficient land management; create access for hunters and anglers; create long-term cost savings; address urgent threats to some of America's most special places; and support conservation priorities that are set at the State and local level.

*Question.* Can the DOI use land exchanges to acquire the in holdings of sensitive lands rather than paying to acquire new property?

Answer. Land exchanges are used to acquire inholdings when the opportunity is available. Land exchanges are one of the tools that can be used to acquire land or access to the land along with fee title, conservation easements and donations. However, the seller of the property has to be willing to accept a land exchange, which is also dependent on the sellers' interest in the land that the government has available for exchange. There are also expenses involved with land exchanges that include appraisal fees, surveys, permits, closing costs, and relocation costs.

SUBCOMMITTEE RECESS

Senator REED. Thank you, Mr. Secretary, Deputy Secretary Hayes, and Ms. Haze. I assume there will be written questions we will submit. I would ask my colleagues to submit the questions to the respective clerks so we can get them to you and would ask for your speediest response so we can complete the record.

Again, thank you, Mr. Secretary, and the hearing is adjourned.

[Whereupon, at 5:15 p.m., Wednesday, March 9, the hearing was concluded, and 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 2012

**WEDNESDAY, MARCH 16, 2011**

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

The subcommittee met at 2:02 p.m., in room SD–124, Dirksen Senate Office Building, Hon. Jack Reed (chairman) presiding.

Present: Senators Reed, Nelson, Murkowski, Cochran, Collins, and Blunt.

## ENVIRONMENTAL PROTECTION AGENCY

**STATEMENT OF HON. LISA P. JACKSON, ADMINISTRATOR**

**ACCOMPANIED BY BARBARA J. BENNETT, CHIEF FINANCIAL OFFICER**

OPENING STATEMENT OF SENATOR JACK REED

Senator REED. Let me call the hearing to order and welcome the Administrator.

And, on behalf of my colleagues, I would like to welcome you to the hearing on this year's 2012 budget request for the Environmental Protection Agency (EPA).

I am very pleased to welcome Administrator Lisa P. Jackson to testify before the subcommittee. Administrator Jackson, it's my understanding that this hearing will be your seventh appearance before a congressional committee during this Congress. I know all of your colleagues in the Cabinet are jealous, but tell them to try to contain themselves. We are extremely glad that you and Chief Financial Officer Barbara Bennett are here this afternoon to discuss these very important issues.

Like many in the room, I'm old enough to remember, in 1969, before President Nixon led the enactment of the EPA, when the Cuyahoga River, in Ohio, was on fire. Sometimes we forget the progress that we've made, and it's a result of legislation that has traditionally been supported on a bipartisan basis. And that's helped us improve the environment, which improves the health and, I think, also the productivity of the United States.

We do face significant challenges to continue to improve air and water quality. And they're particularly difficult at a time when our economy is under huge pressure and it is struggling, and we recognize that. We are under budget constraints. We also realize that we have to balance all of these factors: the need for environmental pro-

tection, to protect public health, and the need to wisely use public resources.

I want to make sure that the progress that we've made in the last several years—indeed, several decades—is not lost, and do so in a way that is wise and prudent for Americans, and particularly in their capacity as taxpayers.

If you turn to the budget, the administration has requested a total of $8.973 billion for the EPA this fiscal year 2012. That's a decrease of $1.318 billion below fiscal year 2010 enacted level, or a 13 percent cut. We all recognize that 2010 represented a significant increase in funding. But, I think, looking between the lines, a great deal of that funding went to sewer and drinking water infrastructure and clean-up operations, which had directly contributed to jobs and to stimulus, you know, around the country, at a time we needed it.

With the amount that has been requested, the budget proposes targeted investment to increase State air and water pollution control grants, and increased funding to climate change and chemical safety programs.

And I'm particularly pleased to see the request includes $5 million for work on new fuel-efficiency standards for passenger cars that will save consumers money at the pump and further reduce carbon pollution. At a time when we see gas prices, not inching up, but galloping up, the long-term need to increase the efficiency of our fleets should be obvious.

But, I'm somewhat disappointed that there's a cut of about $1.1 billion from water infrastructure programs. These are the very programs that were funded so robustly in 2010, and represented, for communities, not only a chance to improve the quality of life, but also to put people to work. For example, the there's a $550 million cut for the Clean Water State Revolving Fund (CWSRF), a $397 million cut of the Drinking Water State Revolving Fund (DWSRF); there is a 26 percent cut for sewer projects and a 29 percent cut for DWSRF projects. And these may seem somewhat mundane, but literally it's the plumbing of our national economy and it's the way to keep people working and keep improving the quality of the environment.

It's been estimated that we'll lose about 300 fewer infrastructure projects because of the funding requests. And it will reduce jobs in the construction industry, which is already reeling from a 22 percent unemployment rate; these are the tradesmen and women who really need to get off the bench and get back to work.

In my home State of Rhode Island, we've lost 6,000 construction jobs since 2008. And, at the same time, we have more than $1.2 billion of CWSRF projects that have been identified. So, we are far from, sort of, responding to the identified needs, in terms of sewage and water projects throughout the State. The magnitude of cuts is even greater over time, because many such States stretch their CWSRF and DWSRF programs by leveraging through their own resource and other resources. So, this also has a multiplier effect.

I also note that the National Estuary Program has been cut by about 17 percent, for a total of a cut, about $27 million. And there has been a complete elimination of Diesel Emissions Reduction Act program. These have, again, particular concerns to my home State.

We, in Rhode Island, are participating in the Estuary Program, through our Narragansett Bay.

I know we are going to have a very good discussion today. I know the issues here are very difficult conceptually and they have consequences, both in terms of environmental quality, but also in terms of the overall economy. We do have to provide balance. And I hope, at the result of our discussions and deliberations, we will be able to provide you with the resources necessary to keep your mandate to protect the environment and also to help stimulate our economy.

With that, I'd like to recognize the ranking member, Senator Murkowski.

STATEMENT OF SENATOR LISA MURKOWSKI

Senator MURKOWSKI. Thank you, Mr. Chairman.

Welcome, Administrator Jackson. Appreciate you being here today, and I note the Chairman's comments about your many appearances before subcommittees already yet this year. But, good to have you here today.

I recognize that today's hearing is about our fiscal year 2012 budget request, but most of the questions that I will direct to you this afternoon involve policy. I think you recognize that many of the agencies that the EPA has taken have immediate consequences to the State of Alaska.

When I travel around the State—and I do, a lot—I think, in this past year, I have just been about everywhere and one agency that gets more public scorn than any out there is that of the EPA. And I can tell you that the EPA is in a league of its own. We've got all of the other Federal agencies involved in all aspects of our life, but it really is the EPA that takes the brunt. And it is because people literally feel concerned that their economic livelihoods are being put at risk. I've had so many people approach me and say, "Lisa, you've got to reign in," Lisa, this Lisa "you've got to rein in the EPA. They're out of control. They're going to put me out of business."

And it's somewhat amazing to me that the EPA has decided to make Alaska, of all places, its problem child. And I hate to put it in those terms, but I want you to understand what it is that I hear from the people in my State. We've got cleaner air and cleaner water than just about anywhere else in the world. We've been mining, drilling oil—for oil and gas for decades. And yet, we have, seemingly, been so singled out by the EPA.

As I look at the fiscal year 2011 CR that we voted on the H.R. 1 that we voted on last week, it's clear to me that Alaskans are not alone in their view about the EPA. Of the 21 amendments that were related to energy and the environment that were voted on by the House, 9 of them placed funding limitations on various EPA policies. I know that you had a chance to look at those.

One of those amendments that was passed was offered by my colleague from Alaska, and it concerned the air permits that Shell Oil has applied for in the Beaufort. Shell has spent 5 years and $50 million in pursuing these air permits from the EPA for no more than two drill ships to operate in the Arctic Outer Continental Shelf (OCS). Just last month, the EPA's Environmental Appeals

Board rejected those permits, remanded them back to the EPA's Region 10 for more analysis. Shell has now dropped its plans to drill in the Beaufort this summer. It costs the company even more money, certainly more jobs and economic opportunity within the region. And the delay truly is—it's 100 percent attributable to the EPA.

I cannot understand I just cannot understand how it can take so long for an agency to approve an air permit for a drilling rig that will operate 25 to 75 miles offshore less than one quarter of the year. The kinds of permits that are routinely issued in the Gulf of Mexico take 6 weeks to issue. And these are in air sheds where there are many more drilling rigs operating year round, you've got more communities in close proximity.

In Shell's case, there was supposed to be one drill ship, and the nearest area that would possibly face any impacts on air quality is the North Slope Borough. The borough is 88,000 square miles. It's bigger than 39 States, has roughly 7,000 people spread out across this area. The activities, right in their backyard, over in Prudhoe Bay and other fields, haven't had to go through this level of delay.

So, again, we're trying to understand. You're issuing an air-quality permit, it takes 6 weeks in one region of the country, and after 5 years we are still waiting.

Another issue that I'll have an opportunity to ask you, in questioning, that is equally frustrating, and this relates to a permit that we're trying to get in the National Petroleum Reserve (NPR–A). ConocoPhillips has submitted an application to the Corps of Engineers (COE) for a project known as CD–5 that would bring the first oil to market from the NPR–A. But, in order to do this, they've got to get a bridge over the Colville River. Contrary to the statutes passed by the Congress, establishing the reserve for the expeditious exploration and development of oil and gas resources, the EPA used an arbitrary designation that is neither in statute nor in regulation this is the Aquatic Resource of National Interest (ARNI) to threaten or override the COE decision and prohibit construction of the bridge.

Now, I sent you a letter about the designation of the ARNI, what standards are used in applying them. I just did receive a response. And, while I thank you for the response, it does not alleviate the concerns that I have. I'm very concerned that, by using this designation, the EPA has, essentially, the ability to pre-emptively signal a veto for projects under section 404(c) of the Clean Water Act (CWA). And what's troubling to many in Alaska is that this designation appears to have been used only 16 times in an 18 year period, up until last year, but was then used twice in Alaska in 16 months. So, people are coming to me saying, "What's going on? What is happening within the agency? And is this something that we should be concerned about?" And I think the answer to that is yes.

One of the other issues that I'd like to raise is the process that the EPA is using to conduct the watershed assessment there in Bristol Bay.

I have to admit, Administrator, you probably have one of the tougher jobs in this town right now. I think your agency has become a lightning rod. Many people would like to see it abolished,

or your budget completely eliminated. And I want you to know, ahead of the questions here, I do not believe that that is the solution that many of us have with the issues in the EPA. I do not want to abolish the EPA. I simply want the EPA to do its job.

And implicit in the EPA doing its job is fair treatment to those that you regulate. It should not take 6 years and $50 million to approve air permits for leases that companies have paid billions of dollars for, at the invitation of the Federal Government. The EPA shouldn't be using arbitrary designations, like ARNIs, to override statutes that are passed by the Congress, in order to block critical projects that support our Nation's energy security. And the EPA shouldn't be using processes that can effectively pre-empt projects before applications have even been submitted.

Again, I appreciate that you have a very difficult job and the balancing act is tough. Part of our job, here on the subcommittee, is to ensure that you have the resources necessary to do just that. And again, we want to work with you to make sure that you have that, but, again, the expectation is that you work to do that job.

Senator MURKOWSKI. I thank you, Mr. Chairman.

Senator REED. Thank you, Senator Murkowski.

Before I recognize the director, first, all statements will be made part of the record, but if any of my colleagues want to make brief opening remarks, I'd definitely entertain such remarks.

Senator COCHRAN. Mr. Chairman.

Senator REED. I'll——

Senator COCHRAN. Oh. Go ahead.

Senator REED. Let me just go, Senator Leahy, then Senator Cochran.

Senator Leahy.

STATEMENT OF SENATOR PATRICK J. LEAHY

Senator LEAHY. Mr. Chairman, I'll be brief. Unfortunately, like everybody else, I've got another issue to attend to.

I do welcome the Administrator here. I do agree that it's one of the most difficult jobs. I once said that I didn't know whether to offer her a congratulations or condolences on the job.

But, I'm delighted you're there. You've worked a lot with us in Vermont. You've—and, since the Lake Champlain Designation Act, 20 years ago—the EPA's been a strong partner in the cleanup of Lake Champlain. I think both Vermont and New York have valued that. We've worked with Republican and Democratic administrations, Republican and Democratic Governors, alike, to identify and test the quality of Lake Champlain. We want to preserve it; we think it's a natural wonder, but it's also an integral part of our economy. So, I thank you for your help in facilitating the movement on the ECHO grant in Vermont. I understand this. These funds may be available the first part of April, which will be very helpful in that program.

The EPA's interest in Lake Champlain is stronger than ever, especially with your move, earlier this year, to require that a new Phosphorous Total Maximum Daily Load Plan be written by the EPA. And I know that in Vermont the Governor's office will be working closely with you on that.

But, we welcome the EPA's participation, but we also want to see a commitment. While the EPA budget for other watersheds has grown significantly over the past few years, the budget request for Lake Champlain remains relatively flat. In fact, the fiscal year 2012 budget request recommends a reduction from the level in fiscal year 2010.

So, I hope that Vermont and New York can work together on that. I know you were disappointed when the gulf oil spill required you to postpone a planned visit to Vermont, but I want you to know we'll all be welcoming you when you get there.

And so, that's my whole statement, which may have actually sounded somewhat parochial, Mr. Chairman, but it is an area of some concern. I have talked with Ms. Jackson before about these subjects.

Senator REED. Thanks.

Senator Cochran.

STATEMENT OF SENATOR THAD COCHRAN

Senator COCHRAN. Mr. Chairman, I'm pleased to join you in welcoming the administrator of the EPA to the subcommittee to review the EPA's budget request for fiscal year 2012.

The mission of the EPA is to protect human health and preserve the environment, which is vital to the sustainability and quality of life. Our subcommittee recommends the levels of funding for all Government agencies to fulfill their missions, as authorized by law.

PREPARED STATEMENT

We appreciate your cooperation with our subcommittee, and we look forward to hearing your testimony.

[The statement follows:]

PREPARED STATEMENT OF SENATOR THAD COCHRAN

Mr. Chairman, I am pleased to join you in welcoming the Administrator of the Environmental Protection Agency (EPA), to the subcommittee to review the EPA's budget request for fiscal year 2012.

The mission of the EPA is to protect human health and preserve the environment is vital to the sustainability and quality of life. Our committee recommends the levels of funding for all Government agencies to fulfill their missions as authorized by law. We appreciate your cooperation with our subcommittee, and I look forward to hearing your testimony.

Senator REED. Thank you.

Senator Blunt.

STATEMENT OF SENATOR ROY BLUNT

Senator BLUNT. Thank you, Mr. Chairman. I'm going to have to leave in a minute, and I hope to get back for some of the questions; but, just in case I don't, I wanted to say a couple of things, and end with a story that I heard last year on the impact of energy prices.

I am concerned, as the discussion on the Senate floor has indicated this week that many are, that the EPA not use its regulating authority to do what I believe legislatively would never happen now with cap and trade. New Source Review would be one of those authorities.

In our State, the Ameren Corporation upgraded a plant almost a decade ago so it could burn some low-sulfur coal. And now the EPA's there, attempting to achieve, in my view, what the administration couldn't achieve legislatively. And that's a real problem. Our State's a State where, I think, 82 percent of the electricity comes from coal. All the utility providers went together, after the House passed bill last year, and paid for a study, that no one has found fault with, of the impact of that bill in our State. And it was that the utility bill would almost double in the first decade.

And as I was talking to people all over Missouri last year—I think it was sometime in September—a guy walked up to me, who was an hourly employee somewhere he didn't I know he didn't have a Ph.D. in economics and here's what he said. He said, "If my utility bill doubles, that's a bad thing. If my retired mother's utility bill doubles, that's a worse thing. But, if the utility bill at work doubles and my job goes away, the other two bills don't matter much anyway, because I can't pay mine and I can't help my mother pay hers." And I do think that's the impact of policies that go too far too quickly.

I think the country has reached a conclusion on this, and I hope the administration and the EPA follow along with that. You know, my mom and dad were dairy farmers. The whole discussion of spilt milk is incredible to me, as is the discussion of farming without dust, or fugitive dust. You know, when I go later to talk to the Missouri Farm Bureau today, the concept that you have to control where the dust goes when you're harvesting or getting a field ready to plant is astounding to them, and it is to me.

And I have a statement for the record, Mr. Chairman. Thank you for letting me make those remarks.

Senator REED. Thank you very much, Senator Blunt.

Senator Nelson, do you have a—comments? Or——

Senator NELSON. No, Mr. Chairman. We'll wait for the questions. Thank you.

Senator REED. Thank you. Senator Collins.

STATEMENT OF SENATOR SUSAN COLLINS

Senator COLLINS. Thank you, Mr. Chairman. I'll put my full statement in the record and just make a couple of brief comments.

The EPA performs absolutely vital functions in helping to protect the public health by ensuring that the air we breathe is clean and the water we drink is safe. We need, however, to make sure that, as the EPA issues new regulations, that it does not create so many roadblocks to economic growth that it blocks out private investment, which is the key to a prosperous future.

According to the White House's own assessment, as posted on its online "Dashboard", the EPA is responsible for roughly 1 out of every 5 pending regulatory actions currently under review. That is an astonishing number of rules that are under consideration by any one agency, especially at a time when the President has said that he wants to pull back unnecessary, inefficient, or outmoded regulations that make our economy less competitive.

Speaking of new regulations, in my questions today I am going to talk about the very negative potential impact of the EPA's new Boiler MACT rules on the forest products industry in my State and

throughout the Nation. I know that Maine's forest product businesses and its employees are extremely worried about the effects of this onerous regulation. I do recognize, in response to a letter that I spearheaded, that 40 Senators signed, the EPA's taking another look at those regulations. And I do look forward to discussing that issue.

But, I would just note to my colleagues that we saw a great lack of flexibility within the EPA on display last spring, when the EPA did not provide enough time nor enough training opportunities to allow small businesses to comply with lead paint abatement rules. If I had not been successful in my efforts to require the EPA to provide more time for compliance, small contractors would have faced steep fines, up to $37,500 per violation, per day, that could have forced many of them out of business, through no fault of their own, since there simply were not enough the EPA trainers to ensure compliance.

So, those are some of the issues that concern me, Mr. Chairman. I also associate myself with your remarks on the State Revolving Fund budget cuts. Those programs have worked extremely well in my State.

Thank you.

Senator REED. Thank you very much, Senator Collins.

Madam Administrator, your statement will be made part of the record. And any comments you'd like to make now, please go ahead.

SUMMARY STATEMENT OF LISA P. JACKSON

Ms. JACKSON. Thank you so much, Chairman Reed. Thank you, Ranking Member Murkowski and members of the subcommittee. Thanks for inviting me to testify about President Obama's budget request for the EPA.

The Congress enacted laws, such as the Clean Air Act (CAA) and the CWA, on a broadly bipartisan basis. It did so to protect Americans from pollution that otherwise would make their lives shorter, less healthy, and less prosperous. It did so to make the air and drinking water in America's communities clean enough to attract new employers. It did so to enable America's local governments to revitalize abandoned and polluted industrial sites. It did so to safeguard the pastime of America's 40 million anglers. It did so to protect the farms, whose irrigation makes up a one-third of America's surface freshwater withdrawals. And it did so to preserve the livelihoods of fishermen in America's great waters. The Congress directed the EPA to implement and enforce those laws. And each year, the Congress appropriates the money that makes the EPA's work possible.

As the Administrator of the EPA, I am accountable for squeezing every last drop of public health protection out of every dollar we're given. So, I support the tough cuts in the President's proposed budget. But I am equally accountable for pointing out when cuts become detrimental to public health. Without adequate funding, the EPA would be unable to implement or enforce the laws that protect Americans' health, livelihoods, and pastimes. Big polluters would flout the laws against dumping contaminants into the air, into rivers, and onto the ground. Toxic plumes, already under-

ground, would reach drinking water supplies, because ongoing work to contain them would stop. There would be no EPA grant money to fix or replace broken water treatment systems. And the standards the EPA has set to establish for harmful air pollution—I will mention one of those in just a minute—would remain missing from a population of sources that is not static, but growing.

So, if the Congress slashes the EPA's funding, concentrations of harmful pollution would increase from current levels in the places Americans live, work, go to school, fish, hike, and hunt. The result would be more asthma attacks, more missed school and work days, more heart attacks, more cancer cases, more premature deaths, and more polluted waters.

Needless to say, then, I fervently request and deeply appreciate bipartisan support for funding the essential work that keeps Americans, children, and adults safe from uncontrolled amounts of harmful pollution being dumped into the water they drink and the air they breathe.

Decreasing Federal spending is no longer just a prudent choice, it is now an unavoidable necessity. Accordingly, President Obama has proposed to cut the EPA's annual budget nearly 13 percent. That cut goes beyond eliminating redundancies. We have made difficult, even painful, choices. We have done so, however, in a careful way that preserves the EPA's ability to carry out its core responsibilities to protect the health and well being of America's children, adults, and communities.

You've been reviewing the budget request for a month now, so I will save the details for the question period. Before turning to your questions, I will describe an action the EPA took earlier today to reduce toxic air pollution that poisons children's brains and causes cancer.

In the 1990 amendments to the CAA, the Congress directed the EPA to establish standards for limiting toxic air pollution from coal- and oil-fired powerplants. More than 20 years later, the EPA had still had not established those basic safeguards, even though coal-fired powerplants are responsible for 99 percent of the toxic mercury dumped into America's air every year. Mercury is a neurotoxin, a brain poison. It harms the brain and the developing brains of children, leaving them with learning disabilities.

Earlier today, I signed long-overdue proposed standards to require coal- and oil-fueled powerplants to spend the next several years installing the technologies that are already widely available for sharply reducing the amounts mercury, arsenic, chromium, and other toxic pollutants that they dump into the air. Many of America's powerplants already control toxic air pollution, despite the lack of Federal standards. But, nearly one-half of the country's coal-fired plants continue to do nothing to limit the amounts of these poisons that they spew into the air.

PREPARED STATEMENT

The EPA's new action will ensure that companies all across the country follow the same rules. The equipment for capturing neurotoxic mercury and cancer causing arsenic and acid gases also traps fine-grain soot, which kills people by lodging deep in their lungs. So, these new standards will, each year, prevent up to 17,000 pre-

mature deaths in America, not to mention 120,000 cases of aggravated asthma. The health benefits will swamp the compliance costs by a factor of about 10 to 1.

Thank you, Chairman Reed. I look forward to yours and the panel's questions.

[The statement follows:]

PREPARED STATEMENT OF LISA P. JACKSON

Chairman Reed, Ranking Member Murkowski, and members of the subcommittee, thank you for the opportunity to appear before you to discuss the Environmental Protection Agency's (EPA) proposed budget. In the State of the Union Address—as President Obama laid out a plan to win the future—he made clear that we "will not hesitate to create or enforce common-sense safeguards to protect the American people," and explained that these safeguards are "why our food is safe to eat, our water is safe to drink, and our air is safe to breathe."

These are the services the EPA provides. The EPA's activities prevent thousands of illnesses such as asthma, cancer, and other diseases. They help keep students and workers healthy so they can be more productive. And, they save lives. Preliminary estimates show that last year, the Clean Air Act (CAA) alone is estimated to have saved 160,000 lives and prevented more than 100,000 hospital visits.

President Obama also understands, however, that as millions of families are cutting back and making sacrifices, they expect the same level of good fiscal sense out of their Government.

This budget reflects that good fiscal sense, and makes many tough choices.

Fiscal year 2010's budget of $10.3 billion was the EPA's highest funding level since its creation. This fiscal year 2012 budget request, while a deep cut resulting in a total budget of $8.973 billion, will allow the EPA to carry out its core mission and fund the most critical efforts to protect the health of American families.

The choices in this budget reflect the EPA's commitment to core regulatory work and preserving the hard-won progress made over the last 40 years in protecting and restoring the quality of our air, water, and land; ensuring the safety of our chemicals; and providing strong enforcement of environmental laws and regulations.

At the same time, we have heeded the President's call for deficit reduction and made some painful choices to reduce funding for important programs. As it does every year, the EPA has worked to find efficiencies within our programs and in some cases made reductions trusting that further efficiencies can be found. The $8.973 billion proposed for the EPA in the fiscal year 2012 President's budget will allow the EPA to maintain its core programs while investing in areas of urgent need and will support key priorities during this time of fiscal challenges. This budget represents a nearly 13 percent reduction over the fiscal year 2010 budget and reflects our priorities: supporting action on climate change and improving air quality; protecting America's waters; building strong State and tribal partnerships; strengthening enforcement and compliance; enhancing chemical safety; supporting healthy communities; and maintaining a strong science foundation. Because of the constrained fiscal environment, the budget decreases the State Revolving Funds (SRFs) by nearly $950 million while supporting a long-term goal of providing about 5 percent of total water infrastructure spending and spurring more efficient system-wide planning. The budget also reduces the Great Lakes Restoration Initiative by $125 million, eliminates about $160 million in targeted water infrastructure earmarks, and eliminates $60 million for clean diesel grants. Our priorities are aligned with the Government-wide effort to identify near-term, high-priority performance goals. For the EPA, our goals include reducing greenhouse gas (GHG) emissions, improving water quality, and delivering improved environmental health and protection to our communities. The EPA will work toward meeting these goals over the next 18 to 24 months. Chairman and members of the subcommittee, let me touch on some of the highlights of this budget, both the painful choices and the targeted investments that will protect our health and the environment.

*Supporting Action on Climate Change and Improving Air Quality*

We are committed to meeting the EPA's obligations under the CAA, the landmark law that all American children and adults rely on to protect them from harmful air pollution. We will continue to take meaningful, common sense steps to address climate change and improve air quality. Making the right choices now will allow the EPA to improve health, drive technology innovation, and protect the environment; all without placing an undue burden on the Nation's economy. Indeed, the EPA's implementation of the CAA has saved millions of lives and avoided hospital visits;

enhanced American productivity by preventing millions of lost workdays and growing the clean energy sector; and kept American children healthy and in school.

Our budget requests $46 million for additional regulatory efforts aimed to reduce GHG emissions and address the Climate and Clean Energy Challenge. This includes $30 million in State grants and support for permitting, which will ensure that our State partners develop the technical capacity to address GHG emissions under the CAA. Also included is $6 million in additional funding for the development and implementation of new emission standards that will reduce GHG emissions from mobile sources such as passenger cars, light-duty trucks, and medium-duty passenger vehicles. These funds also will support the EPA's assessment and potential development, in response to legal obligations, of standards for other mobile sources. Also included is $7.5 million for the assessment and potential development of New Source Performance Standards for several categories of major stationary sources through means that are flexible and manageable for business. Finally, this amount includes an additional $2.5 million for priority measurement, reporting and verification activities related to implementing the GHG Reporting Rule, to ensure the collection of high-quality data. Our air toxics strategy prioritizes standards that provide the greatest opportunity for cost-effective emissions reductions. This budget requests an additional $6.4 million to conduct integrated pilots in several communities, including disadvantaged communities, to systemically evaluate and reduce risks from toxic air pollutants through regulatory, enforcement, and voluntary efforts. An additional $3.7 million will improve air toxic monitoring capabilities and dissemination of information between and among the EPA offices, the State, local and tribal governments, and the public. We anticipate a more than four-fold increase in the number of vehicle and engine certificates the EPA issues. In addition, as a result of diverse and sophisticated technologies, we anticipate more challenging oversight requirements for both the vehicle/engine compliance program and fuels. We will upgrade vehicle, engine, and fuel-testing capabilities through a $6.2 million investment in the National Vehicle and Fuel Emissions Laboratory.

*Protecting America's Waters*

By leveraging partnerships and traditional and innovative strategies, we will continue to sustain and improve water infrastructure and clean-up America's great waterbodies. The EPA, the States, and community water systems will build on past successes while working toward the fiscal year 2012 goal of assuring that 91 percent of the population served by community water systems receives drinking water that meets all applicable health-based standards. The Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) provide grants to States, which use the funds to make affordable loans to local communities for public drinking water and wastewater infrastructure projects. The President's budget requests $1.55 billion for the CWSRF and $990 million for the DWSRF. This request level reduces funding for SRFs by $947 million from fiscal year 2010 levels. As part of the administration's long-term strategy, the EPA is implementing a Sustainable Water Infrastructure Policy that focuses on working with States and communities to enhance technical, managerial, and financial capacity. Important to the technical capacity will be enhancing alternatives analysis to expand "green infrastructure" options and their multiple benefits. Future year budgets for the SRFs gradually adjust, taking into account repayments, through 2016 with the goal of providing, on average, about 5 percent of water infrastructure spending annually. Federal dollars provided through the SRFs will serve as a catalyst for efficient system-wide planning and ongoing management of sustainable water infrastructure. We will also leverage our partnership with States and tribes through an additional $21 million in Water Pollution Control (section 106) grants to enhance water quality and to provide additional resources to address Total Maximum Daily Load, nutrient, and wet weather issues. An additional $4 million is requested for Public Water Systems Supervision grants to support management of State and drinking water system data, improve data quality, and allow the public access to compliance monitoring data not previously available. This will improve transparency and efficiency and reduce the need for State resources to maintain individual compliance databases.

This budget supports the EPA's continued efforts to clean up America's great waterbodies. It includes $67.4 million for the Chesapeake Bay program, a $17.4 million increase, which will allow the EPA to continue to implement the President's Executive order on Chesapeake Bay protection and restoration. The increased funding will support Chesapeake Bay watershed States as they implement their plans to reduce nutrient and sediment pollution in an unprecedented effort to restore this economically important ecosystem. This budget has $350 million included for programs and projects strategically chosen to target the most significant environmental problems in the Great Lakes ecosystem, a $125 million decrease from fiscal year 2010,

the first year of the initiative. Led by the EPA, and engaging the capabilities of a number of Federal agencies, the initiative will implement the most important projects for Great Lakes Restoration and achieve visible results. The administration is committed to restoring and protecting the gulf coast ecosystem following decades of environmental harm, including the BP Deepwater Horizon oil spill. As chair of the Gulf Coast Ecosystem Restoration Task Force, established by Executive Order 13554, I will work with the Federal and State Task Force members to lead environmental recovery efforts in the region. The EPA is also working to support the Federal and State trustees on the Deepwater Horizon Natural Resource Damage Assessment and Restoration Trustee Council as they develop a restoration plan to restore the region's natural resources to pre-spill conditions. As a complement to these efforts, the EPA's request of $6.6 million for the Mississippi River basin program will address excessive nutrient loadings that contribute to water-quality impairments in the basin and, ultimately, to hypoxic conditions in the Gulf of Mexico.

*Building Strong State and Tribal Partnerships*

Strong partnerships and accountability are vital to the implementation of environmental programs, and we are committed to strengthening State and tribal capacity. This budget includes $1.2 billion for State and tribal grants which is an overall increase of $84.9 million over fiscal year 2010 within this amount is a reduction to Nonpoint Source (section 319) Grants and Local Government Climate Change Grants. This request will provide critical support to State and local governments who are working diligently to implement new and expanded requirements under the CAA and Clean Water Act. These include implementation of updated National Ambient Air Quality Standards (NAAQS) and addressing complex water-quality issues such as nutrient pollution, which I discussed earlier.

To help tribes strengthen environmental protection capacity and move forward with implementation of environmental programs, an $8.5 million increase is included for Tribal General Assistance Program grants and $20 million is budgeted for the competitive Tribal Multi-media Implementation grant program.

*Strengthening Enforcement and Compliance*

Regulated entities, Federal agencies, and the public benefit from easy access to tools that help them understand environmental laws and find efficient, cost-effective means for putting them into practice. This budget includes a request of $27.5 million for the Regaining Ground in Compliance Initiative. Through this initiative, the EPA will begin to harness the tools of modern technology to address some of these areas and make EPA's Enforcement and Compliance Assurance program more efficient and effective. We also will increase the number of inspections at high-risk facilities regulated under the Spill Prevention, Control and Countermeasures and the Facility Response Plan regulations. By increasing the use of electronic reporting, monitoring tools, and market-based approaches, we will improve the effectiveness and efficiency of our limited resources, and ensure a level playing field for American businesses. By maximizing the use of advanced data and monitoring tools, we can focus our limited inspection and enforcement resources and focus our attention on identifying where the most significant vulnerabilities exist.

*Enhancing Chemical Safety*

America's citizens deserve to know the products they use are safe. One of my highest priorities is making significant and long-overdue progress in assuring the safety of chemicals. We are taking immediate and lasting actions to eliminate or reduce identified chemical risks and develop proven alternatives. fiscal year 2012 represents a crucial stage in our approach for ensuring chemical safety. The program has attained its "zero tolerance" goal in preventing the introduction of unsafe new chemicals into commerce. However, many "pre-TSCA" chemicals already in commerce remain un-assessed. With the $16 million investment for the Enhancing Chemical Safety Initiative included in this budget, we will increase the pace of chemical hazard and risk assessments, strengthen chemical information management and transparency, and take action to address identified chemical risks including careful consideration of the impact of chemicals on children's health and on disadvantaged, low-income, and indigenous populations. The additional funding will help to close knowledge and risk management gaps for thousands of chemicals already in commerce through actions that will decrease potential impacts to human health and the environment. We also will continue promoting use of proven safer chemicals, chemical management practices, and technologies to enable the transition away from existing chemicals that present significant risks.

*Supporting Healthy Communities*

We are committed to protecting, sustaining, or restoring the health of communities and ecosystems by bringing together a variety of programs, tools, approaches and resources directed to the local level. Partnerships with international, Federal, State, tribal, local governments, and nongovernmental organizations have long been a common thread across the EPA's programs. This diversity of perspectives and experiences brings a wider range of ideas and approaches, and creates opportunities for innovations. The budget includes a $20.4 million multidisciplinary initiative for Healthy Communities. It supports States and communities in promoting healthier school environments by increasing technical assistance on school siting, environmental health guidelines, and Integrated Pest Management in schools. It also provides resources to address air toxics within at-risk communities, and to enhance the important joint DOT/HUD/EPA outreach and related efforts with communities on sustainable development.

We proudly support the America's Great Outdoors Initiative to develop a community-based 21st century conservation agenda that can also spur job creation in the tourism and recreation industries. Leveraging support across the Federal Government, the EPA will join the Department of the Interior, the Department of Agriculture, and the Council on Environmental Quality to lead the coordinated effort to protect and restore our outdoor legacy. The area-wide planning and community support focus of existing EPA programs and initiatives like urban waters and brownfields programs align well with the goals and objectives of this new initiative.

*Maintaining a Strong Science Foundation*

To develop a deeper understanding of our environmental challenges and inform sustainable solutions, we are requesting a science and technology budget of $826 million, $22 million lower than our fiscal year 2010 enacted funding level, reflecting both efficiencies and difficult choices in order to ensure support for the highest-priority science needs. We will strengthen planning and delivery of science through an integrated research approach, which will help us more deeply examine our environmental and public health challenges. By looking at problems from a systems perspective, this new approach will create synergy and produce more timely and comprehensive results beyond those possible from approaches that are more narrowly targeted to single chemicals or problem areas. Within the request, we are including increases for research on endocrine disrupting chemicals, green infrastructure, air-quality monitoring, e-waste and e-design, green chemistry, and the potential effects of hydraulic fracturing on drinking water. To make progress on these research priorities and leverage the expertise of the academic research community, funding redirections will support additional Science to Achieve Results grants and fellowships. This budget also supports the study of computational toxicology, and other priority research efforts with a focus on advancing the design of sustainable solutions for reducing risks associated with environmentally hazardous substances. Two million dollars is also included to conduct a long-term review of the EPA's laboratory network. These increases are offset by redirections from other areas, such as human health and ecosystems, biofuels, homeland security, mercury, and ground water remediation. We look forward to working with the Congress to cut spending and cut the deficit. But to win the future, we cannot cut in a way that will undermine our ability to win the future and out-educate, out-innovate, and out-build our economic competitors. The budget that the President announced is a responsible plan that shows how we can live within our means and invest in the future. It makes tough choices to cut spending and cut the deficit. It includes a 5-year nonsecurity discretionary freeze, saving more than $400 billion over the decade and reducing nonsecurity discretionary spending to its lowest level as a share of the economy since President Eisenhower, and the budget reduces the deficit by more than $1 trillion, putting us on a path to fiscal sustainability. Thank you again for inviting me to testify today, and I look forward to answering your questions.

Senator REED. Well, thank you very much, Madam Administrator.

And let me start off a first round of questions, with the anticipation that we'll do two, if your time allows.

GREENHOUSE (GHG) GASES

One issue that has been addressed both explicitly and implicitly has been the whole regulation of GHG. The EPA and the States are required to start issuing GHG permits January 2 of this year for

modifications of the largest existing sources, with additional facilities scheduled to be phased in, this July. And there has been some discussion, obviously, about whether the EPA and the States would be ready to process the permits in time or they would, in fact, contribute to delay in construction parts, delay in modifications to these plants.

Can you tell us where we stand? Are the States and the EPA ready to process GHG permits in all 50 States? And how many permits are under review? And how many have already been granted?

Ms. JACKSON. Yes, Chairman, together we are ready. In every jurisdiction in the United States there is a permitting authority that is ready and able to process permit applications, to issue legally valid permits, upon review of applications. In those places where the State government has been unable or unwilling to process permit applications for GHG emissions, the EPA is now in place, by law, as the permitting authority for that portion of their permits, for the GHG portion of their permits.

We have approximately 100 permit applications in process for GHG emissions at this time. Twenty-six of those 100 have already completed their BACT analyses that are required as part of the permitting process. Two permit applications have been reviewed and already issued. One is in my home State of Louisiana. I'm not quite sure of the location of the other one. It may be California.

Senator REED. Thank you very much. Throughout our discussions, and implicit in everything we do, is this tradeoff, this balance between environment quality, public health, and economic development/economic productivity. And it's an ongoing debate. On one hand, when modifications are made and you permit and require changes in facilities, that usually implies hiring construction workers to go in—and contractor and engineers—and that creates jobs. But, there's also, on the other side, as we've all heard, the suggestion that this somehow impedes employment, impedes productivity.

CAA

We've seen different studies. There's one study reference I saw where, over the life of the CAA, the estimate of about 1.5 percent positive GDP as a result of the contributions of the CAA. But, the question really is, is there evidence that these rulemakings have produced the kind of job losses that some people have cited? Or, in fact, have they contributed to positive job creation? Any comments you may have?

Ms. JACKSON. Every objective analysis of the history, looking back at the CAA, not projections of worst-case scenario, but what has actually happened on the ground, shows that the CAA has actually helped the economy. The CAA was passed in 1970; our economy has grown more than 200 percent. Our gross domestic product (GDP) is up, in that time. Pollution, in that same time period, is down more than 50 percent. We were required to do a study recently—a peer-reviewed study. From 1990, when the CAA amendments passed, through 2020, the monetary value is projected to exceed the cost of the Act by a factor of 30—three-zero—to 1. Public health benefits are expected to reach $2 trillion, with a "t"—$2 trillion in 2020, due to the 1990 amendments of the CAA.

We know it's positive for our trade balance. There was an $11 billion surplus in 2008. We export more environmental technology and goods than we use in this country, so we actually are positive, with respect to the trade balance. It's a $300-billion-a-year revenue generator. And I think you might have mentioned the University of Massachusetts study, which talked about just two standards under the CAA having the potential to create as many as 1 million to 1.5 million jobs over the next 5 years.

H.R. 1

Senator REED. Just a final question in my remaining time, and that is: The House has a series of proposals in H.R. 1, which have been mentioned. In your view, would they in any way inhibit, the ability of the EPA to protect the public health? And I'll leave it to you to respond, Madam Chairman.

Ms. JACKSON. There are two portions to H.R. 1. There are the budget cuts and then there are the series of riders, which we heard mentioned. And I believe that the budget cuts are draconian. They cut across the EPA and will, in my mind, result in more pollution in our air and in our water and on our land. And because pollution is so closely tied to public health, my belief is, when it comes to air pollution, we will see more asthma attacks, more heart attacks, more premature deaths. That is the work of the EPA. And when the EPA is not able to do its work, cuts like that, in my mind, cut into our ability to do our job.

The riders, themselves, bring up a range of issues where the EPA's hands are, essentially, tied to address issues of pollution that aren't generally in controversy. People see the pollution, there is concern, justifiable concern, of the cost of addressing pollution, certainty for businesses, so that they know, if they need to get a permit, they can get it, and that the rules are what the rules are, and that they're the same rules across the board. But, my belief is that the cuts, as well as many of the riders, are going to result in holes in the environmental safety net.

Senator REED. Thank you very much.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

OSC PERMITS

Administrator Jackson, I want to followup with the statement that I made initially, as it relates to the OCS permits and the length of time that we're talking about. I mentioned that Shell has been in process now for over 5 years. I made reference to the fact that, in the Gulf of Mexico, an air-quality permit can be issued within about 43 days. So, you're looking at a situation where you've got about 6 weeks on one end and almost close to 6 years on the other. I guess just a basic question is: Do you think that this is reasonable?

Ms. JACKSON. I believe that what the EPA's job is, is to give prompt answers when permit applications come in. The EPA has certainly issued permits in that area. And, as you know, they've been subject to litigation and controversy. But, my preference, all other things being equal, is timely and as-quick-as-possible response when we get permit applications in.

Senator MURKOWSKI. We're trying to figure out, in Alaska, as we're advancing this—we're looking at other projects that are out there. Shell had applied for an application to nearly double to size of one of their refineries in Port Arthur—essentially building a brand new refinery. That permit was issued, or just signed off, 11 months later.

Again, am I trying to compare apples to oranges here? How long does it take, typically, to issue a permit for—for instance, for an auto factory or a—I mean, how long does something like that take?

Ms. JACKSON. Permits can take months to many, many years. One of the issues that I think accompanied the Shell permits, without in any way trying to be inflammatory, Senator, is that there's some amount of controversy over the activity of the drilling in the Chukchi. That doesn't influence the EPA's decision, but——

Senator MURKOWSKI. Right.

Ms. JACKSON [continuing]. It probably means—and I've discussed this with Shell, and with you, as well—that we know that we're subject to challenge for the permits we've issued. And we issued, I think, five all together. Two in 2007, one in 2008, another two in 2010.

Senator MURKOWSKI. But, again, what we're asking you to do—and I said this in my statement—we're asking for the EPA to do its job, which is to issue the air-quality permit, not to make a determination as to whether or not exploration activity offshore Alaska is a go or no-go. Your job is to——

Ms. JACKSON. And I absolutely agree with that——

Senator MURKOWSKI [continuing]. Issue the permits.

Ms. JACKSON. Senator.

Senator MURKOWSKI. Right.

Ms. JACKSON. That is not our job——

Senator MURKOWSKI. Right.

Ms. JACKSON [continuing]. In any way. I just want to, if I might, just give a bit of history on with regard to the two 2010 permits that I know are of great concern to you. The EPA issued the proposed permit a month after we got the final set of analyses from Shell and the permit application was deemed complete. That was July 2009. We received so many public comments that we needed to repropose the permit; that was January 2010. The final permit was issued just 2 months later, March 2010.

There are examples here where, 6 days after receiving an application, the EPA took action on the final application.

Much of the delay—and I don't mean this as excuse, but just a statement of fact—has been the litigation, where these permit decisions are challenged. We just recently, a few days ago, received the final decision from the Environmental Appeals Board on the two permits. And the administrative court upheld the EPA on 3 of the remaining 4 permit issues that we have been sued by outside groups on. So, it means the permit we issued was upheld.

On the fourth issue, there's a bit more work to be done, but I met with Shell. My staff has been meeting with Shell. And we believe that the we are on a path to address not only that issue, but the other ones raised.

NITROGEN DIOXIDE STANDARDS

Senator MURKOWSKI. One of the things that came up in this process—and you referenced the litigation, that's one thing—but, there were some different standards that were in place initially for nitrogen dioxide and no requirement for GHG emissions. Now both of those new requirements are being applied retroactively on permits that were applied for 4 years ago. It gets you in a situation where you've got a lengthy permit process. And, working in all due diligence, you've got new requirements that then come in, and all of the sudden you don't meet them, so it pushes you back even further.

Now, the EPA decided, last month, to grandfather at least one project. I know that the Avenal, the power center there in San Joaquin Valley, was grandfathered in so that it would be exempted from new rules that had been imposed on new air-quality standards. You saw fit to grandfather a much larger facility from the new requirements, and yet not considering, on a smaller certainly, a smaller facility, in terms of emissions that we're talking about—you're basically pushing it back and saying, "Well, these now new requirements are now in place, so now you must meet them." Isn't that a bit arbitrary?

Ms. JACKSON. It's not entirely accurate, if I might, Senator. The permit that the EPA issued to Shell, the two permits, did not require compliance with the 1-hour $NO_2$ standard or any GHG standard. The permits were challenged. And one of the things the Environmental Appeals Board said was, because of environmental justice, we should at least make an analysis of what those standards would mean.

I just have to say that I believe that the analysis will clearly show that there is no public health concern here. Environmental justice, I think, is extremely important—but, I believe it's important that we be able to show people that this wasn't going around a standard, that, in fact, these activities will not cause air pollution that will endanger health. And my belief is that, as we work, and we've put more resources into this. I can get that information to you, I just gave it to Shell to make sure that we are not holding anything up, that we'll be able to show that.

[The information follows:]

RESOURCES FOR AIR PERMITS FOR OCS EXPLORATORY DRILLING OPERATIONS IN THE ALASKA

| Position | FTE [1] for 2011 | FTE for 2010 [4] |
|---|---|---|
| Senior Air Management Lead | [3] 0.5 | [3] 0.75 |
| Senior Policy Advisor/Peer reviewer | [3] 0.8 | [3] 0.75 |
| Project Manager | 1.0 | ..... |
| Permit Writer (including regular analysis) #1 | 1.0 | [3] 1.0 |
| Permit Writer #2 | [3] 0.8 | 1.0 |
| Permit Writer #3 | 0.5 | 0.5 |
| First Line Supervisors | 0.3 | 0.2 |
| Attorney 1 | 0.8 | [3] 0.8 |
| Attorney 2 | 0.8 | 0.8 |
| Paralegal | ..... | [3] 0.3 |
| Alternative Model Approval; Air Quality Modeler 1 | 1.3 | 0.9 |
| Air Modeler 2 and possibly 3 | [3 5] 1.0 | [3 6] 0.9 |
| Air Quality Monitoring Expert | 0.2 | 0.1 |
| Stationary Source Engineer; source testing and monitoring expert #1 | 0.5 | 0.3 |
| Stationary Source Engineer #2 | [3] 0.5 | ..... |

RESOURCES FOR AIR PERMITS FOR OCS EXPLORATORY DRILLING OPERATIONS IN THE ALASKA—Continued

| Position | FTE [1] for 2011 | FTE for 2010 [4] |
|---|---|---|
| Community Involvement Specialist | 0.4 | 0.5 |
| Tribal Consultation Specialist and Liaison 1 | 0.2 | 0.2 |
| Tribal Liaison 2 | 0.1 | 0.2 |
| ESA Specialist and EJ Specialist | 0.1 | 0.1 |
| Administrative staff | 0.2 | 0.25 |
| IT services and Web page management | 0.1 | 0.1 |
| Service Center Contract (copying, mailing) [2] | 0.1 | 0.1 |
| Records Management Contract [2] | [3] 0.5 | [3] 0.5 |
| Oil and Gas Program Coordinator | ..... | ..... |
| Total Region 10 FTE | 11.7 | 10.25 |
| Headquarters legal, policy, and technical support | 2 | 2 |

[1] FTE = Full-time equivalent.
[2] Contract support expressed as FTE (approximate).
[3] Resources temporarily assigned to OCS permitting from other programs until current permits are completed (total of 5 FTE in 2010 and 4.1 FTE in 2011). Note: In 2011, Region 10 redirected 2 FTE permanently to OSC work: Permit Writer and Attorney.
[4] Source of this information is from the Environmental Protection Agency's Report to Congress on the Outer Continental Shelf (OCS) Permits as requested in the fiscal year 2010 Conference Report on the Department of Interior, Environment, and Related Agencies Appropriations Act, 2010 (House Report 111–316).
[5] Loan from another Region; salary funds to be used to temporarily hire a State modeler.
[6] On loan from Region 5.

Senator MURKOWSKI. Well, and I appreciate the fact that you have just said that you don't believe that these that this will endanger human health, and that's what we're looking at in the issuance of these permits. So, then again, it begs the question, why it's taking 5 years plus to issue the air-quality permits.

Ms. JACKSON. Ma'am——

Senator MURKOWSKI. Mr. Chairman, my time is expired, and I've got some other issues that I want to talk about, but it'll be round two.

Senator REED. Thank you very much, Senator Murkowski.

Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman.

CWA PERMITS

Administrator Jackson, welcome. I want to begin by thanking you for, not only coming before the subcommittee today, but also for appearing with Secretary Vilsack before the Senate Agriculture Committee recently. And I hope we can follow up on some of the issues that we discussed at that time.

One of the concerns that I continue to have is in connection with the CWA permits for pesticide application. Before the Senate Agriculture Committee, you indicated that there was possible misunderstanding on the application of the rule and where permits would be necessary. In other words, those applicating on cropland would not be subject to a permit. I was hoping that maybe you could followup on that and help me understand, so that there isn't any misunderstanding.

Ms. JACKSON. Thank you, Senator. I'll try to do it quickly, so I don't run out your clock.

But, remember this permit was required because the EPA had made a finding that an additional CWA permit was not needed. We were challenged on that finding. And the Sixth Circuit Court of Appeals decision in National Cotton said, "If you were applying pes-

ticide permits to the water, you need a CWA permit in addition to the FIFRA label and licensing requirements." So, only those applicators whose intention is to apply to water—so they are applying pesticides to water—need this additional permit. If——

Senator NELSON. So, if they apply it to crops, then it's not applying it to water?

Ms. JACKSON. That's absolutely right. If you're applying to crops, that's not water. Even we know sometimes there small amounts that run off. We know farmers and applicators do not like that, because they want the pesticides to stay where they put them. But and it's not intended to apply to those situations, either.

PESTICIDE APPLICATION

Senator NELSON. Also wanted to raise a concern that I had. In Nebraska, pesticide application is done along rivers and canals to help control invasive species which impact waterflow. And my concern is that if it's done along rivers or canals, would that automatically trigger a requirement for a permit on water, as long as it's being applied to invasive species and not intended to be applied to water?

Ms. JACKSON. I believe it's if it's applied over an area, including a wetland, that is considered to be a water then you would need the permit. I just want to most of the people we've been working with are mosquito control districts and people who do deal directly in applications either in water or along the bank line. And so, that's why we made it a general permit, because they generally need a permit anyway in order to apply that pesticide. So, this is a notification and will require some certifications that you're using minimal amounts of pesticide. But, I do believe it would, although we can double check that for you, sir.

[The information follows:]

NEBRASKA PESTICIDE APPLICATION

The need for a permit is based on whether the pesticide application results in a discharge of pollutants to waters of the United States. The permit does not cover, nor is permit coverage required, for pesticide applications that do not result in a point source discharge to waters of the United States. If a pesticide is applied along waters of the United States, such as many rivers and canals, and results in a discharge of pollutants to waters of the United States (i.e., a discharge is unavoidable), then a permit will be required.

Senator NELSON. Okay.

Ms. JACKSON. And I want to remember we are asked the court for more time, until next October, so we don't have a permit. So, I'm speaking a bit speculatively.

PLATTE AND REPUBLICAN RIVER BASINS

Senator NELSON. Okay. Well, there are some 50 projects along the Platte and Republican River basins, and 80 percent of our Nebraska's crop's irrigated, so there are significant numbers of canals that run across the State that have to be considered, as well.

So, our people from our natural resources districts were just in town, and are in town today. This is one of the concerns that they have. And so, if we can find a way to get that clear, it would be very, very helpful to them and to our office, as well.

Ms. JACKSON. We're happy to sit down with them or your staff, sir.

Senator NELSON. And I want to thank you also for the prompt action on the E15 ethanol blend. I think that, clearly, is an important thing for us, given the fact that we're facing constant challenges with foreign sources of oil at the present time. And anything we can do to continue pursue and support renewable energy domestic renewable energy, we ought to continue to do that. So, I appreciate what you're doing there.

SEWER SEPARATION PROJECT

The final thing I have is sort of a plea for some consideration, some help, to figure out how we can deal with very expensive long term compliance issues. In Omaha, we have the Sewer Separation Project that will cost nearly $1.6 billion. And, even with any effort to try to get through revolving loan funds or other sources of income for that, or sources of money, it's virtually impossible to bring that level down so that it isn't a huge burden on the ratepayers in Omaha.

I was struck by what Senator Blunt said about his situation, where what the impact could be for businesses could result in job losses. It's estimated that the cost to comply in Omaha can more than double the within a very short period of time—the sewer fees. And so, it's not only the ratepayers, who are individuals of the family homes and apartment houses, but applies as well, as you know, to businesses, and particularly manufacturing operations and others, that might, in fact, have higher costs associated with their businesses.

And I would hope that perhaps we could explore ways to have revolving funds of a greater amount. We're talking about this in tough budget times, I understand, but if it can be done with lower interest rates so that we don't have to go to bonding bonded indebtedness. The Nebraskans don't like bonded indebtedness, and it doesn't go over very well. The State doesn't have any. So, what I would hope is that we might put our heads together and see if there are ways to help finance those more expensive projects for communities.

Ms. JACKSON. Thank you, Senator. I think that would be a great idea, because my experience in these is, oftentimes I'll just guess, I do not know for certain that these are the results of judicial orders that have strict schedules. No one wants raw sewage in the water. That's what the whole point is. But, in tough times, we have had a number of municipalities come in and say, "Can we talk about either alternate methods or alternate timetables that would give us a bit of relief?" So, I would be happy to have my Region 7 office have those conversations with Omaha.

Senator NELSON. Thank you. And again, thanks for being here. Thank you, Mr. Chairman.

Senator REED. Thank you, Senator Nelson.

Senator Cochran.

GULF COAST RESTORATION

Senator COCHRAN. Madam Chairman, in looking at your statement, on page 4, I noticed this provision. It says, "As chair of the

Gulf Coast Ecosystem Restoration Task Force established by Executive Order 13554, I will work with the Federal and State task force members to lead environmental recovery efforts in the region. The EPA is also working to support the Federal and State trustees on the Deepwater Horizon Natural Resource Damage Assessment and Restoration Trustee Council as they develop a restoration plan to restore the region's natural resources to pre-spill conditions." Then there's this sentence, which concludes the paragraph, "As a complement to these efforts, the EPA's request of $6.6 million for the Mississippi River Basin Program, will address excessive nutrient loadings that contribute to water quality impairments in the Basin and ultimately to hypoxic conditions in the Gulf of Mexico."

I was following that pretty well until I got down to the end and saw that last sentence. And I read it again, and I thought what in what does that mean? Can you answer my question? What does that mean?

Ms. JACKSON. I'll try, Senator. It's meant to outline a number of initiatives, all of which, I hope, will have the impact of a better Gulf of Mexico.

On the hypoxic issue, the end of the statement, there's obviously nutrients that come down the Mississippi River to its mouth. We now have created a zone along the gulf coast of the United States, in parts of Texas and Louisiana—I think a bit in your State, as well—that where the nutrient levels have caused algae to grow so much that they've taken the oxygen out of the water. That's harmful for the ecosystem. Obviously, clearly harmful for the seafood and other fish that breed, the nurseries of life that they are. And that growing area of hypoxia has been a concern of the EPA's since long before the spill.

I believe we either have or very shortly are putting out a framework. It's State leadership that's needed here. And it is not—there's been some concern that the EPA's going to sort of take over and come up with nutrient standards along the Basin. I don't think that will work. I don't think that kind of command-and-control approach will work. But, States have started to do wonderful things on bringing their nutrient loadings down so that, by the time that the water gets to the mouth of the Mississippi, we see a significant reduction in nitrogen and phosphorous.

BP OIL SPILL

Senator COCHRAN. Well, I'm a little skeptical that we may be—if we do nothing and don't say anything in our report about monitoring this program, that we are really writing a blank check, not just for $6.6 million, which is a lot of money to me, to deal with a problem that obviously existed before, and will exist after, the calamity of the BP oil well that was way out in the Gulf of Mexico and was not affected at all by what comes down the Mississippi River.

Ms. JACKSON. No——

Senator COCHRAN. You know, it looks like a big reach—a reach for added jurisdiction and a blank check, really. Well, a $6.6 million check——

Ms. JACKSON. Right.

Senator COCHRAN [continuing]. Which is kind of big.

Ms. JACKSON. I apologize if my statement is confusing, Senator. The Gulf of Mexico programs and the Gulf of Mexico Alliance have been working together with upstream States to deal with the hypoxia issue for a long time. And the EPA has actually had that program working for quite some time. They are unrelated to the actual incident of the Deepwater explosion, but not entirely unrelated from the purpose of the Gulf Coast Task Force, which I chair, which is to help the gulf become healthier overall. And, of course, if you talk to people who've been watching this growing red area of hypoxia off their shores for a long time. It's one of the things, in our first two public meetings, that we have heard about already.

So, they are intersecting, but they are certainly not meant to say that the oil spill had anything to do with the hypoxia.

Senator COCHRAN. Okay.

Thank you.

Senator REED. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

ETHANOL-BLENDED GASOLINE

Administrator, let me start with an issue that I hear about frequently from my constituents. I get calls, emails, letters, conversations all the time about constituents who are finding great difficulty in using an ethanol blended form of gasoline, because it causes problems in their older cars, their boats, their snowmobiles, lawnmowers, offshore, or off road vehicles. And this comes up over and over again. And my constituents are experiencing these problems even with an ethanol blend of just 10 percent.

So, Senator Cardin and I wrote to you, and introduced legislation as well, urging the EPA not to grant a waiver allowing E15 to be sold until we resolved some of the problems that ethanol was causing for these smaller engines. Unfortunately, the EPA went ahead and granted this waiver for use in automobile model years, I guess, 2001 and higher, and newer light duty vehicles. But, of course, the problem is that a lot of times the ethanol blends are not going to be segregated at gas stations, and it's going to cause some misfueling and some further problems.

Let me say, right up front, that I am not a fan of the $6 billion that we spend each year on corn-based ethanol. If I were making cuts in the budget, that would be very high on my list. But, we do have mandates existing—ethanol mandates—that the energy, agricultural, and automotive sectors of our economy are already struggling to comply with. So, why did the EPA make it worse by approving E15?

Ms. JACKSON. Well, the EPA received a waiver request from Growth Energy, an industry group, asking for us to review their application for 15 percent ethanol.

I have to be clear, this not a mandate. The EPA does not mandate that E15 be sold. In fact, what the EPA is required to do by law is to respond to, or make determinations about, the safety of various ethanol blends in gasoline. We did that by relying on extensive testing of cars, most of it done by the Department of Energy. This took them $40 million. It took many, many months. The waiver is based on the science, and only the science. The EPA is cur-

rently required by law to work on a label to prevent misfueling at stations.

For E15 to enter the market there are several other things that have to happen—most of them absolutely unrelated to the EPA, they have to do with State law and other Federal agencies—and the EPA's not—it's not the EPA's job to make those determinations about what gets sold, but simply to answer the questions that were put to us under Integrated Science Assessments (ISAs).

Senator COCHRAN. Well——

Ms. JACKSON. ISAs gives us that.

Senator COCHRAN [continuing]. You didn't have to approve the waiver request, however.

Ms. JACKSON. That's absolutely right, Senator. But, the requirements of the CAA basically tell us that a waiver can be granted when you can show that it will not harm vehicles, among a number of criteria, I don't have them in my head right now.

Senator COCHRAN. But, it is harming vehicles. I'm going to start sending over to you every email I get from Maine from a Mainer who's had his snowmobile engine ruined or his lawnmower or boat engine fouled because of the concentration of ethanol. In Maine, we have a lot of older cars. Maine is a low-income State. And a lot of people are driving older vehicles and are already experiencing problems with the E10 mix. And they're really concerned about what it's going to mean when you go to E15.

And think of the gas station. I mean, you're correct that they can still sell E10 as well as the E15, but there's infrastructure costs in having a separate pump, a separate label. How is the EPA going to deal with that?

Ms. JACKSON. Again, Senator, the EPA denied the waiver for snowmobiles and yard equipment and marine engines. What we did was make a science-based finding that, for automobiles only, in model years newer than 2001 and including 2001, there wasn't a reliability or safety problem with E15. The EPA doesn't have a mandate that E15 be used, but I understand your concerns. Our jurisdiction, if you will, extends to a labeling rule, to putting out a label to help consumers know what the fuel can be used for, which is only 2001-and-newer cars.

Senator COLLINS. But, I think you're ignoring the reality that there are already problems for these—for the snowmobilers, for the lawnmower operators, for boat, lobstermen, et cetera, using E10. So, it is not of comfort to me when you say, "Well, there'll be a label for E15." Plus, there's a considerable cost to a small gas station to have another pump that has E15—it is separate. Why should they carry two kinds?

I just hope the EPA will take a closer look at the implications. And I really am going to start sending over those complaints so that you can explain to my constituents why their engines are being fouled.

Thank you, Mr. Chairman. I'm going to save my next question, because I'm out of time.

Thank you.

GHG REGULATIONS

Senator REED. Thank you very much, Senator Collins.

I'll begin the second round by following up with a final question in the whole context of the GHG regulations. And the proposal in H.R. 1 might sort of create a catch 22 situation. That is, as I understand it, you would be prevented from, essentially, issuing permits. Yet the law would still be on the book, which could open projects to legal challenges under the CAA, et cetera. But, can you sort of help us understand how—if H.R. 1 or something like it was passed, how it would impact the ability of the States and the EPA to issue permits and to avoid this unwitting, or witting, sort of gridlock, if you don't have the authority, yet the law's on the books, and people can go into court and say they're violating the law.

Ms. JACKSON. Right, well, as I mentioned earlier, Chairman, we have 100 permits already filed for GHG. So, there is a GHG rider that was included in H.R. 1, and it would preclude the EPA from issuing preconstruction permits, which are the permits that these 100 applications are for, in those States and territories and areas where the EPA is the permitting authority. It is sometimes the State and sometimes the EPA.

So, you're talking about California, Florida, Idaho, Kentucky, Massachusetts, Oregon, Texas, Wyoming, Puerto Rico, Virgin Islands, OCS, offshore deepwater ports, Arizona—I think there's one other.

And you're right, it would be something of a catch 22, because the CR doesn't affect the obligation, the underlying statutory obligation to obtain a permit; it simply affects the EPA's ability to issue or act on the permits. And so, people would have an obligation to obtain a permit the EPA could not issue, by law.

FUEL-EFFICIENCY STANDARDS

Senator REED. Thank you. Turning now to fuel-efficiency standards, we are already extremely sensitive to rising gasoline prices. They're about $3.57 in Rhode Island, but when I go back this weekend, they'll probably be closer to $3.80. And I think we all recognize that one of the ways to deal with this energy crisis is simply demand reduction. And, what's happened with the car industry—beginning with the 1970s and CAFE standards, is that increased mileage has helped avoid millions of gallons of gasoline use.

You're now talking about 35.5 miles per gallon by 2016, with your fuel-efficiency standards. Some people have suggested that'll save about $3,000 over the life of the car, in terms of avoided gasoline cost. Of course, that number goes up as the price of gasoline goes up. And there's a proposal, I believe, to increase it to 60 miles per gallon by 2015, with additional savings.

Today, in this budget, there's $5.2 million for developing fuel-economy standards out to 2025 and $10 million for a first-time program to try to improve the efficiency of medium and heavy trucks.

Can you share with us, or confirm the savings that seem to be inherent in these proposed investments of, relatively, a small amount of money?

Ms. JACKSON. Certainly, sir. I think you kind of hit it on the head in your question. I think the current law actually required us to get to 35.5 miles per gallon by 2020. The President's clean car rules got us to 35.5 by 2016. So, we're 4 years early. And he's already ordered the EPA and the Department of Transportation to

work together on the next generation, which is 2017 model year, all the way out to 2025. We are doing that.

We are also working and sharing data with the State of California, because the CAA gives California different jurisdiction over pollution emission from automobiles. The EPA's role is actually under the CAA and has to do with GHG emissions. The CAA is a really important piece of the puzzle, because the CAA has strong enforcement teeth. Companies can't build a bigger gas-guzzling car and simply pay small fine, as they could under the National Highway Traffic Safety Administration (NHTSA) rules and under NHTSA's authority. Under the CAA, they must comply.

And we have estimated that, in the rules done so far, if you took the CAA out of that equation, you'd lose hundreds of millions of barrels of oil savings, because companies would simply just pay the fine rather than build the more fuel-efficient cars that we need and that Americans are buying.

STATE REVOLVING LOAN—FUNDS CUTS

Senator REED. Thank you. A final point, my time is rapidly declining—Senator Collins alluded to this, I've said it also—the State revolving loan-fund cuts. There was, as I understand it, a significant increase in the 2010 budget. And a lot of that was directed at, not only helping communities struggle—and I think Senator Nelson was talking about it also—in terms of dealing with required improvements in sewer systems and other systems, that ultimately get passed on to ratepayers if the local agency is the only source of funds.

We are proposing now, in this budget, to reduce, significantly, those funds, which shifts the burden onto local communities and also may very well have the effect of stopping projects or not even putting projects in even a planning phase, which means jobs.

Have you looked at the job effect of these proposed cuts?

Ms. JACKSON. We haven't done a jobs analysis of the proposed cuts. I would only offer a few things.

This is one of those tough choices that's certainly hard, as Administrator of the EPA, to swallow, but I swallow it and I embrace it, because I think we looked across at a couple of things on the landscape that—when the President came into office, the Recovery Act put $6 billion to water and wastewater. Most of that money was required to be obligated within 18 months, and it was; but some of it is still hitting the streets in the form of projects that continue to be constructed and people who are getting paid, therefore have a paycheck as a result of that. His first budget also dramatically increased the amount of money for water and wastewater funding again. And so, yes, this is a cut, but it's still much higher than these funds we're seeing when he came into office.

And so, I would simply say that, yes, there is great leveraging that goes on, both in the drinking water and wastewater side. They're also revolving funds. So, part of what we're also hopeful of is to see some of those $6 billion in loans start coming back into the fund, repay the fund, and hopefully get us to a state where we can ensure that our communities have clean drinking water and adequate sewage.

Senator REED. Thank you very much.

I'm going to recognize Senator Murkowski. And since Senator Blunt hasn't had his first round—my preference, unless you have a problem, Senator—would be to recognize Senator Blunt then Senator Collins.

Senator COLLINS. Absolutely.

Senator MURKOWSKI. I'll defer to Senator Blunt before I ask my second round.

Senator REED. Thank you.

Senator Blunt.

Senator BLUNT. Thank both of you. And thank you for having patience with me.

Administrator, I may have asked questions here that have been asked before. And, if I do, I apologize for not being here to hear your answers before.

COST-BENEFIT ANALYSIS

So, one of my questions would be—the Supreme Court recently rejected the idea that, because cost-benefit analysis isn't expressly authorized, it can't be used. And I'm wondering when and where you use cost-benefit analysis in your rulemaking process?

Ms. JACKSON. We do cost-and-benefit analysis, as well as jobs analysis, with most of our rules, not absolutely all of them. We do have some laws—the CWA is one of them—which require us to consider additional factors. We still look at cost, we still look at benefits, but often public health or safety are issues in the statute that we are specifically told that trump a cost-benefit——

Senator BLUNT. Is that cost-benefit analysis available? Is it part of the record? How does somebody access that, that isn't at the EPA?

Ms. JACKSON. Yes, sir. It's part of the rulemaking docket. It's part of the rulemaking record. So, it would be part of the rule, there'd be an explanation of those analyses. And they would be part of the docket, if someone wanted to get into looking at the full analysis.

Senator BLUNT. And there are cases like—what did you say, CWA and CAA?—where the overall mandate, in your view, overrides that as a criteria?

Ms. JACKSON. Well, it's not my view, sir. The law will, in some cases, make clear that the job of the Administrator is not to balance cost at this stage or another. So, in parts of the CWA, parts of the——

Senator BLUNT. So, the law actually says that in some places, that you shouldn't balance economic cost?

Ms. JACKSON. In setting health standards under the CAA, the NAAQS, the law says that those standards are to be based on protecting public health with a reasonable margin of safety, specifically not asking for cost analysis. We do them anyway, as a matter of information, because people ask. But, there are places where the law constrains us, to some degree. It's not very often. And, even in those cases, I think the EPA leans into the idea of presenting cost and benefit and jobs analysis, where we can do it, because it always comes up.

Senator BLUNT. Well, I'd say lean harder, when you can. It's really an important part of what you're doing.

AGRICULTURAL DUST

You know, I mentioned a couple of areas earlier that impact the agricultural economy. On this pursuit of the rule on dust and fugitive dust, is there any known technology available that would really be able to stop dust from moving around? I mean, I'm enough of a farm boy to know you can't farm in the mud. So, you're going to have some dust in farming; you're going to have some dust in harvesting. I'd love it if you'd tell me that the whole—the rural concern about this is blown out of proportion and you really understand that you're going to have dust, and you know that even the Federal Government's not big enough to do anything about that. But, I'm anxious to hear what you think can be done about fugitive dust.

Ms. JACKSON. The EPA has not proposed to regulate agricultural dust. The EPA does not have any plans to regulate agricultural dust. The EPA understands, as I said in a earlier hearing, that dust happens, especially in rural America.

The confusion seems to stem from a requirement of the CAA for particulate matter, for the particles, that lodge in lungs. There's fine particles and coarser particles. Every 5 years, the requirement, under the CAA, is that a scientific advisory board, independent of the EPA, acts in an advisory role and advises the Administrator on whether current standards for coarse and fine particles are protective. That report has come in, but no staff recommendations about any standards have been made to the Administrator.

Senator BLUNT. And would that particulate matter occasionally be something we call dust?

Ms. JACKSON. It could include dust, yes. But, fine particles are not dust. Coarser particles can include dust. But, the EPA's standards, which would be health standards, back to your earlier question, could potentially include coarser particles.

I should note, the EPA's in the process of holding listening sessions with stakeholders across the country. We've particularly focused on rural areas. I think there was just one in Idaho. We're looking, we're listening. And, by this summer, I will be required to either propose to retain the current $PM_{10}$—that's, of course, the particle standard—or change it. That would be a proposal, subject to public comment, with the full record for review by anyone who has an interest.

Senator BLUNT. Well, I think the one thing—one of the things Government always wants to do is be sure that public comment doesn't become public ridicule, that anytime we set standards, or even have discussions that are outside of the—of a possible solution. And I'll look carefully at what you all propose. But, I know this is something that just seems like the Government, even having this discussion, really doesn't understand what happens out there to feed and clothe the country.

SPILL PREVENTION, CONTROL, AND COUNTERMEASURES (SPCC) RULES AND MILK

On the milk issue, I think your own internal estimate was that this new regulation could cost dairy farm families, dairy farmers, $155 million. And as—I believe this is because the EPA's view is

that, since butterfat includes oil, that it triggers a hazardous spillage when your milk tank ruptures or something. Are you really pursuing that?

Ms. JACKSON. No, sir.

Senator BLUNT. No.

Ms. JACKSON. No, sir.

Senator BLUNT. We're you asked about this by the Agriculture Committee, also?

Ms. JACKSON. Yes, sir. It was one of my five myths about the EPA and agriculture.

The EPA has actually proposed an exemption from the SPCC rules. Those are rules that generally handle large amounts of oil to prevent them from spilling into waterways. The EPA proposed an exemption for milk, because, without a clear exemption, you could read the law or our current regulations as somehow bringing milk in. So, it was the EPA who was working with the dairy industry and its representatives to come up with the idea of an exemption. And that exemption will be finalized, I believe, within the month.

Senator BLUNT. Are you telling me the dairy industry asked you to look into this?

Ms. JACKSON. I wouldn't say—I cannot attest to whether they asked or we asked. I would say our staff were in conversations long before I became administrator. And one of the things that was agreed upon, and was hailed by the dairy industry, was clarification that milk was not subject to SPCC requirement.

Senator BLUNT. Well, I'm generous with your time, Chairman. I think I've used my initial time up.

Senator REED. Senator Murkowski.

Senator MURKOWSKI. Thank you.

Not coming from a farm or an agriculture State, I think the common person would look at this and can't believe that we're having a conversation that we would be regulating milk as an oil product and need to have some kind of a response plan. But, that's not my question, Administrator. We're—you're good with that.

GHG REGULATION UNDER CAA

It does go back, though, to a question that Senator Blunt had raised. And this goes to the cost-benefit analysis and all that goes into that. At a hearing that we had before the Energy Committee last year, I asked you a number of questions about the implementation of the new GHG regulations under the CAA. And, at that time, after those questions that I posed, I sent you a pretty lengthy letter asking a series of questions. I am still awaiting a response to many of those.

But, one of the questions that I asked was whether or not the EPA had conducted a full analysis of the economic costs, including job losses. And I heard your response to the Chairman about what you perceive to be the job gains. But, the question is whether or not such an analysis has been conducted of the full implementation of the GHG emissions once you have fully phased in even the small emitters. And, if the answer to that question is yes, I would ask that you provide the subcommittee with a copy of that. And, if you

have not yet conducted an analysis, I guess the question would be, Are you considering conducting such an analysis?

Ms. JACKSON. Senator, there is no analysis to give you. Looking forward many, many years, I think the accuracy of such an analysis would be subject to a wide margin of error, because we are doing these rules slowly, methodically almost, starting with the very largest sources, and mindful and hopeful that, at some point, the Congress may choose to take actions that will impact smaller sources in different ways.

So, we are doing cost analysis as we roll out actual rules. For example, in the summer, when we propose GHG efficiencies and steps for the power sector, there would be analyses there.

Senator MURKOWSKI. And those analyses, as you have indicated to Senator Blunt, would be available through the whole rulemaking process that you have, that that cost analysis would be included.

Ms. JACKSON. Yes, Senator.

ARNI AND COE

Senator MURKOWSKI. Okay. I want to gain a little more understanding about ARNI. ARNI is now the first name that everybody has gained an association with in Alaska. And any of you that have rivers in your State, I would suggest you get to know ARNI, too. This is the ARNI. I mentioned this in my opening statement.

I had asked you, Administrator Jackson, for just an understanding as to how does an ARNI designation come about, when is it applied. In response, I'm told that—you've indicated that you've only designated ARNIs on 1 percent of COE permits. But, you're citing 6-year-old data. And the letter goes on to state that you don't have any more recent nationwide data on how often or where the authority is being invoked.

So, what I'm trying to figure out is, Do we know, or does anybody within the EPA know, what, precisely, is or is not an ARNI, and exactly how often this designation is being used nationwide?

Your letter refers to a case-by-case designation within regions, which, from where I'm sitting, makes it sound—it sounds pretty arbitrary. What we are faced with—we just had the—a project in the interior of the State be denied because of an ARNI designation on the Tanana River. If you are an investor or if you are—in this case, the railroad was looking to put a bridge across—had no idea that the Tanana River would be designated as an ARNI. How do you anticipate, in advance, whether a given body of water is subject to such a designation?

So, I'm trying to understand a little bit more about how this operates within the EPA, in terms of a given designation.

Ms. JACKSON. Thank you, Senator. As I think I said in the response, the designation is triggered in response to permit actions. It is—it grows out of a 1992 agreement between the EPA and the COE. And the designation of ARNI specifically does not have the effect of denying a permit. I can't confirm for you, but I will check and get back to your staff. I know—I believe the ARNI designation on CD 5 came after the COE determination that the permit proposal wasn't compliant with 404. I could be wrong on that, Senator——

Senator MURKOWSKI. I think——

Ms. JACKSON [continuing]. But I will double check.

Senator MURKOWSKI [continuing]. We want to check on that.

Ms. JACKSON. Yes, okay. I will. So, I'll take that statement back.

[The information follows:]

DESIGNATION WITHIN REGIONS (TANANA RIVER)

On June 9, 2009, the Environmental Protection Agency sent the Corps of Engineers (COE) a comment letter identifying that the CD–5 pipeline, as proposed, may result in substantial and unacceptable impacts to the Coleville River Delta, and identified the Coleville River Delta as an Aquatic Resource of National Importance (ARNI). After completing their review of the proposed project, the COE denied the application for the CD–5 pipeline in February 2010.

Ms. JACKSON. But—we need to look at timing—but, I think the important thing is that I don't see the ARNI designation, which, as you mentioned, is used pretty infrequently. Looking back historically, the data we had in-house said 1 percent of CWA action, section 404 individual permit (IP) actions. The COE reviews 3,000 to 5,000 IPs, permit applications, annually. I'm told that the working relationship right now between the COE and with the State of Alaska and the EPA regional office out there is very good, and that this coordination's going to be important, because I think everyone involved understands the importance of these resources, not only to ConocoPhillips, but to the Nation's energy and economic security.

Senator MURKOWSKI. Well, we all need to be working together on it, but I—part of the concern that we saw with CD–5 and the designation up there is, the COE had approved a project. All the stakeholders involved had agreed that this was the project. Great public input on that. And then the EPA designation comes in and essentially circumvents that public input. And there is no public process with an ARNI designation, is the concern.

Ms. JACKSON. Yes.

Senator MURKOWSKI. And again, with very vague, or seemingly vague, criteria so that you do not know—you have no idea, going into it—whether or not this designation will be made after the fact, after the process has been well underway, and after a great deal of money, in many cases, has been put toward it. And again, we're seeing and we have seen this now in two critical, critical infrastructure projects, one that would advance oil and gas development in the NPR–A, one that would allow for access to military training grounds for our military, and we can't get a bridge across yet another river. So, we need to better handle, in terms of what is what the criteria is and, more importantly, avoiding any arbitrary definitions that we might see on a region by region or, as you say, a case-by-case basis.

Ms. JACKSON. Senator, just three things. It is important to recognize that the COE permit denial was because the COE found that there was a less damaging alternative that was available to ConocoPhillips to meet the project purpose, not because of the EPA's ARNI designation.

Number two, that being the case, I do believe—I want to state again that the ARNI designation is not in any way a denial of a permit, or does not mean that a permit is denied. It is simply a recognition of extraordinarily sensitive natural resources that may be in the area. And I don't think that it is indicative of the permit.

And, last but not least, we are not regulating milk. We are not regulating milk.

Senator MURKOWSKI. And I would just add for the record here, cracker-jack staff says that the ARNI designation on CD–5 was the summer of 2009, and the COE denial of the—of going forward with the bridge was February 2010. So, the ARNI was, in fact, designated first. Or that's what I'm told.

Ms. JACKSON. Yes, and I think that the COE denial talks about the need to look at less-damaging alternatives. And I think that gives us some real places to work with the State and the COE, I think—I hope, productively.

Senator MURKOWSKI. Mr. Chairman.

Senator REED. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

BOILER MACT RULES

Administrator, I want to go back to an issue that I raised in my opening statement about the EPA's proposed maximum achievable control technology rules for boiler emissions.

As I mentioned to you back in September, 41 Senators wrote to you to express great concern about the proposed EPA rules in this area. And they joined a letter that Senator Mary Landrieu and I led. But, I would note that what's remarkable about this letter is, it's almost equally divided between Democrats and Republicans, reflecting widespread concern, bipartisan concern, about the proposed boiler MACT rules. And we wrote then that we were concerned that they would result in significant job losses to the forest products industry at a time when the industry was really struggling, laying off workers, mills were closing, and that we also were concerned that it would discourage the use of wood biomass in woodpulp and paper facilities.

To the EPA's credit, you answered our letter very quickly and said that you would take another look at the rules. And I know you tried to get additional court time, and could only get an additional month, rather than the 15 months, I think it was, that you requested. Nevertheless the final rules came out last month. And the initial estimates by the American Forest and Paper Association is that even the final rules would lead to the loss of thousands of jobs, at a time when our economy can least afford it.

I know the EPA has claimed that the final rule—the cost of the final rule has been lowered by 50 percent. I have to tell you that that's cold comfort to me, because the initial rule, according to industry estimates at least, was something in the neighborhood of $3 billion in capital costs, and more than $11 billion for all manufacturing. The $3 billion was just for the forest products industry. In Maine, the forest products industry estimated that the initial rules would cost $640 million in compliance costs. So, even if you cut that in half, that is huge. It's still a huge, onerous, costly burden on an industry that is just barely starting to recover from the deep recession.

So, I have a number of questions for you. One is, it's my understand that, under the CAA, the Congress has given the EPA the authority to develop alternative standards for emissions with health thresholds in cases where the regular MACT limits may be,

quote, "far more stringent than necessary to protect public health." Back in 2004, the EPA did use a health-based approach. Why wasn't a health-based approach used this time?

Ms. JACKSON. There was significant analysis, Senator, of exactly that point, whether there was justification for a health-based emission limit—they're called HBELs—under the law. And those standards were not justified, in our opinion. There was significant comment on it. We heard from many, many people. But, at the end of the day, in the final standards, we did not believe that they were justifiable, and did not provide the protection from toxic air pollutants that the law required.

Senator COLLINS. Well, I have to say that the Congress gave you that authority for a reason. And to set limits that are far more stringent than necessary to protect public health, at a time, particularly, when the economy's very fragile, really concerns me. Is the EPA going to accept further public comments on the rules that were published last month, on February 23?

Ms. JACKSON. Yes, Senator. Using the reconsideration process, which is part of the CAA that's——

Senator COLLINS. Yes.

Ms. JACKSON [continuing]. Built into the law, we are soliciting, and now accepting, comments from members of the public, because the final rule was significantly different than the proposal.

Senator COLLINS. And how long—since, as you point out, the final rule is significantly different—how long do you expect that public comment period to be?

Ms. JACKSON. I believe it's 60 days, Senator. I don't know; I believe it's 60 days. But, we'll get back to you for the record.

[The information follows:]

BOILER MACT

Groups representing sources covered by the rules have recently filed a petition for an administrative stay of the Boiler MACT rule. The Environmental Protection Agency (EPA) has also received a petition for judicial review of the rule and a petition for reconsideration of aspects of the rule. The EPA intends to make a decision regarding a stay of the effective date of the rule by May 20, 2011, when the rule is scheduled to go into effect. At the time the EPA makes a decision, we will discuss a tentative schedule for the process which would include an opportunity for public comment.

Senator COLLINS. I hope that it would be as long as possible, 60 to 90 days, so that there can be ample time to review the rules. The mills in my State have started doing their analysis. They still have many, many concerns about what the impact would be. I know the White House is asking the EPA, and indeed all agencies, to take a hard look at pending rules that have an impact on job creation and preservation. And I certainly think this falls in that category.

Ms. JACKSON. Thank you, Senator. We are—there is a 3-year compliance period for these standards. And I expect, as part of the reconsideration, we may be asked to delay the effective date, while we're in the reconsideration process.

I do want to point out, because I think I might not have been clear, that when we looked at the health-based emission limit, we looked as to whether there was another standard that would be protective for mercury, lead, arsenic, all of the acid gases included

in the rule. But, the rule, while being much cheaper, has phenomenal public health benefits that I don't want to have overlooked. By the year 2014, when it's implemented, you know, 2,500 to 6,500 premature deaths avoided, 1,600 cases of bronchitis, 4,000 nonfatal heart attacks.

I am all for finding the absolute cheapest way to get public health protection, but I didn't want you to think that we had rejected that kind of approach. In fact, we looked at it and determined that the technology allows us to get protection without the need for any additional health-based standard.

Senator COLLINS. Well, I would suggest that all of us want those public health benefits. They're extremely important. The CAA was authored by Senator Ed Muskie, and our State is very proud of that fact. But, clearly, the proposed rules—the initial rules were a gross overreach. I think the EPA is making progress in reducing the costs and coming up with a more practical approach. But, I still think we can achieve the health benefits that we desire without putting thousands of people out of work.

Thank you, Mr. Chairman.

Senator REED. Thank you.

Senator Blunt, questions?

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

On that boiler MACT issue—I signed a letter on that recently, myself—would you have somebody send me the cost-benefit analysis out of that rulemaking process?

Ms. JACKSON. Certainly, sir. We can get you—

[The information follows:]

REGULATORY IMPACT ANALYSIS (RIA) FOR THE BOILER MACT

The URL for the RIA is http://www.epa.gov/airquality/combustion/docs/boilerria20100429.pdf

Senator BLUNT. Thank you.

NEW SOURCE REVIEW

On the New Source Review—I mentioned the Ameren action earlier, that I've sent a couple letters on. I think that that was almost 10 years ago, almost decade ago, when that change was made so they could burn more low-sulfur coal. It seems like, to me, that's a pretty long reachback for a review. I wonder why nobody did that in the EPA before now. And how long do you think the reachback from New Source Review might go?

Ms. JACKSON. The New Source Review requirements of the CAA came into place, I believe, in the 1977 amendments. And——

Senator BLUNT. Right.

Ms. JACKSON [continuing]. So, what they essentially do is say that, when a plant is making a significant investment to upgrade or rebuild, they should also invest in pollution control. So, the cases, which have been pursued since 1999, not necessary against Ameren, are lookbacks to see if companies, when they made significant changes to their operations, did indeed comply with the law by also upgrading their pollution controls. Ameren announced, I think in February, that it's going to install scrubbers to address sulfur dioxide at two facilities. I can't talk about the specifics of the case that's pending. It's in litigation over at Department of Justice.

But, that is a nonattainment area for sulfur dioxide. It's one of the largest sources of pollution in the State.

Senator BLUNT. And how do you find out that these plants are making these changes in the plant?

Ms. JACKSON. I haven't done these cases in a very, very long time, sir—but, generally, back when I did them, it relied on information from the energy administration. You would see large increases in energy output or in bids into the grid, depending on whether they're a regulated or nonregulated utility. And then from there you could use information gathering authority under the CAA to determine whether a violation of the law had——

Senator BLUNT. And if you see those output increases, then you just routinely go in and check and see if they've done anything to change the facility?

Ms. JACKSON. There's also the routine checks that come as part of the permit process. But, that would be the first thing that might get an inspector or an enforcement agent concerned; if they start to see huge amounts of energy increase, that means you're burning more fossil fuel, which means more pollution. And the question is, Has there been an investment in reducing the air pollution that's concurrent with that?

Senator BLUNT. Yes, it just seems to me it took an awful long time to—either for them to get their output up or for the EPA to decide this was something they wanted to look at, if it's almost a decade after the change was made and then suddenly there's an enforcement action. But, we'll continue to talk about that. I am concerned about it.

COOLING TOWERS

On the cooling-tower issue, I think I've seen one estimate of cost of added cooling towers to powerplants, to all the powerplants that may need them, would cost up to $60 billion. I think all that—in virtually every State, there's a process to pass that along as part of the utility rate or—how do you think—what's your sense of how you approach the cooling-tower requirement? Are you going to look at every powerplant and try to come up with—help them come up with the best cost-effective thing for them? Or is there going to be a cookie-cutter process, here, that you have to meet these criteria in this size plant? Or what are you going to do there?

Ms. JACKSON. Well, the EPA is working on a rule, sir. That's as a result of a couple of Supreme Court—I think they're Supreme Court cases. I really do not want to get in front of the rulemaking process—we'll make a proposal; it'll be out for public comment. The one thing I have said publicly is that I don't believe in a one-size-fits-all approach on that issue. So, I think that there is certainly some amount of judgment. New facilities are different than older facilities.

Senator BLUNT. Well, we're—you know, that's obviously a big change in all of these facilities, if it happens. And I'll watch that, as well. But, I'm going to be particularly interested to see the cost-benefit analysis from the boiler MACT rulemaking, and look forward to getting that.

Thank you, Chairman.

Senator REED. Thank you, Senator Blunt.

At this point, Madam Administrator, I think we can—with your permission—wrap it up.

Senator MURKOWSKI. Could I just ask——

Senator REED. Absolutely.

Senator MURKOWSKI [continuing]. Very quickly?

Senator REED. Madam Senator.

ALASKAN NATIVE VILLAGES PROGRAM

Senator MURKOWSKI. You know, I've been very critical of the EPA throughout this hearing, but I was raised by a mother who is very generous. And she says if there is something good to be said, you need to make sure that that is said, as well. And one of the areas where Alaskans have benefited from the EPA and their programs has been the Alaska Native Villages Program. This, of course, helps us with water and sewer infrastructure. We are seeing a reduction in this, in the budget area, this year. This is a program that is run by the State, but the assistance that we receive from the EPA has been extremely helpful.

The question to you, Administrator Jackson, is whether or not the EPA has done an assessment in understanding what the overall needs of rural Alaska are for water and sewer improvements? Do you have that? Do you work with the State on that? We want to try to make the improvements that are necessary in this area. We know that the need is great, but I'm just wondering if an assessment has been made.

Ms. JACKSON. Yes, Senator. There's an annual inventory of need in Alaska. It's tracked by the Indian Health Service. As of November 2010, the total drinking water need in Alaska was 413 million gallons, and the wastewater need was 300 million gallons. So, obviously, it totals more than 700 million gallons. I can tell you that, while the need is not going away, in 1995, when the program began, only 45 percent of the population had water and wastewater. In 2010, 93 percent has water and wastewater. It is a program that is effective, that is working. Forty-three percent of the need that's out there is still to address first-time service to homes that have no pipes or haul service. Forty-four percent of the needs address health threats that are quite substantial.

Senator MURKOWSKI. Well, we want to work with you on that. We recognize that these are tight budgets. We understand that. But, I think you know and appreciate, as I do, that these are critical infrastructure needs for the health of those residents. So, we will be working with you as we seek to find ways to advance the funding. So, I appreciate that.

Thank you, Mr. Chairman, for the opportunity for an additional question.

ADDITIONAL COMMITTEE QUESTIONS

Senator REED. Thank you, Senator Murkowski.

And let me just amplify her remarks by simply saying "sewers."

Not just in Alaska, but around. We have many things in common. And our concern for infrastructure is a common passion amongst us.

Madam Director, we—Administrator—excuse me. We may have additional written questions which we will submit to you; from my

colleagues that may not have been able to attend the hearing. We'd ask you to respond very quickly. And I will ask the staff to see if they can coordinate any written questions by this Friday.

With that, Madam Administrator, thank you for your service and your testimony.

Ms. Bennett, thank you, too.

[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 JACK REED

RHODE ISLAND NARRAGANSATT BAY ESTUARY—FUNDING REDUCTION

*Question*. Rhode Island is home to 1 of the Environmental protection Agency's (EPA) 28 national estuaries, the Narragansett Bay Estuary Program. These estuaries raise $15 for every $1 that the EPA provides them through a Federal grant. I'm concerned that the administration chose to reduce funding for the National Estuary Program (NEP) by 17 percent—for a total of $27 million—despite the program's excellent track record of leveraging Federal investment. Your budget request means that every estuary will receive a $200,000 cut to its budget next year. That's a 25 percent cut. Can you explain why this program wasn't a higher priority in your budget?

Answer. The EPA is maintaining its strong commitment to an effective NEP, which is a long-standing example of the EPA's commitment to work with communities to achieve water-quality goals on a watershed basis. However, given budget constraints, we had to make difficult decisions regarding where to pursue increases in funding and where to reduce funding or maintain current funding levels. The President's fiscal year 2012 request provides $600,000 per NEP, the same level the administration requested in fiscal year 2010. The EPA believes that this level of funding is sufficient to maintain continued positive momentum in the NEP.

STATE GRANT FUNDS

*Question*. Your budget request includes a 35 percent increase for State and local air-quality grants and a 9 percent increase for water pollution control grants. These increases will fund additional staff to process permits more quickly and to enforce pollution limits. In contrast, H.R. 1 includes a $50 million cut in fiscal year 2011 for grants to State programs that fund air and water pollution control, hazardous waste financial assistance and nonpoint source prevention. That's a 5 percent cut. I am concerned that these cuts will have the exact opposite effect of your budget request and result in employee furloughs, slower permitting and reduced enforcement—particularly when States would be forced to absorb them so late in the year. What kind of measurable improvements do you expect your budget request to have on State permitting and enforcement programs? Conversely, what impact do you believe the cuts proposed in H.R. 1 would have on the ability of States to do their work this year

Answer. I am concerned that inadequate funding for State and local air-quality grants could slow down the preconstruction permitting process for new and modified sources. A portion of the increased air grant funding for State and local agencies ($25 million) will support States as they begin to update their programs for issuing title V operating permits and prevention of significant deterioration permits to include the largest sources of greenhouse gases (GHGs). Air operating permit programs are usually supported by permit fees paid by sources of emissions. However, the new requirement to issue permits to the largest sources of GHGs will require additional staffing and training by State permitting agencies which are not initially paid by fees. This increase will ensure that States have the necessary trained and equipped staff to issue permits to sources in a timely and efficient manner.

Another portion of the increase will support States' efforts to implement revised NAAQS and regulations to address air toxics. Under the previous administration, the EPA committed to review each NAAQS within the 5-year timeframe prescribed by the Clean Air Act. In most instances, the review of the latest science has resulted in the Administrator lowering the NAAQS to be more stringent and more protective of human health. As part of the implementation workload, States will need additional resources to conduct compliance assistance for regulated sources.

At this critical time in air pollution control programs and the severe budget cuts within State agencies, reductions in support to State and local agencies will delay public health gains from improved air quality and negatively impact the private sec-

tor as sources are delayed in obtaining construction and operating permits to construct new facilities.

States use the 106 State grant program to implement their water pollution control programs, including permitting, enforcement, water-quality standards, Total Maximum Daily Loads, and ambient water-quality monitoring. States target these grant resources for water issues of the highest priority as identified by the States and the EPA. Over the past decade, the National Pollutant Discharge Elimination System (NPDES) universe of permitted facilities has expanded significantly from approximately 372,700 to an estimated 1 million. This is a result of industry trends and court decisions that have expended the scope of the NPDES Program.

Increases are needed to address this expansion, to implement new NPDES regulatory requirements, and support initiatives such as the EPA's Clean Water Act Action Plan which seeks to revamp NPDES permitting, compliance, and enforcement. Under this new plan, the EPA is working with States to develop joint annual plans, integrate permit and enforcement reviews to focus on the greatest water-quality threats, improve transparency, and strengthen oversight to improve results and consistency.

Permit issuance backlog is an issue in many States, and decreases in State budgets have generally exacerbated the issue. An increase in Federal grant funding could improve permit issuance rates, while cuts in funding provided from the Federal budget could worsen the problem.

Finally, budget cuts could also result in States being unable to meet their program commitments, and being forced to return their authorized programs to the EPA. Due to resource concerns, Missouri is currently investigating this option, and other States could follow. Since Federal funding generally covers only a small percentage of the overall cost of running a State water pollution control program, operating a returned State NPDES Program would result in far higher costs to the Federal Government.

DIESEL EMISSION REDUCTION ACT (DERA) FUNDING ELIMINATION

*Question*. I'm concerned that the EPA's budget request eliminates $60 million for the DERA grant program, a program which the Congress reauthorized for another 5 years just last December. The administration has suggested that the DERA Program is no longer necessary because older diesel engines will eventually age out of service on their own. Yet the EPA's diesel emission standards do not address replacement of the estimated 11 million older diesel engines that are still in use. These engines are some of the worst producers of particulate matter and smog-forming compounds, and they have service lives that can last 20 to 30 years. That's why the EPA estimates that every $1 invested in funding diesel retrofits yields $13 in public health benefits. Can you explain to us why you chose to eliminate this program? Do you really believe that the DERA Program has run its course?

Answer. Since 2008, the Congress has appropriated more than $460 million for the DERA program, including $300 million as part of the American Recovery and Reinvestment Act of 2009. With this funding, approximately 50,000 engines have been retrofitted (of the estimated 11 million vehicles and engines in the legacy fleet), and the EPA has awarded:

—$249 million in competitive grants to fund implementation of EPA- or CARB-verified and certified diesel emission reduction technologies;
—$137 million in funds to participating States to implement grant and loan programs for clean diesel projects;
—$45 million in competitive grants through the SmartWay finance program to establish national low-cost revolving loans or other financing programs that help fleets reduce diesel emissions; and
—$32 million in competitive awards through the Emerging Technologies Program to foster the development and field evaluation of cutting-edge technologies.

Budget constraints for fiscal year 2012 required the EPA to make tough choices; clearly the cost-effective DERA Program is an example. While the DERA grants accelerate the pace at which dirty engines are retired or retrofitted, pollution emissions from the legacy fleet will be reduced over time without additional DERA funding as portions of the fleet turnover and are replaced with new engines that meet modern emissions standards.

MISFUELING OF VEHICLES AND ENGINES WITH E15

*Question*. The EPA recently released a decision allowing 15 percent ethanol to be used in model-year 2001 and newer cars. Without providing consumers with clear labels and lower blend alternatives, this decision could lead to accidental misfueling of vehicles and engines, such as marine vehicles. What steps is the EPA taking to

implement this decision? How is the EPA working with the States or other parties to address consumer concerns regarding misfueling or lack of availability of lower ethanol blends?

Answer. Last fall, concurrently with the first partial waiver decision for E15, the EPA issued a proposed rule to help mitigate the potential for misfueling of vehicles, engines and equipment (including boats and other marine vehicles) not covered by the partial waiver. The proposed rule called for labeling of E15 pumps and product transfer and survey requirements to help ensure E15 is properly labeled. The EPA expects to issue a final rule later this spring. The EPA has also begun discussions with stakeholders about establishing a public outreach and education campaign to accompany the introduction of E15 into the marketplace. The EPA recently received a petition from engine manufacturers and owners asking the Agency to require the continued availability of E10, and we are in the process of considering that petition.

IMPACT OF H.R. 1 PREVENTING THE EPA FROM ISSUING NEW CWA GUIDANCE

*Question*. H.R. 1 contains language that would prevent the EPA from issuing new guidance to clarify which waters in the United States are subject to regulation under the Clean Water Act (CWA). I am concerned about what kind of impact this could have on the wetlands and waters we have in Rhode Island. Would you please explain what efforts to block the EPA issuing new CWA guidance actually mean in terms of public health and water quality?

Answer. H.R. 1 would have prohibited the EPA from implementing, administering, or enforcing new guidance or a new rule intended to clarify the definition of "waters of the US," after Supreme Court decisions in *SWANCC* and *Rapanos*. The practical effect of the rider would be to prevent EPA from taking administrative steps to improve protections for the Nation's streams, lakes, wetlands, and other waters. H.R. 1, if enacted, would have prevented the EPA from taking actions to better protect all of our Nation's waters from chemical wastes, sewage, animal wastes, oil spills, and a variety of other contaminants. The result would be continued ambiguity regarding the scope of waters regulated by CWA programs, which has increased workload for field staff and contributed to uncertainty and delay for permit applicants.

Efforts to block the EPA from clarifying waters of the United States subject to the CWA could have negative effects on public health. People use our Nation's waters for recreation, including activities that put them in direct contact with the water, such as swimming, waterskiing, jetskiing, and kayaking. Protecting smaller, upstream waters protects larger downstream waters. However, under current guidance interpreting the Supreme Court decisions, waters that flow for only part of the year (intermittent and ephemeral streams), many headwater streams, wetlands adjacent to these streams, and geographically isolated wetlands are difficult to protect.

At least 117 million Americans—more than one-third of the U.S. population—receive their drinking water from public systems fed at least in part by waters that currently lack clear protection from pollution and destruction.[1] In Rhode Island, almost 565,000 people receive drinking water from public drinking water systems that rely at least in part on these intermittent, ephemeral, or headwater streams.[2]

Wetlands absorb flood waters and mitigate the impacts of flooding. Filling of unprotected wetlands can lead to increases in the frequency and magnitude of "downstream" flooding.

Water quality in larger downstream rivers, lakes, and coastal waters depends in large part on water quality in the many small streams and on wetlands that filter out pollution and improve water quality before it reaches downstream waters. In addition, small streams and wetlands provide habitat, food, spawning sites, and nursery areas for a wide variety of plants, fish, amphibians, birds, and mammals.

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QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

LAKE CHAMPLAIN

*Question*. The Environmental Protection Agency (EPA) has been a very strong partner in the clean-up of Lake Champlain for the past 20 years. The EPA's interest

[1] U.S. EPA, July 2009. "Geographic Information Systems Analysis of the Surface Drinking Water Provided by Intermittent, Ephemeral and Headwater Streams in the U.S." *Available at*: http://water.epa.gov/lawsregs/guidance/wetlands/surface__drinking__water__index.cfm

[2] U.S. EPA, July 2009. "Geographic Information Systems Analysis of the Surface Drinking Water Provided by Intermittent, Ephemeral and Headwater Streams in the U.S." *Available at*: http://water.epa.gov/lawsregs/guidance/wetlands/upload/2009__12__28__wetlands__science__surface__drinking__water__surface__drinking__water__results__state.pdf

in Lake Champlain seems stronger than ever, especially given the Agency's move earlier this year to require a new Phosphorus Total Maximum Daily Load Plan, likely to be written by the EPA. Given the EPA's long-standing commitment then, I was disappointed to see the President's budget proposal cut Lake Champlain funding by 65 percent from the fiscal year 2010 level. The proposed funding level for Lake Champlain is especially hard to understand when in your testimony you highlight the continued efforts to clean up America's great water bodies and you propose increasing the Chesapeake Bay funding by 35 percent. Both the Bay and Lake Champlain watersheds face similar water-quality issues as they seek to reduce nutrient and sediment pollution in important ecosystems that span multiple States. Yet it appears the Champlain basin is asked to do more with far less. How does the EPA intend to fulfill its 20-year commitment to the Lake Champlain program at such a reduced funding level?

Answer. The EPA is maintaining its commitment to the Lake Champlain Program. We believe that this level of funding is sufficient to continue forward momentum in the implementation of the Lake Champlain Basin Management Plan, "Opportunities for Action." For example, in fiscal year 2012, this funding will enable the EPA to continue to work with its partners to continue monitoring of phosphorus and other water-quality parameters in the lake and tributaries, and to work with partners to implement projects that will help reduce phosphorus loads from all categories of sources (point, urban, and agricultural nonpoint).

SUPERFUND

*Question*. The Superfund Program, while creating a wonderful legacy, is often criticized for its slow clean-up pace. At an estimated 62 percent of listed Superfund sites, half or more of the job remains undone. In Vermont, we have four sites still awaiting final cleanup. How do you propose to tackle the ongoing cleanups and take on new sites, especially in light of budget cuts while you face cleaning up increasingly larger and more expensive sites?

Answer. To manage the EPA's clean-up programs more effectively and efficiently, seeking to maximize the efficiency of the resources available, the Agency has initiated a multi-year effort to integrate and leverage our land clean-up authorities to address a greater number of contaminated sites, accelerate cleanups where possible, and put sites back into productive use while protecting human health and the environment. One of the principal elements of the Integrated Cleanup Initiative is to increase the project management focus and manage projects to completion.

Cleanup of Superfund sites, typically the Nation's most contaminated, presents significant challenges. Sites on the National Priorities List (NPL) include, but are not limited to, contaminated sediment sites that may cover miles of river bed or harbor bottoms; mining sites with tailings piles causing acid mine drainage; landfills; and abandoned factories, mills, smelters, and other industrial facilities associated with wide-spread contamination. Often this contamination is found both on the surface and subsurface of a site, and frequently includes the contamination of groundwater. As a result, cleanup is often complex and frequently takes many years to complete.

Before the EPA may initiate the on-site clean-up work, studies must take place to determine appropriate remedies. Once studies are complete, the remedies must be constructed or designed. Then the physical on-site construction work begins. All of this work takes place while the EPA works to ensure appropriate input from States, tribes, and local communities. Despite these challenges, the EPA has made substantial progress—67 percent of NPL sites (more than 1,060 sites) have completed on-site construction—but the EPA recognizes that more needs to be done.

In times of fiscal constraints, the EPA will endeavor to prioritize its activities within the Superfund Program. For example, certain new construction projects may be delayed at sites where the contamination is determined to be relatively stable and the potential for human exposures are low. However, the public should be assured that the EPA will continue to take emergency actions should an immediate threat to human health or the environment be identified.

*Question*. Has the expiration of the industry taxes affected the EPA's ability to move cleanups forward?

Answer. The EPA continues to make progress cleaning up Superfund sites through a combination of annual Congressional appropriations, responsible party settlement funding, and State cost share contributions. The level of funding appropriated by the Congress annually for the Superfund Program is funded through the Superfund trust fund as supplemented by general revenues as necessary. Historically, Superfund Program appropriation levels have not been contingent on the trust fund balance due to the supplementation from general revenues. However, the reve-

nues from the Superfund taxes will provide a stable, dedicated source of revenue and decrease the burden on individual taxpayers to foot the bill for the cleanup of sites where no viable party has been identified.

*Question*. Have budget shortfalls for Superfund hindered your enforcement for efforts, leading responsible parties to drag their feet in negotiations in order to get a better deal, knowing that you do not have the funds to conduct a cleanup?

Answer. The enforcement tools available to the EPA to compel responsible parties to pay for or conduct cleanup are strong and do not change. Responsible parties are aware that if they "drag their feet" during negotiations, the EPA has the authority to issue enforcement orders unilaterally. Responsible parties are also aware that if they do not comply with a unilateral order, the EPA may bring an action to enforce the order or to conduct the cleanup and recover its clean-up costs as well as seek treble damages. The level of funding for enforcement proposed in the fiscal year 2012 budget ensures that the EPA will have sufficient funds so that, if responsible parties fail to perform their clean-up obligations, the EPA can use all available tools to ensure that contaminated sites are cleaned up to protect human health and the environment.

FORMALDEHYDE STANDARDS

*Question*. As your agency implements the Formaldehyde Standards for Composite Wood Products Act, that passed both the House and Senate with overwhelming bipartisan support and was signed into law by President Obama last July, I urge you to carefully consider the implications for small manufacturers of low-risk-engineered veneer and similar product components. I am very concerned that if our small niche market companies that produce smaller hardwood products, like guitar bodies and gun stocks, that pose little if any health risks based on end usage are held to the same standards as those items which were involved in the original focus of this legislation it will have a crippling effect on these companies.

Can you assure me that the EPA will take into account if these regulations will be overly burdensome and costly to these manufacturers? Or if it would have devastating financial impacts on these companies?

Answer. The Formaldehyde Standards for Composite Wood Products Act, enacted by the Congress in 2010, establishes formaldehyde emissions standards for hardwood plywood, particleboard, and medium-density fiberboard. As directed by the act, the EPA is evaluating all available and relevant information from State authorities, industry, and other available sources to determine whether the definition of the term "hardwood plywood" should exempt engineered veneer or any laminated product. The EPA intends to address these products in its rulemaking in a way that is protective of human health and the environment, taking into account the concerns of manufacturers, particularly small business manufacturers.

In addition, the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA), requires the EPA to estimate the number of small entities affected by a rule and assess the impacts on those entities. As part of developing the proposed rule to implement the Formaldehyde Standards for Composite Wood Products Act, the EPA convened a Small Business Advocacy Review (SBAR) Panel on February 3, 2011. The Panel is made up of representatives from the agency conducting the rulemaking (the EPA in this case), the Small Business Administration, and the Office of Management and Budget. The SBREFA further requires the Panel to solicit the advice and recommendations of Small Entity Representatives (SERs). Outreach meetings on this rulemaking were held with the Panel and the SERs on January 6, 2011, and February 17, 2011. The Panel also solicited two rounds of written comments from the SERs. The EPA is currently reviewing the comments received during the SBAR Panel process.

Additional analysis is required for regulations that impose more than a certain level of costs on society or raise novel policy or legal issues. For example, the Unfunded Mandates Reform Act requires, among other things, a cost-benefit analysis and consideration of a reasonable number of regulatory options for regulations that require the expenditures of funds by State, local, or tribal governments in the aggregate, or by the private sector, of $100 million or more in any one year. Executive Order 12866 gives the Office of Management and Budget the authority to review regulatory actions that are categorized as significant, including rules that may have an annual effect on the economy of $100 million or more. Although the EPA has not yet determined the total costs that will be imposed by the formaldehyde implementing regulations, the EPA is planning to prepare an economic analysis that complies with the applicable requirements of the Executive order.

The EPA has already received a great deal of input from stakeholders, including small businesses, and will continue to do so as we develop the implementing regula-

tions. Pursuant to the Administrative Procedures Act,[1] the EPA typically provides at least 60 days for the public to comment on proposed rules. The EPA is particularly interested in information on the effects of potential regulatory options on small businesses and on how the EPA can reduce the regulatory burden on small businesses while fulfilling its statutory mandates and its mission to protect human health and the environment.

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## QUESTIONS SUBMITTED BY SENATOR BEN NELSON

### COMBINED SEWER MANDATES

*Question*. Administrator Jackson, like many cities in the United States, Omaha has a combined sewer system that was originally designed to carry both storm water and sewage into the Missouri River and Papillion Creek. That system is from the 1800s and we can all agree it makes sense to upgrade this infrastructure and protect water quality for citizens in Omaha. The reality though, is that it is going to cost ratepayers more than $1.6 billion to meet the Environmental Protection Agency's (EPA) combined sewer overflow (CSO) mandate. This will result in a doubling of sewer fees over the next 15 years. Now I believe States and localities have to be responsible for some costs, but in cases like this when we're talking about enormous sums of money, I think the Federal Government should be a partner when it is mandating the upgrades. So my question is, how can the EPA be a partner in the case of combined sewer mandates? Outside of the revolving loan funds, which are something but far too small for projects like this, what tools can the EPA make available to help cities comply with the mandates it sets forth?

Answer. The Clean Water State Revolving Fund (SRF) is an important Federal component that is helping to improve wastewater infrastructure across the country. The President's fiscal year 2012 budget request continues this administration's historic commitment to funding wastewater infrastructure and brings the 4-year total for the SRFs to approximately $16 billion (fiscal year 2009–fiscal year 2012).

The EPA also promotes the use of green infrastructure for CSO mitigation. Green infrastructure reduces the volume of stormwater entering combined sewer systems while simultaneously improving air quality, reducing urban heat island effects and energy use, mitigating climate change and its impacts, and fostering community redevelopment by improving urban aesthetics. These multiple benefits can make green infrastructure a cost-efficient method of upgrading combined sewer systems but also, importantly, make it potentially eligible for a broad range of Federal funding. By September 2011, the EPA will provide a resource guide identifying Federal grant programs, (e.g., HUD, DOT) for which green infrastructure projects may qualify for consideration along with case studies, where available, of how these grant funds have been applied to green infrastructure projects.

### FEDERAL NUMERIC NUTRIENT CRITERIA (NNC)

*Question*. Administrator Jackson, last November, the EPA finalized Federal NNC for Florida's flowing waters and lakes. While few dispute the need to reduce nutrients in Florida's waters, the EPA's proposal has raised questions about the data underlying the proposal, the potential costs of complying with numeric standards when they are incorporated into discharge permit limitations, and disputes over administrative flexibility. The concern I have is the EPA's actions in Florida, will be a precedent for similar regulatory action elsewhere. For example, environmental advocacy groups have petitioned or filed lawsuits seeking to require the EPA to establish numeric nutrient water-quality standards in Kansas and for the upper Mississippi River basin. For Nebraska, this could require the EPA to establish standards for discharge from hog and cattle feeding operations, or any point source from livestock feeding, but it isn't clear that the means to comply currently exist. I know you have stated several times that the EPA does not intend to apply numeric standards to other States, but with the petitions and lawsuits that are out there; what steps are you taking to insure this will not be the case?

Answer. Nitrogen and phosphorus pollution is a widespread, serious and growing problem. This pollution threatens our waters used for drinking, fishing, swimming, and other recreational purposes. It can hurt the tourism industry, decimate people's home and property values, and cause illnesses. At this time, the EPA is not working

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[1] The Administrative Procedures Act governs the process by which Federal agencies develop and issue regulations, establishes requirements for publishing notices of proposed and final rulemaking in the Federal Register, and provides opportunities for the public to comment on notices of proposed rulemaking.

on any Federal standards for phosphorus and nitrogen for any States other than ongoing efforts in Florida, but we are ready to provide support and technical assistance as States work to tackle this serious water pollution problem. To help States address this pollution, on March 16, 2011, the EPA sent a memorandum to our regions that builds on our commitment to build partnerships with States and collaboration with stakeholders on this issue. The EPA will use this memorandum as the basis for discussions with interested and willing States about how to move forward on tackling this issue recognizing that there is no one-size-fits-all solution. The EPA strongly believes States should address phosphorus and nitrogen pollution through standards they develop and supports these critical State efforts.

ENVIRONMENTAL PROTECTION AGENCY,
OFFICE OF WATER,
*Washington, DC, March 16, 2011.*

MEMORANDUM

SUBJECT: Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions
FROM: Nancy K. Stoner
Acting Assistant Administrator
TO: Regional Administrators, Regions 1–10

This memorandum reaffirms EPA's commitment to partnering with states and collaborating with stakeholders to make greater progress in accelerating the reduction of nitrogen and phosphorus loadings to our nation's waters. The memorandum synthesizes key principles that are guiding and that have guided Agency technical assistance and collaboration with states and urges the Regions to place new emphasis on working with states to achieve near-term reductions in nutrient loadings.

Over the last 50 years, as you know, the amount of nitrogen and phosphorus pollution entering our waters has escalated dramatically. The degradation of drinking and environmental water quality associated with excess levels of nitrogen and phosphorus in our nation's water has been studied and documented extensively, including in a recent joint report by a Task Group of senior state and EPA water quality and drinking water officials and managers.[1] As the Task Group report outlines, with U.S. population growth, nitrogen and phosphorus pollution from urban stormwater runoff, municipal wastewater discharges, air deposition, and agricultural livestock activities and row crop runoff is expected to grow as well. Nitrogen and phosphorus pollution has the potential to become one of the costliest and the most challenging environmental problems we face. A few examples of this trend include the following:

—50 percent of U.S. streams have medium to high levels of nitrogen and phosphorus.
—78 percent of assessed coastal waters exhibit eutrophication.
—Nitrate drinking water violations have doubled in eight years.
—A 2010 USGS report on nutrients in ground and surface water reported that nitrates exceeded background concentrations in 64 percent of shallow monitoring wells in agriculture and urban areas, and exceeded EPA's Maximum Contaminant Levels for nitrates in 7 percent or 2,388 of sampled domestic wells.[2]
—Algal blooms are steadily on the rise; related toxins have potentially serious health and ecological effects.

States, EPA and stakeholders, working in partnership, must make greater progress in accelerating the reduction of nitrogen and phosphorus loadings to our nation's waters. While EPA has a number of regulatory tools at its disposal, our resources can best be employed by catalyzing and supporting action by states that want to protect their waters from nitrogen and phosphorus pollution. Where states are willing to step forward, we can most effectively encourage progress through on-the-ground technical assistance and dialogue with state officials and stakeholders, coupled with cooperative efforts with agencies like USDA with expertise and financial resources to spur improvement in best practices by agriculture and other important sectors.

States need room to innovate and respond to local water quality needs, so a one-size-fits-all solution to nitrogen and phosphorus pollution is neither desirable nor necessary. Nonetheless, our prior work with states points toward a framework of key elements that state programs should incorporate to maximize progress. Thus,

[1] An Urgent Call to Action: Report of the State-EPA Nutrients Innovations Task Group, August 2009.
[2] Nutrients in the Nation's Streams and Groundwater: National Findings and Implications, US Geological Survey, 2010.

the Office of Water is providing the attached "Recommended Elements of a State Nutrients Framework" as a tool to guide ongoing collaboration between EPA Regions and states in their joint effort to make progress on reducing nitrogen and phosphorus pollution. I am asking that each Region use this framework as the basis for discussions with interested and willing states. The goal of these discussions should be to tailor the framework to particular state circumstances, taking into account existing tools and innovative approaches, available resources, and the need to engage all sectors and parties in order to achieve effective and sustained progress.

While the Framework recognizes the need to provide flexibility in key areas, EPA believes that certain minimum building blocks are necessary for effective programs to manage nitrogen and phosphorus pollution. Of most importance is prioritizing watersheds on a state-wide basis, setting load-reduction goals for these watersheds based on available water quality information, and then reducing loadings through a combination of strengthened permits for point-sources and reduction measures for nonpoint sources and other point sources of stormwater not designated for regulation. Our experience in almost 40 years of Clean Water Act implementation demonstrates that motivated states, using tools available under Federal and state law and relying on good science and local expertise, can mobilize local governments and stakeholders to achieve significant results.

It has long been EPA's position that numeric nutrient criteria targeted at different categories of water bodies and informed by scientific understanding of the relationship between nutrient loadings and water quality impairment are ultimately necessary for effective state programs. Our support for numeric standards has been expressed on several occasions, including a June 1998 National Strategy for Development of Regional Nutrient Criteria, a November 2001 national action plan for the development and establishment of numeric nutrient criteria, and a May 2007 memo from the Assistant Administrator for Water calling for accelerated progress toward the development of numeric nutrient water quality standards. As explained in that memo, numeric standards will facilitate more effective program implementation and are more efficient than site-specific application of narrative water quality standards. We believe that a substantial body of scientific data, augmented by state-specific water quality information, can be brought to bear to develop such criteria in a technically sound and cost-effective manner.

EPA's focus for nonpoint runoff of nitrogen and phosphorus pollution is on promoting proven land stewardship practices that improve water quality. EPA recognizes that the best approaches will entail States, Federal agencies, conservation districts, private landowners and other stakeholders working collaboratively to develop watershed-scale plans that target the most effective practices to the acres that need it most. In addition, our efforts promote innovative approaches to accelerate implementation of agricultural practices, including through targeted stewardship incentives, certainty agreements for producers that adopt a suite of practices, and nutrient credit trading markets. We encourage Federal and state agencies to work with NGOs and private sector partners to leverage resources and target those resources where they will yield the greatest outcomes. We should actively apply approaches that are succeeding in watersheds across the country.

USDA and State Departments of Agriculture are vital partners in this effort. If we are to make real progress, it is imperative that EPA and USDA continue to work together but also strengthen and broaden partnerships at both the national and state level. The key elements to success in BMP implementation continue to be sound watershed and on-farm conservation planning, sound technical assistance, appropriate and targeted financial assistance and effective monitoring. Important opportunities for collaboration include EPA monitoring support for USDA's Mississippi River Basin Initiative as well as broader efforts to use EPA section 319 funds (and other funds, as available) in coordination with USDA programs to engage creatively in work with communities and watersheds to achieve improvements in water quality.

Accordingly the attached framework envisions that as states develop numeric nutrient criteria and related schedules, they will also develop watershed scale plans for targeting adoption of the most effective agricultural practices and other appropriate loading reduction measures in areas where they are most needed. The timetable reflected in a State's criteria development schedule can be a flexible one provided the state is making meaningful near-term reductions in nutrient loadings to state waters while numeric criteria are being developed.

The attached framework is offered as a planning tool, intended to initiate conversation with states, tribes, other partners and stakeholders on how best to proceed to achieve near- and long-term reductions in nitrogen and phosphorus pollution in our nation's waters. We hope that the framework will encourage development and implementation of effective state strategies for managing nitrogen and phosphorus

pollution. EPA will support states that follow the framework but, at the same time, will retain all its authorities under the Clean Water Act.

With your hard work, in partnership with the states, USDA and other partners and stakeholders, I am confident we can make meaningful and measurable near-term reductions in nitrogen and phosphorus pollution. As part of an ongoing collaborative process, I look forward to receiving feedback from each Region, interested states and tribes, and stakeholders.

Attachment

Cc: Directors, State Water Programs
Directors, Great Water Body Programs
Directors, Authorized Tribal Water Quality Standards Programs Interstate Water Pollution Control Administrators

RECOMMENDED ELEMENTS OF A STATE FRAMEWORK FOR MANAGING NITROGEN AND PHOSPHORUS POLLUTION

*Prioritize Watersheds on a Statewide Basis for Nitrogen and Phosphorus Loading Reductions*

—Use best available information to estimate Nitrogen (N) & Phosphorus (P) loadings delivered to rivers, streams, lakes, reservoirs, etc. in all major watersheds across the state on a Hydrologic Unit Code (HUC) 8 watershed scale or smaller watershed (or a comparable basis.)

—Identify major watersheds that individually or collectively account for a substantial portion of loads (e.g. 80 percent) delivered from urban and/or agriculture sources to waters in a state or directly delivered to multi-jurisdictional waters.

—Within each major watershed that has been identified as accounting for the substantial portion of the load, identify targeted/priority sub-watersheds on a HUC 12 or similar scale to implement targeted N & P load reduction activities. Prioritization of sub-watersheds should reflect an evaluation of receiving water problems, public and private drinking water supply impacts, N & P loadings, opportunity to address high-risk N & P problems, or other related factors.

*Set Watershed Load Reduction Goals Based Upon Best Available Information*

Establish numeric goals for loading reductions for each targeted/priority sub-watershed (HUC 12 or similar scale) that will collectively reduce the majority of N & P loads from the HUC 8 major watersheds. Goals should be based upon best available physical, chemical, biological, and treatment/control information from local, state, and Federal monitoring, guidance, and assistance activities including implementation of agriculture conservation practices, source water assessment evaluations, watershed planning activities, water quality assessment activities, Total Maximum Daily Loads (TMDL) implementation, and National Pollutant Discharge Elimination System (NPDES) permitting reviews.

*Ensure Effectiveness of Point Source Permits in Targeted/Priority Sub-Watersheds for:*

—Municipal and Industrial Wastewater Treatment Facilities that contribute to significant measurable N & P loadings;

—All Concentrated Animal Feeding Operations (CAFOs) that discharge or propose to discharge; and/or

—Urban Stormwater sources that discharge into N & P-impaired waters or are otherwise identified as a significant source.

*Agricultural Areas*

In partnership with Federal and State Agricultural partners, NGOs, private sector partners, landowners, and other stakeholders, develop watershed-scale plans that target the most effective practices where they are needed most. Look for opportunities to include innovative approaches, such as targeted stewardship incentives, certainty agreements, and N & P markets, to accelerate adoption of agricultural conservation practices. Also, incorporate lessons learned from other successful agricultural initiatives in other parts of the country.

*Storm Water and Septic Systems*

Identify how the State will use state, county and local government tools to assure N and P reductions from developed communities not covered by the Municipal Separate Storm Sewer Systems (MS4) program, including an evaluation of minimum criteria for septic systems, use of low impact development/green infrastructure approaches, and/or limits on phosphorus in detergents and lawn fertilizers.

*Accountability and Verification Measures*

—Identify where and how each of the tools identified in sections 3, 4 and Swill be used within targeted/priority sub-watersheds to assure reductions will occur.
—Verify that load reduction practices are in place.
—To assess/demonstrate progress in implementing and maintaining management activities and achieving load reductions goals: establish a baseline of existing N & P loads and current Best Management Practices (BMP) implementation in each targeted/priority sub-watershed, conduct ongoing sampling and analysis to provide regular seasonal measurements of N & P loads leaving the watershed, and provide a description and confirmation of the degree of additional BMP implementation and maintenance activities.

*Annual Public Reporting of Implementation Activities and Biannual Reporting of Load Reductions and Environmental Impacts Associated With Each Management Activity in Targeted Watersheds*

—Establish a process to annually report for each targeted/priority sub-watershed: status, challenges, and progress toward meeting N & P loading reduction goals, as well as specific activities the state has implemented to reduce N & P loads such as: reducing identified practices that result in excess N & P runoff and documenting and verifying implementation and maintenance of source-specific best management practices.
—Share annual report publically on the state's website with request for comments and feedback for an adaptive management approach to improve implementation, strengthen collaborative local, county, state, and Federal partnerships, and identify additional opportunities for accelerating cost-effective N & P load reductions.

*Develop Work Plan and Schedule for Numeric Criteria Development*

Establish a work plan and phased schedule for N and P criteria development for classes of waters (e.g., lakes and reservoirs, or rivers and streams). The work plan and schedule should contain interim milestones including but not limited to data collection, data analysis, criteria proposal, and criteria adoption consistent with the Clean Water Act. A reasonable timetable would include developing numeric N and P criteria for at least one class of waters within the state (e.g., lakes and reservoirs, or rivers and streams) within 3–5 years (reflecting water quality and permit review cycles), and completion of criteria development in accordance with a robust, state-specific workplan and phased schedule.

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## QUESTIONS SUBMITTED BY SENATOR THAD COCHRAN

### SUPERFUND NATIONAL PRIORITY LIST (NPL)

*Question*. I noticed that the Environmental Protection Agency (EPA) added 10 hazardous waste sites to the Superfund NPL, and 15 sites were proposed to be added to the list. Two of these proposed sites are in Mississippi. How long do you expect it will take for these two sites to be placed on the NPL? What can the communities expect from the EPA during this process?

Answer. The two Mississippi sites, Red Panther and Kerr-McGee Columbus were proposed to the NPL on March 10, 2011. There is a 60-day public comment period to provide support or opposition to the inclusion on the NPL of any site included on the proposal. The EPA will evaluate these comments before making any final decision; the earliest a decision on either site will be made is September 2011.

There have been a number of public meetings on these sites related to both removal actions and potential NPL listing. There have been three public meetings for the Red Panther site specifically related to listing, with another meeting set for this summer. There has been one public meeting on the Kerr-McGee site related to listing, and the EPA personnel involved with the site maintain frequent communications with the community and have a very visible on-site presence.

The EPA works very closely with the community at all stages of the investigation and cleanup of sites. For example, before a remedial investigation begins, the EPA conducts community interviews to solicit people's concerns and determine how and when people want to be involved with the cleanup. Based on the community interviews and other relevant information, the EPA prepares a Community Involvement Plan that identifies the outreach activities the Agency expects to undertake. In addition, the EPA establishes an information repository and administrative record that will contain relevant site documents, and notifies the community about where to find the information. The EPA also informs the community about the availability of Technical Assistance Grants. These activities and more are designed to provide

opportunities for the community to be involved in the site cleanup, and to help shape the decisions that are made about how the site will be addressed.

COMMUNITY WATER SYSTEMS TRAINING AND TECHNICAL ASSISTANCE

*Question*. Mississippi has approximately 850 community water systems. The majority are located in small rural communities with limited resources to comply with Federal environmental regulations, and are operated by part-time operators. The training and technical assistance funded through your agency allow these communities to protect their drinking water while enhancing public health. I have heard from hundreds of communities over the years regarding this assistance that has been in effect for more than 30 years and the positive impact on a local community's ability to have adequately trained personnel necessary to comply with complex EPA regulations. I have also been told that without this assistance, communities with limited means would be forced to hire outside entities for compliance, raise rates, or remain out of compliance. Do you believe this assistance is directly related to increased compliance, sustainability, and enhanced public health in rural America?

Answer. The assistance provided to States via the EPA's Public Water System Supervision (PWSS) grant programs and the technical assistance "set-asides" of the Drinking Water State Revolving Fund (DWSRF) are key components for assuring that drinking water systems are sustainable and deliver water that meets safe standards to consumers For example, the Mississippi Department of Public Health utilizes their PWSS grant funds to provide staff engineering assistance to small water systems struggling to address disinfection byproducts and other compliance challenges. States also utilize DWSRF set-asides to fund circuit riders to help small systems with technical compliance issues, as well as fund third-party technical assistance providers to assist with energy and water loss audits and associated projects.

*Question*. Your budget does not explicitly include any funding to assist small rural water systems to comply with EPA rules and regulations. If we adopt your budget proposal, how will you assure the committee that these communities will be able to provide safe and affordable drinking water?

Answer. Since 1976, the EPA has annually received a Congressional appropriation under section 1443(a) of the Safe Drinking Water Act (SDWA) to assist States, territories, and tribes in carrying out their PWSS programs. Designated State agencies, territories, and tribes that have been delegated Primary Enforcement Responsibility for the PWSS Program are eligible to receive grants. The 2012 budget includes a request to again fund the PWSS programs. These grants help eligible States, territories, and tribes develop and implement a PWSS Program adequate to enforce the requirements of the SDWA and ensure that water systems comply with the National Primary Drinking Water Regulations. The EPA continues to be an active partner in the PWSS State Program to assist drinking water communities. Also, the EPA is upgrading the data management component of Safe Drinking Water Information System (SDWIS) that States can use during administration of their State drinking water programs. SDWIS/State houses information related to State inventory of systems, as well as required sampling and monitoring regiments. The modified system is expected to enable States to redirect resources to areas other than data management including providing increase attention to technical assistance needs of small systems.

In addition, the SDWA allows States to utilize several "set-asides" of their DWSRF to provide technical assistance to community water systems serving 10,000 or fewer persons to fund technical assistance initiatives. These "set-asides" include: small systems technical assistance (2 percent); administrative and technical assistance (4 percent); State program management (10 percent); and local assistance and other State programs (15 percent). Activities paid for with these funds include project planning, circuit riders, and special small system training. States use "set-aside" funds to provide technical assistance and training to help small systems build the capacity they need to comply with current and future drinking water rules.

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QUESTIONS SUBMITTED BY SENATOR SUSAN COLLINS

WATER INFRASTRUCTURE FUNDING

*Question*. The Environmental Protection Agency (EPA) is proposing to cut $960 million from the fiscal year 2010 level for the Clean Water and Drinking Water State Revolving Funds. Even with the extra infusion of funds we have seen in recent years, Maine, like many other States, faces ongoing need for water infrastructure funding and significant budget pressures. Waste management experts estimate

that the capital need for repair and replacement projects in Maine over the next 5 years will cost at least 10 times the amount that the State was allocated in fiscal year 2010. Given that already overburdened municipalities are attempting to satisfy the EPA wastewater and drinking water mandates, how can we work to ensure adequate funding is available for States to meet such requirements?

Answer. The President's fiscal year 2012 budget request maintains this administration's historic commitment to funding drinking water and wastewater infrastructure across the country. As part of the administration's long-term strategy, the EPA is implementing a Sustainable Water Infrastructure Policy that focuses on working with States and communities to enhance technical, managerial, and financial capacity. Important to the technical capacity will be enhancing alternatives analysis to expand "green infrastructure" options and their multiple benefits. Future year budgets for the State Revolving Funds (SRF) gradually adjust, taking into account repayments, through 2016 with the goal of providing, on average, about 5 percent of water infrastructure spending annually. When coupled with increasing repayments from loans made in past years by States, the annual funding will allow the SRFs to finance a significant percentage in clean water and drinking water infrastructure. Federal dollars provided through the SRFs will act as a catalyst for efficient systemwide planning and ongoing management of sustainable water infrastructure. Overall, the administration requests a combined $2.5 billion for the SRFs. This request brings the 4-year total for SRFs to approximately $16 billion (fiscal year 2009–fiscal year 2012, including American Recovery and Reinvestment Act funds. These historic levels of funding demonstrate an unprecedented level of support for these programs and the communities that depend on them to help finance their water infrastructure needs.

EMISSION STANDARDS FOR HEAVY-DUTY VEHICLES

*Question*. As the EPA works with the National Highway Traffic Safety Administration (NHTSA) to implement the program to improve fuel economy for cars and trucks, I am interested in learning more about the EPA's plans to issue new regulations to curtail the emissions of certain heavy-duty vehicles.

Agriculture and forest products businesses in Maine rely on heavy-duty trucks to receive raw materials and ship products more economically, thus helping to preserve and create jobs. I support helping to produce a new generation of clean vehicles to lower our dependence on foreign oil and cut down on pollution, and have worked on legislation to advance the research and development of heavy-duty hybrid technology for trucks and to curb emissions by keeping the heaviest trucks on Federal interstates, rather than diverting them to local secondary roads and downtowns.

Can you discuss how the EPA intends to use the $4 million it is requesting for fiscal year 2012, and detail what steps the EPA plans to take to work with industry and NHTSA in developing emissions for heavy-duty vehicles, which play such an integral role in our economy?

Answer. The EPA and the Department of Transportation's ongoing heavy-duty greenhouse gas (GHG) and fuel-economy rule has received unprecedented support from the trucking industry, including engine and truck manufacturers, trucking associations, and others. We have worked closely with industry and other stakeholders throughout the standards proposal process, including holding two public hearings in fall 2010. We are also continuing to meet with the regulated industry to make sure we have fully understood their comments. We are confident that the final action will be one that both improves trucking efficiency overall and maintains the full and broad functionality of trucking in our economy.

In support of the heavy-duty GHG Program, the EPA will have significant implementation needs to facilitate the success of the program. This includes the development of new testing capabilities, new IT structures, and the development of additional models and test protocols to ensure compliance. Unlike the light-duty sector we do not have existing protocols, test procedures, and baseline models for the heavy-duty sector. Putting this infrastructure into place will take 2 to 3 years, and with program implementation beginning in early fiscal year 2014, fiscal year 2012 will be a critical year for these heavy-duty GHG activities.

EMERGENCY PREPAREDNESS

*Question*. We have all watched in horror over the last week as the disaster in Japan continues to unfold. Our hearts obviously go out to all those who are suffering amid that country's worst crisis since World War II. Here at home, I think many people were surprised this week to awake to news reports that the nuclear crisis in Japan could lead to radiation clouds that travel with the jet stream and make their way to the Western United States.

Administrator Jackson, I note the EPA is requesting $38.7 million in fiscal year 2012 for homeland security functions related to emergency response in the event of an incident involving harmful chemical, biological, and radiological substances. Can you elaborate on the status of plans for interagency coordination should such an event or test occur here in the United States?

Answer. The Nuclear/Radiological Incident Annex to the National Response Framework (NRF) describes the policies, situations, concepts of operations, and responsibilities of the Federal departments and agencies governing the immediate response and short-term recovery activities for incidents involving release of radioactive materials to address the consequences of the event. Domestic incidents may occur on Federal-owned or licensed facilities, privately owned property, urban centers, or other areas and may vary in severity from the small to the catastrophic. Coordinating agencies provide leadership, expertise, and authorities to implement critical aspects of the response in accordance with authorities and capabilities. The EPA serves as a coordinating agency for environmental response and cleanup for incidents other than those involving the Departments of Defense and Energy, NASA and NRC facilities or assets. The EPA may serve as a cooperating agency in support of any domestic nuclear incident. Incidents are generally managed at the lowest possible level and will adapt to meet requirements under the NRF.

The EPA's primary capabilities to support a domestic nuclear incident include:

—Integration into the Federal Radiological Monitoring and Assessment Center as well as participation in the Advisory Team for Environment, Food, and Health.

—Resources, including personnel, detection equipment, sample collection and laboratory analysis support for site characterization and defining the extent of contamination.

—Providing nationwide environmental monitoring data from the RadNet for assessing the national impact of the incident.

—Expertise and support on use of data from initial assessments and extent of contamination efforts for guidance on health and safety recommendations of response personnel and for use by decisionmakers to prioritize areas of decontamination.

—Application of its extensive experience in addressing hazardous waste sites to support the cleanup of the contaminated area.

*Question*. How would the EPA work with other Federal agencies to get messages out to the general public? What is your interaction with the Department of Homeland Security (DHS) on general public messaging pre and postdisaster?

Answer. As part of the DHS' responsibility to coordinate incident management under Homeland Security Presidential Directive 5, the NRF Incident Communications Emergency Policy and Procedures (ICEPP) provides detailed guidance to Federal incident communicators on activities to be initiated in conjunction with incidents requiring a coordinated Federal response. It is applicable to all Federal departments and agencies responding under the NRF. It establishes mechanisms to prepare and deliver coordinated and sustained messages regarding incidents requiring a coordinated Federal response, and provides for prompt Federal acknowledgement of an incident and communication of emergency information to the public during incident management operations.

The ICEPP is comprised of two annexes contained in the NRF:

—*Public Affairs Support Annex*.—Describes the interagency policies and procedures for incident communications with the public.

—*ESF #15—External Affairs Annex*.—Outlines the functions, resources, and capabilities for external affairs.

—As part of the response under ESF #15, DHS sets up conference lines to initiate and coordinate messages across levels of government.

—The National Incident Communication Conference Line is a channel for coordination across Federal agencies and may include affected States, as appropriate.

—The State Incident Communication Conference Line is a channel for the Federal agencies to coordinate directly with the State and local communicators.

—The Private Sector Incident Communications Conference Line is a channel for Federal agencies to coordinate with the private sector.

Assembled by the Federal Emergency Management Agency's Chemical, Biological, Radiological, Nuclear and Explosives Branch, the EPA co-leads the Nuclear/Radiological Communications Working Group. This group (made up of members from 10 Federal agencies and multiple State and local radiation and communications specialists) is a forum for interested parties at the Federal, State, and local level to exchange ideas and discuss nuclear/radiation related communications projects. Most recently, this group has been working on pre and postincident messages for nuclear detonations.

During any domestic nuclear incident, the EPA would work with other departments and agencies to provide fully coordinated information to the public. Also, based on recent events, we know that the EPA will play a significant role in providing monitoring information to the public, primarily through the EPA Web site. For example, while the nuclear incident in Japan is not considered a U.S. response effort, the EPA has used its Web site to keep the public informed about the data that is continuously collected from the RadNet monitors.

RURAL WATER TECHNICAL ASSISTANCE

*Question*. Maine has 382 community water systems. Owners and operators of these systems have an enormous and very important responsibility to provide safe drinking water. For years, Maine's small water systems have relied on support and technical assistance made possible through national funding provided by both the USDA and the EPA to help water system operators to understand and achieve compliance with increasingly complex Federal rules and regulations. In previous years, the Congress has set aside funding for rural water technical assistance within the Environmental Programs Management account of the EPA's budget. I was disappointed to see that the President did not specifically include this funding within his fiscal year 2012 request. With regard to both the current year and fiscal year 2012, it is unclear as to whether we will have the opportunity to set aside money within the EPM account for rural water technical assistance. My question is without clear direction from the Congress to direct funding to rural water technical assistance, will the EPA continue to make that investment?

Answer. Recent Congressional appropriations have typically included specific funding and direction for approximately $16 million annually in small system technical assistance. Absent this directed funding, the EPA has two other avenues where systems may receive resources to support technical assistance needs. Since 1976, the EPA has annually received a Congressional appropriation under section 1443(a) of the Safe Drinking Water Act (SDWA) to assist States, territories, and tribes in carrying out their Public Water System Supervision programs. The 2012 budget includes a request to again fund the Public Water System Supervision (PWSS) programs. These grants help eligible States, territories, and tribes develop and implement a PWSS program adequate to enforce the requirements of the SDWA and ensure that water systems comply with the National Primary Drinking Water Regulations. The EPA will continue to be an active partner in the PWSS State Program to assist all communities, including rural ones, in providing safe drinking water.

In addition, the Drinking Water State Revolving Loan Fund (DWSRF) provides States with the flexibility to take a variety of "set-asides" from their Federal capitalization grant to fund technical assistance, State programs, and special assistance to water systems. These optional "set-asides" total up to 31 percent of a State's capitalization grant:

—4 percent for administration of the DWSRF Program;
—2 percent for technical assistance to systems serving 10,000 or fewer persons (project planning, circuit riders, and special small system training);
—10 percent for development and implementation of State programs (PWSS, source water protection, capacity development, and operator certification); and
—15 percent for local assistance (part of a capacity development strategy; establishment and implementation of a wellhead protection program; and loans for source water protection).

States use set-aside funds to provide technical assistance and training to help small systems build the capacity they need to comply with current and future drinking water rules. The EPA continues to encourage States to carefully consider how to balance utilization of the available "set-asides" as they administer their State program and small system technical assistance needs.

*Question*. Will the EPA provide on-site technical assistance to help Maine's community water systems to understand and comply with the EPA's complex requirements?

Answer. The EPA will continue to encourage States to take full advantage of flexibility afforded them by the State PWSS Grant Program and the "set-asides" available from the SRFs to provide technical assistance to small communities. Specifically regarding Maine, EPA Region 1 New England is providing the following services to Maine water systems: Effective Utility Management training, system specific implementation plans, and on-site technical assistance to improve long-term management and operations for six systems; funding two mutual aid Water/Wastewater Agency Response Network (WARN) workshops to help recruit more members for Maine WARN, and to facilitate a tabletop exercise with the objective of practicing

the Maine WARN operational plan; revising an existing pocket guide to help small suppliers improve sampling techniques; developing a Maine specific document to assist business owners that are also public water suppliers; and initiating outreach efforts to educate Maine restaurants with their own pubic water supplies.

*Question*. Do you believe you have the authority to provide this technical assistance?

Answer. Provisions of the Safe Drinking Water Act section 1452 provide authority for a national technical assistance "set-aside", as well as several "set-asides" available to States of their Federal capitalization grant to provide technical assistance or to fund technical assistance initiatives to community water systems serving 10,000 or fewer persons.

REGULATORY REVIEW

*Question*. Earlier this year the administration announced a government-wide search for outdated and inefficient regulations that make our country less competitive. I am interested in understanding what this will mean in practice as during the past 2 years, the administration's track record has been one of imposing costly new burdens and red tape on employers. We saw an example of this last spring when the EPA did not provide enough time and training opportunities to allow small businesses to comply with lead paint abatement rules in order to avoid steep fines. Maine's forest products industry is facing steep costs associated with the EPA's Boiler MACT rules. Can you give me an update on how the EPA is undertaking its regulatory review? Will you immediately take action to alter or eliminate outdated and inefficient regulations as they are identified? What does this review mean for regulations that are currently in the pipeline?

Answer. On January 18, 2011, President Obama issued Executive Order 13563 outlining his regulatory strategy to support continued economic growth and job creation, while protecting the safety, health, and rights of all Americans. This Executive order presents the EPA with an opportunity to look at our regulatory program to ensure that it accomplishes the Agency's mission to protect human health and to safeguard the natural environment while being mindful of the impact on continued economic growth and job creation.

The Executive order requires that all agencies develop and submit to the Office of Management and Budget (OMB), by May 18, 2011, a preliminary plan to periodically review existing significant regulations to determine whether any should be modified, streamlined, expanded, or repealed. The EPA takes this directive from the President very seriously and we engaged in several outreach efforts throughout the country to solicit public feedback on how we can improve our regulatory programs and process. One of the characteristics we seek to emphasize in our retrospective review is transparency of the review process itself. The EPA is committed to ensuring that its rulemaking procedures, including retrospective reviews, are open and accessible to the public so that interested citizens and stakeholders can be informed about and participate in the Agency's decisionmaking processes.

In response to the release of the Executive order, the EPA immediately began working to implement the provisions of the Executive order. On February 18, 2011, the EPA launched its Improving Regulations Web site (www.epa.gov/improvingregulations). On February 22, 2011, the EPA opened 15 public dockets to receive comments, and on February 23, 2011, the Agency published a Federal Register notice soliciting public comments over the next 30 days. The EPA advertised and hosted a national meeting on March 14, 2011 in Arlington, Virginia, to solicit public comment on how we should design our plan for retrospective review and how we should conduct our periodic reviews. Moreover, each EPA regional office held one or more listening sessions for the public and key stakeholders. A schedule of the listening sessions was posted in advance on our Improving Regulations Web site. When we heard from the public that they needed more time to comment on the plan, we immediately responded to the concern by extending the public comment period from March 20 to April 4, 2011, and published another Federal Register Notice to announce the extension.

To date, we have received more than 200 written comments submitted to our public dockets, in addition to the input received at 19 separate public meetings and listening sessions the EPA convened in responses to the Executive order. The EPA is now working hard to read and digest all the public input, which ranged from targeted suggestions on regulatory text in particular rules to broad suggestions on how the Agency should design its plans for periodic retrospective reviews. In that latter category, we heard some specific ideas for improving our regulatory process that we are taking to heart and will work to make more routine in our rule-writing procedures:

—provide more opportunities for public dialogue on the EPA rulemakings;
—increase coordination across Federal agencies and within the EPA on rulemaking activities; and
—ensure consistency when enforcing regulations.

The EPA is working hard to meet the deadline in the Executive order of delivering a preliminary plan for retrospective review to OMB by May 18, 2011. The plan will include both a list of rules for review in the near term and a roadmap on how the EPA will carry out the periodic reviews going forward which are called for by the Executive order. As the EPA moves forward to review the rules identified in the plan, we will do so in a way in keeping with the transparent and participatory process we have used thus far. With regard to rules currently in the pipeline, as will be noted in our plan, many of these are pursuant to ongoing reviews and we will continue to develop our rules in a manner that is consistent with our statutory obligations, the criteria laid out by the President, and our commitment to protect America's health and revitalize the economy.

INSPECTOR GENERAL REFORM ACT

*Question.* In October 2008, the Inspector General Reform Act, which I co-authored with Senators McCaskill and Lieberman, was enacted. The law enhances Inspector General (IG) independence to help empower and facilitate the important work of Inspectors General. The law requires that the President's budget request include comments from the agency's IG when the IG believes that the budget request for its office will "substantially inhibit" the IG's ability to carry out its oversight responsibilities. This year the EPA IG was the only IG who submitted comments under this authority. Specifically, the EPA IG stated that, despite an increase of $1.24 million from the fiscal year 2010 enacted budget, the amount in the President's fiscal year 2012 budget request is approximately $5 million below the amount he believes is necessary to carry out the work of his office. The EPA IG argues that these additional funds are critical, in particular, to carry out work related to cyber security investigations and homeland security oversight that the EPA has taken on. In recent years, the EPA IG office has funded these activities through a reallocation of existing resources, but "cannot continue to do so without creating accountability and risk vulnerability gaps in its oversight of other Agency programs and operations."

Why did you not take these concerns into account when developing your budget request?

Answer. The EPA took the IG's concern on cyber security into account in developing the fiscal year 2012 budget request while also considering other Agency priorities. In response to this identified need, an increase is provided in the IG's budget although overall funding for the EPA is down 13 percent below fiscal year 2010 enacted levels.

*Question*. Do you think that the IG has made errors in calculating the amounts needed to continue these additional new oversight responsibilities in the IG office? Do you think that these additional oversight responsibilities do not warrant sufficient funding?

Answer. In developing the fiscal year 2012 budget, the EPA had to make hard choices for all programs at the reduced budget level yet recognized the need for funding to support the IG's oversight of cyber security activities. As a result, a level of increase was provided that, combined with the available resources the OIG has in their budget, would allow OIG to continue carrying out this work that the IG has initiated within available resources.

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QUESTIONS SUBMITTED BY SENATOR LISA MURKOWSKI

BRISTOL BAY WATERSHED ASSESSMENT

*Question.* The Environmental Protection Agency (EPA) was petitioned to preemptively veto development in the Bristol Bay area of Alaska, and responded by undertaking a so-called "watershed assessment" of the area. Such an assessment appears to be unprecedented—as I had observed in a letter to you, dated February 16 of this year—though I am open to reviewing all of the information your agency is gathering as part of that process. On February 10, members of my staff also participated in a meeting with EPA officials, at which your staff committed to provide examples of precedents for watershed assessments, or at least examples of similar activities by the agency. To date, I have not received that information.

Can you provide a description of prior assessments here today, or materials—for the record—that speak to the statutory authorities under which this watershed assessment is being conducted and copies of some examples of their past use?

Answer. The EPA's Bristol Bay assessment, focusing primarily on the Kvichak and Nushagak watersheds, will characterize the risks of large-scale development on the Bay's water quality and salmon fishery, and evaluate options to protect the watersheds and ensure the sustainability of the fishery. The EPA is conducting this assessment under our Clean Water Act (CWA) section 104 authorities described below.

The objective of the CWA is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. In furtherance of that objective, CWA section 104(a) directs the EPA to establish national programs for the prevention, reduction, and elimination of pollution and as part of such programs directs the EPA to:

"(1) in cooperation with other Federal, State, and local agencies, conduct and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of pollution;

"(2) encourage, cooperate with, and render technical services to pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals, including the general public, in the conduct of activities referred to in paragraph (1) of this subsection;

"(3) conduct, in cooperation with State water pollution agencies and other interested agencies, organizations and persons, public investigations concerning the pollution of any navigable waters, and report on the results of such investigations . . ."

Section 104(b) further states that in carrying out these provisions, the EPA's Administrator is authorized to:

"(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by [her] him in connection therewith, pertaining to such research and other activities referred to in paragraph (1) of subsection (a);

"(2) cooperate with other Federal departments and agencies, State water pollution control agencies, interstate agencies, other public and private agencies, institutions, organizations, industries involved, and individuals, in the preparation and conduct of such research and other activities referred to in paragraph (1) of subsection (a) . . ."

The mission of the EPA is to protect human health and the environment. As such, evaluating the environmental impacts of different actions is a central role and function of the agency. The EPA has conducted environmental assessments that evaluate the impacts of past actions or estimate the potential impacts of future actions. Below is a list of several recent examples of such assessments. This information can also be found in our March 21, 2011, response to your February 16, 2011, letter. (Please note that some of these assessments are currently in draft form and under review.)

—U.S. EPA. Predicting Future Introductions of Non-indigenous Species to the Great Lakes (Final Report). U.S. Environmental Protection Agency, Washington, DC, EPA/600/R–08/066F, 2008. (http://cfpub.epa.gov/ncea/cfm/recordisplay. cfm?deid=190305)

—U.S. EPA. The Effects of Mountaintop Mines and Valley Fills on Aquatic Ecosystems of the Central Appalachian Coalfields (Final Report). U.S. Environmental Protection Agency, Washington, DC, EPA/600/R–09/138F, 2011. (http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=225743).

—U.S. EPA. Clinch and Powell Valley Watershed Ecological Risk Assessment. U.S. Environmental Protection Agency, Office of Research and Development, National Center for Environmental Assessment, Washington Office, Washington, DC, EPA/600/R–01/050, 2002.(http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=15219).

—U.S. EPA. Ecological Risk Assessment for the Middle Snake River, Idaho. U.S. Environmental Protection Agency, Office of Research and Development, National Center for Environmental Assessment, Washington Office, Washington, DC, EPA/600/R–01/017, 2002. (http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=29097&partner=ORD–NCEA).

—U.S. EPA. Waquoit Bay Watershed Ecological Risk Assessment: the Effect of Land-Derived Nitrogen Loads on Estuarine Eutrophication. U.S. Environmental Protection Agency, Office of Research and Development, National Center for Environmental Assessment, Washington Office, Washington, DC, 600/R–02/079, 2002. (http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=15221).

*Question*. Can you describe in more detail the process that you will use for this assessment? For example, will you follow the Administrative Procedures Act (APA),

provide for peer review of the science and economic analysis, and solicit input from all stakeholders? Will the conclusions reached by the "watershed assessment", or actions taken pursuant to it, be subject to judicial or administrative review?

Answer. The EPA's February 7, 2011, "Outline of the Development of EPA's Bristol Bay Watershed Assessment" briefly describes the process the EPA intends to use to better understand the aquatic resources at issue and to evaluate potential impacts to those resources from large-scale development activities, such as mineral mining. As we emphasized in our March 21, 2011, letter to you, we plan to work with our Federal, State, and tribal partners, and the public, to assess the resources in Bristol Bay and identify options for improving protections for fisheries in the Bay that depend so significantly on clean water and a healthy watershed. We look forward to working with Federal agencies, corresponding State agencies, tribes, and others to take advantage of their experience and information to support the Bristol Bay assessment. As part of the assessment process, the EPA will collaborate with an extensive list of Federal, State, tribal, and local government agencies and organizations; the public; private interests such as mining project proponents; and others with an interest in Bristol Bay. The EPA's effort to conduct a watershed assessment is not an action that triggers APA requirements. Nevertheless, as described above, the EPA intends to conduct the assessment process in an open and transparent manner that is consistent with the openness and transparency envisioned by the APA.

The EPA has also published guidelines for Ecological Risk Assessment which will help to inform our approach to the Bristol Bay assessment. These guidelines can be found at: http://www.epa.gov/raf/publications/guidelines-ecological-risk-assessment.htm.

The peer-review process will be a critical element of the watershed assessment and we appreciate the importance of this issue as reflected in your question. The details of EPA's Bristol Bay watershed assessment, including the details of the peer-review process that will be used for this assessment, are still being developed. However, the EPA has established standards and procedures regarding peer review which can be found in the EPA's Peer Review Handbook (see: http://www.epa.gov/peerreview/). We look forward to providing additional details regarding the peer-review process as the assessment moves forward.

*Question*. As I am sure you know, the Congress in 1971 in passing the Alaska Native Claims Settlement Act gave Alaska Native Corporations control more than 44 million acres of lands in Alaska, not Alaska Native tribes. Under a host of Federal statues, more than 120 of them, Native corporations in Alaska have similar authorities to tribes. Will the EPA provide the same level of consultation and access to providing input to the watershed assessment in the Bristol Bay region to Native regional and village corporations as to tribes in the area? Clearly since most of the lands surrounding the Pebble mine site are owned by Native corporations, they have a great deal at stake from any potential rules or EPA actions that are an outgrowth of your watershed assessment.

Answer. The EPA looks forward to working closely with Alaska tribes and Native Corporations as part of our assessment in Bristol Bay. The EPA recognizes the strong interest and authorities of Alaska Native Corporations organized pursuant to the Alaska Native Claims Settlement Act regarding the land and resources in the Bristol Bay watershed. The EPA consults with Alaska Native Corporations as required by Public Law 108–199, 118 Stat. 452, as amended by Public Law 108–447, 118 Stat. 3267, and also interacts with both Alaska Native Corporations and federally recognized tribes pursuant to a number of other statutes and legal doctrines. The EPA intends to meet with Alaska Native Corporations to share information and solicit their views and input regarding the pending Bristol Bay watershed assessment subject to the same general considerations of practicability, expense, and scheduling that apply to our interactions with federally recognized tribal government and other critical stakeholders.

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ENVIRONMENTAL PROTECTION AGENCY,
OFFICE OF WATER,
*Washington, DC, March 21, 2011.*

Hon. LISA A. MURKOWSKI,
*United States Senate,*
*Washington, DC.*

DEAR SENATOR MURKOWSKI: Thank you for your letter of February 16, 2011, to Administrator Lisa P. Jackson concerning the Environmental Protection Agency's (EPA) recent announcement to initiate a watershed assessment of the Bristol Bay,

Alaska. As the senior policy manager of the EPA's national water program, I appreciate the opportunity to respond to your letter.

Your letter focuses on the EPA's proposed Bristol Bay assessment, provides a number of recommendations for the assessment, and raises a set of specific questions. In response, we are providing background information regarding the assessment and an answer to each of the questions in your letter. I want to emphasize the EPA's commitment to work with our Federal, State, and tribal partners to proceed with an unbiased and transparent public process supported by the best- available scientific information. We look forward to keeping you personally informed as this assessment moves ahead.

During the last year, a number of tribes, tribal entities, and other groups in southwest Alaska requested that the EPA initiate review of metallic sulfide mining in the Bristol Bay watershed utilizing our authorities pursuant to section 404(c) of the Clean Water Act (CWA). Other Alaska tribes, tribal entities, and groups have requested that we not take action under section 404(c) and instead use the standard CWA permitting process to evaluate proposed mining operations in the Bristol Bay watershed. I believe the conclusion common to both sets of requests is the strong belief that effective protection of Bristol Bay is vitally important to the health and sustainability of the area's valuable commercial and subsistence salmon fisheries. We believe that an effective and timely Bristol Bay assessment involving a broad range of stakeholders and the public is responsive to these requests and will provide needed information and data to inform future decisions.

In response to these requests, the EPA announced on February 7, 2011, its decision to initiate a Bristol Bay watershed assessment. This assessment will characterize the potential risks of large-scale development on the Bay's water quality and salmon fishery, and evaluate measures to protect the watershed to ensure the sustainability of the fishery. While the Bristol Bay watershed is comprised of seven drainages, the Kvichak and Nushagak watersheds are the principal drainages with lands open to large-scale development. The EPA's analysis, therefore, will focus primarily on those two watersheds. We will conduct the assessment in an open, public format and in close coordination with Federal, State, and tribal organizations. This assessment will identify options available to provide appropriate protection for waters in Bristol Bay and the salmon fishery which depends on clean water and a healthy watershed.

We appreciate and will give full consideration to your specific recommendations regarding the:

—Need for extensive coordination of the assessment with State, tribal, and local governments, Alaskan universities, Alaska Native Tribal Corporations, interested nongovernmental organizations, representatives of the Alaska fishing industry, the Pebble Partnership and others;

—Need for thorough peer review of the assessment, consistent with the policies established in the EPA's Peer Review Handbook; and

—Scope of the assessment's economic evaluation.

I hope my letter and enclosed detailed responses effectively address the questions in your letter. In light of the concerns that have been raised to the EPA, I want to reassure you that we will conduct an open and scientifically based assessment built upon participation by other Federal and State agencies, local tribal governments, and the public. I look forward to informing you of progress on this assessment as we move ahead.

Again, thank you for your letter.

Sincerely,

NANCY K. STONER,
*Acting Assistant Administrator.*

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*Question.* If the EPA has conducted a "watershed assessment" before, would you provide copies of the assessments and the statutory authorities under which they were conducted? If not, please provide a description of the statutory authorities for this assessment.

Answer. The mission of the EPA is to protect human health and the environment. As such, evaluating the environmental impacts of different actions is a central role and function of the agency. The EPA has conducted environmental assessments that evaluate the impacts of past actions or estimate the potential impacts of future actions. Below is a list of several recent examples of such assessments. This information can also be found in our March 21, 2011, response to your February 16, 2011, letter. (Please note that some of these assessments are currently in draft form and under review.)

—U.S. EPA. Predicting Future Introductions of Non-indigenous Species to the Great Lakes (Final Report). U.S. Environmental Protection Agency, Washington, DC, EPA/600/R–08/066F, 2008. (http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=190305)

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—U.S. EPA. Ecological Risk Assessment for the Middle Snake River, Idaho. U.S. Environmental Protection Agency, Office of Research and Development, National Center for Environmental Assessment, Washington Office, Washington, DC, EPA/600/R–01/017, 2002. (http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=29097&partner=ORD–NCEA).

—U.S. EPA. Waquoit Bay Watershed Ecological Risk Assessment: the Effect of Land-Derived Nitrogen Loads on Estuarine Eutrophication. U.S. Environmental Protection Agency, Office of Research and Development, National Center for Environmental Assessment, Washington Office, Washington, DC, 600/R–02/079, 2002. (http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=15221).

The EPA's Bristol Bay assessment, focusing primarily on the Kvichak and Nushagak watersheds, will characterize the risks of large-scale development on the Bay's water quality and salmon fishery, and evaluate measures to protect the watersheds and ensure the sustainability of the fishery. EPA is conducting this assessment under our Clean Water Act section 104 authorities described below. The objective of the Clean Water Act is to restore and maintain the chemical, physical, and biological integrity of the nation's waters. Toward achievement of that objective, section 104(a) directs the EPA to establish national programs for the prevention, reduction, and elimination of pollution and as part of such programs directs the EPA to:

"(1) in cooperation with other federal, state, and local agencies, conduct and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, reduction, and elimination of pollution;

"(2) encourage, cooperate with, and render technical services to pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals, including the general public, in the conduct of activities referred to in paragraph (1) of this subsection;

"(3) conduct, in cooperation with State water pollution agencies and other interested agencies, organizations and persons, public investigations concerning the pollution of any navigable waters, and report on the results of such investigations . . ."

Section 104(b) further states that in carrying out these provisions, EPA's Administrator is authorized to:

"(1) collect and make available, through publications and other appropriate means, the results of and other information, including appropriate recommendations by [her] him in connection therewith, pertaining to such research and other activities referred to in paragraph (1) of subsection (a);

"(2) cooperate with other Federal departments and agencies, State water pollution control agencies, interstate agencies, other public and private agencies, institutions, organizations, industries involved, and individuals, in the preparation and conduct of such research and other activities referred to in paragraph (1) of subsection (a) . . ."

*Question*. Will the conclusions reached by the "watershed assessment', or actions taken pursuant to it, be subject to judicial or administrative review?

Answer. The EPA's "Outline of the Development of EPA's Bristol Bay Watershed Assessment" briefly describes the process EPA intends to use to better understand the aquatic resources at issue, and to evaluate potential impacts to those resources from large-scale development activities, such as mineral mining. We hope to work with our Federal, State, and tribal partners, and the public, to use this information to identify options for improving protection for Bristol Bay fisheries and the waters on which these fisheries rely. The watershed assessment or publication of such an assessment is, itself, not a final agency action and therefore not subject to judicial or administrative review. Should the EPA proceed as a result of the recommenda-

tions identified in the assessment to take some final agency action, such action may be subject to review. Our goal, however, is to work with interested federal, state, and tribal groups, and the public, to prepare recommendations that would be broadly supported.

*Question*. Should a veto be exercised pre-emptively within the Bristol Bay watershed—not in relation to an application to undertake specific development in the area—could that decision be interpreted by courts or future administrations to extend more broadly to all future development proposals (e.g., an airstrip, fish-processing plant, refinery, hospital, school, museum) that may require a dredge or fill disposal site?

Answer. The EPA's assessment is not a regulatory action. This assessment will help inform consideration of options for improving protection of the Bristol Bay watershed. The EPA has made no decision at this time to proceed with a CWA section 404(c) review in Bristol Bay. As a result, we are not prepared to speculate regarding the scope of any action taken under this authority.

*Question*. It seems that a pre-emptive veto could set a number of highly problematic precedents. For example, the Bureau of Land Management, the U.S. Forest Service, and other Federal agencies have historically been tasked with land planning decisions on Federal acreage. Similarly, State lands are managed by analogous entities. Should the EPA issue a pre-emptive veto of an entire area which, in this case, consists largely of State lands, those aforementioned agencies would no longer be able to plan for multiple-use activities, but instead be subjected to pre-emptive yes-or-no decisions from the EPA under whatever speculative assumptions regarding development the EPA may choose to adopt.

Has the EPA considered the precedents that would be set by a pre-emptive veto? Has the EPA consulted relevant Federal and State agencies regarding such a course of action? Could third-party litigants cite the veto as precedent in opposing other projects within the watershed?

Answer. The EPA has not made any decision regarding whether or not to initiate an advance 404(c) action at this time. As we have emphasized, we have instead chosen to work with our Federal, State, and tribal partners, and the public, to assess the resources in Bristol Bay and identify options for improving protections for fisheries in the Bay that depend so significantly on clean water and a healthy watershed. We look forward to working with Federal agencies, corresponding state agencies, tribes, and others to take advantage of their experience and information to support the Bristol Bay assessment. As part of the assessment process, the EPA will collaborate with an extensive list of Federal, State, tribal, and local government agencies and organizations; the public; private interests such as mining project proponents; and others with an interest in Bristol Bay. The EPA's assessment process is being conducted in an open and transparent manner to allow the issues you have raised to be effectively raised and discussed. This information and public discussion will help inform decisions following completion of the study.

*Question*. In response to the petition received by the EPA to preemptively veto development in the Bristol Bay area under section 404(c) of the CWA, were responses other than the conduct of a watershed assessment considered by the EPA? Specifically, did the agency consider simply informing the petitioners of the need to wait until an actual permit application had been received for consideration under the CWA, the National Environmental Policy Act, and other relevant statutes? Conversely, did the EPA consider issuing a preemptive veto in response to the petition?

Answer. As previously noted, in 2010, a number of tribes, tribal entities and other groups in southwest Alaska requested that the EPA initiate review of metallic sulfide mining in the Bristol Bay watershed utilizing our authorities pursuant to section 404(c) of the Clean Water Act. Other Alaska tribes, tribal entities and groups requested that we let the typical permitting process for mines run its course. The EPA considered a number of options, including the two you note above, and relevant information before determining that the best option at this point, given the available information, is the assessment that we have chosen to conduct.

*Question*. Because primary authority over fill decisions rests with the Army Corps of Engineers, and because the EPA has rarely exercised veto authority over Corps approvals, what deficiency does the EPA forecast with what would presumably be the Corps' work on any proposed fill application, to such extent that the EPA feels compelled to conduct this analysis in advance of any such work?

Answer. The EPA works very closely with the U.S. Army Corps of Engineers in implementing our joint responsibilities under section 404 of the Clean Water Act. The EPA has a great deal of respect for the work that the Corps does in administering the section 404 permitting program. The fact that EPA has rarely exercised its authority under section 404(c) to question the Corps' permit decisions speaks to the effective level of coordination and cooperation between the two agencies. The as-

sessment that the EPA is undertaking is to develop information to respond to requests from tribes and other groups in the State.

GREAT LAKES RESTORATION INITATIVE

*Question*. In fiscal year 2010, a new program was started within the EPA's budget for restoration of the Great Lakes. In the first year, $475 million was appropriated. It is my understanding that you have only spent $81 million of this as of January 31 of this year. In a time of tight budgets, that raises the question of whether you can spend all that you have asked for in this year's request—$350 million.

What level of carryover do you have from previous years for this program?

Answer. Through January of 2011, $455.6 million of Great Lakes Restoration Initiative funds had been obligated and $81 million had been expended. By May 5, 2011 almost the full $475 million has been obligated, less than $500,000 in carryover remains, and more than $115 million has been expended. Much of the fiscal year 2010 funding was put toward restoration projects that will begin during this spring's construction season. Consequently, we expect to see accelerated expenditures and results this year from the fiscal year 2010 funding as construction begins. Now moving into its second year, we expect to also provide fiscal year 2011 funding during this construction season and to continue accelerated expenditures.

*Question*. Can you spend the full amount that you have requested for fiscal year 2012?

Answer. The EPA—working with its Federal partners, as well as the States, tribes, local governmental organizations, universities, and nongovernmental organizations—can spend the full amount requested for fiscal year 2012. Many excellent grant proposals did not get funded in fiscal year 2010 (requests totaling almost $1 billion were almost six times the amount available). Many excellent grant proposals will again not be funded in fiscal year 2011 (requests were more than triple the amount available under the EPA's fiscal year 2011 Great Lakes Restoration Initiative Request for Applications). As a result, we expect that requests for funding in fiscal year 2012 will once again outstrip available funding. A significant level of work still needs to be done to achieve restoration of the Great Lakes. There are many projects that have not yet been started.

SUPERFUND TAX REAUTHORIZATION

*Question*. The budget request for fiscal year 2012 indicates that the administration supports reinstating the Superfund tax. This tax expired in 1995.

As you know, industry vigorously opposes reinstatement. In their view, they have paid not only for sites that they were responsible for, but "orphaned" sites as well where there were no responsible parties. And reinstatement of the tax on companies with no responsibility for contamination would be unfair. How would you respond to these criticisms?

Answer. The administration strongly supports the "Polluter Pays" principle. Parties should be liable for the cost of cleanups at sites for which they have responsibility, either as an owner, operator, generator, or transporter. Given that many Superfund sites involve historic activity where the environmental contamination became evident years after operations ceased, the EPA is sometimes unable to sufficiently identify and prove all of the parties that bear responsibility for the site or the parties are no longer financially viable or have a limited ability to pay.

Since appropriated resources for Superfund are primarily supported by general revenues from taxes paid by the general public, the reinstated taxes would apply to a more narrowly defined taxable group, consistent with other trust funds. Therefore, general taxpayers would no longer shoulder a disproportionate share of funding hazardous waste site cleanup. The reinstated taxes would restore the historic nexus that the parties who most directly benefit from the manufacture or sale of substances that commonly contaminate hazardous waste sites should bear the cost of cleanup when viable potentially responsible parties cannot be identified.

*Question*. What economic impacts would reinstating the tax have on industry and jobs in the current economic climate?

Answer. The administration is proposing to reinstate the taxes as they were last in effect on crude oil, imported petroleum products, hazardous chemicals, and imported substances that use hazardous chemicals as a feedstock, and on corporate modified alternative minimum taxable income (AMTI). A 1994 study sponsored by the EPA investigated the economic impact of the Superfund taxes by calculating the

maximum potential effect of each tax on prices or profits.[1] These maximum impacts were all found to be relatively small, indicating that the taxes have only minor economic effects. Using the same methods with current economic data, the conclusions of the 1994 study are supported. Furthermore, the administration chose not to adjust the tax rates for inflation, effectively resulting in a lower tax than was last imposed. The administration believes this proposal is the most viable given the relative familiarity with the previous tax structure and current economic climate. Since the petroleum and chemical taxes have not been updated to reflect real dollars, their economic impact may actually decrease.

Relative to consumer demand for other products, the demand for oil has been fairly unresponsive to price changes. Regarding the petroleum tax, even if the entire tax is passed on to consumers, the estimated impact would be less than a half penny per gallon increase in gas prices. Such an increase in gas prices would represent only a 0.17 percent increase to the 2010 average retail price of gasoline of $2.84 per gallon.[2]

Current data suggest that the taxes on chemicals should have only minor economic impacts. These taxes were originally calculated as the lower of two figures:

—2 percent of the estimated wholesale price; or

—$4.87 per ton for organic chemicals and $4.45 per ton for inorganic chemicals.

Current data indicate that the majority of the chemical prices have increased considerably since the tax was last in operation, with some more than doubling.[3] On the other hand, the Superfund taxes will not be corrected for inflation. This should significantly reduce, below 2 percent, the potential economic impact of the taxes on chemicals. Regarding the international marketplace, the proposed taxes will apply equally to imported chemicals as well as domestic. Thus, it is unlikely that these taxes would cause any change in a manufacturer's or an industry's mix of domestic and imported chemical substances.[4]

Finally, the Corporate Environmental Tax of 0.12 percent is imposed on firms with AMTI exceeding $2 million. When it last expired, 89 percent of the tax was paid by firms with assets greater than $250 million. The 1994 study found that the maximum estimated impact on the prices charged by affected firms did not exceed 1 percent in any of the major industrial categories, and was 0.09 percent across all industries.[5] Since the tax only targets AMTI over a threshold, many small businesses will not have to pay. Large businesses that are taxed will only pay a miniscule fraction of AMTI. Thus, the corporate tax should have only minor economic impacts.

*Question*. When do you plan to send a specific legislative proposal to the Congress?

Answer. On June 21, 2010, EPA Administrator Lisa Jackson on behalf of the administration transmitted draft legislation to the Congress to reinstate Superfund taxes. We support reauthorization of the taxes as represented in this transmission.

*Question*. Will your new legislative proposal contain any changes to the way the existing Superfund program is run?

Answer. On June 21, 2010, EPA Administrator Lisa Jackson on behalf of the administration transmitted draft legislation to the Congress to reinstate Superfund taxes. The proposal did not contain any changes to the way the existing Superfund program is run. Rather, it focuses on generating revenues that will be placed in the Superfund Trust Fund to provide a stable, dedicated source of funds to operate the program.

The proposal reinstates the taxes as they were last in effect on crude oil, imported petroleum products, hazardous chemicals, and imported substances that use hazardous chemicals as a feedstock, and on corporate modified AMTI. The Superfund taxes were applied to crude oil and imported petroleum products (9.7 cents per barrel), chemicals used in the production of hazardous substances listed in title 26 section 4661 (22 cents to $4.87 per ton), imported substances that use hazardous chemicals as a feedstock (in an amount equivalent to the tax that would have been imposed on domestic production), and corporate modified AMTI[6] in excess of $2 million a year (0.12 percent). The excise taxes would be applied beginning in January

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[1] "Economic Impacts of Superfund Taxes", Prepared by Industrial Economics, Inc., for the Office of Policy Analysis, EPA (1994).

[2] This calculation is based on the 2010 annual average U.S. conventional retail price from the Energy Information Administration.

[3] Recent annual chemical prices obtained from www.icis.com.

[4] "Economic Impacts of Superfund Taxes," Prepared by Industrial Economics, Inc, for the Office of Policy Analysis, EPA (1994).

[5] *Ibid.*

[6] Modified AMTI is AMTI determined without regard to the alternative minimum tax net operating loss deduction and the deduction for the Superfund environmental income tax.

2012 and expire on December 31, 2021, and the income tax would be applied in taxable years beginning after 2011 and would expire for taxable years beginning after December 31, 2021.

LONG-TERM 2 (LTR2) ENHANCED SURFACE WATER TREATMENT RULE

*Question*. The purpose of the LT2 rule is to reduce illness linked with the contaminant Cryptosporidium and other disease-causing microorganisms in drinking water. These are primarily associated with uncovered finished water reservoirs.

In the past, the EPA has stated that they will not enforce the LT2 rule in Alaska's native villages because of the cost of compliance. Is this EPA's official position?

Answer. The EPA's position is that all public water systems, including Alaska Native Village systems, that use surface water or groundwater that is under the direct influence of surface water, are required to comply with the LT2 Enhanced Surface Water Treatment Rule. The EPA has been working hard to ensure that the rule is enforced fairly and consistently throughout the country. The LT2 rule builds upon the requirements established by the Surface Water Treatment Rule (SWTR); Interim Enhanced Surface Water Treatment Rule (IESWTR); and the Long Term 1 Enhanced Surface Water Treatment Rule by requiring water systems to determine if their source water is vulnerable to Cryptosporidium, and where applicable, incorporating additional treatment. In addition, the LT2 rule requires that all finished water reservoirs either be covered or the discharge treated.

On January 28, 2011, Alaska formally adopted the LT2 rule. As a result, Alaska Department of Environmental Conservation (ADEC) is now the primary enforcement agency for the rule. As the primary enforcement agency, ADEC is responsible for ensuring that all public water systems in Alaska, including systems serving Alaska Native Villages that are subject to the rule are in compliance.

Most Alaska Native Village systems have less than 10,000 users, and may utilize less-costly monitoring requirements than systems servicing larger communities. In contrast to systems servicing 10,000 people or more, which are required to monitor for Cryptosporidium, smaller systems are allowed to first monitor for E. coli—a bacterium that is less expensive to analyze than Cryptosporidium—and are only required to monitor for Cryptosporidium if their E. coli results exceed specified concentration levels.

*Question*. The purpose of the LT2 rule is to reduce illness linked with the contaminant Cryptosporidium and other disease-causing microorganisms in drinking water. These are primarily associated with uncovered finished water reservoirs.

We do have some communities that are slightly larger, but still very small by anyone's standards. Some of them are having a very difficult time coming up with the funding to add treatment and come into compliance with the LT2 rule. Is the EPA prepared to assist these small communities either with financial help or compliance assistance to help alleviate the severe financial burden that the rule imposes?

Answer. The EPA has historically provided about 25 percent of the total Tribal Set Aside from the Drinking Water State Revolving Fund capitalization grant funding to support drinking water infrastructure construction in the Alaska Native Villages. These funds, along with funds from the EPA's Alaska Native Village program and other Federal agencies (the Indian Health Service, Department of Agriculture and the Department of Housing and Urban Development) can be utilized to fund infrastructure projects that address compliance challenges associated with LT2 for the Alaska Native Villages. In addition, Alaska Native Village water systems may apply for infrastructure financing through Alaska's Drinking Water State Revolving Fund.

FOREST ROADS

*Question*. For close to 35 years, the EPA has defined in its regulations (40 CFR 122.27) that forestry operations are nonpoint sources and therefore not subject to Federal CWA permits. Forestry has a documented record of compliance. A recent decision by the Ninth Circuit Court of Appeals threatens to overturn 35 years of precedent and treat forest roads on Federal, State, and private land as point sources requiring Federal permits. The EPA is not a party in the case. The 9th Circuit is presently deciding whether to reconsider the case en banc. In advance of this decision, the EPA has been preparing to implement the potential court order nationwide. If the court upholds the earlier decision and the EPA aggressively implements the final ruling, it would constitute an unprecedented expansion of EPA regulation under the CWA. I understand that the 9th Circuit Court of Appeals has questioned the EPA's 35-year treatment of forest roads as nonpoint sources under existing regulations. Most of these roads are indistinguishable from county roads and other roads used for transportation, recreation access, and a variety of other critical uses

throughout my State. Requiring new permits for these roads would impose potentially enormous new costs and legal exposure on the people of Alaska who use these roads every day.

Does the EPA plan to stand behind its own long-standing regulation and seek to avoid imposing this enormous regulatory and legal burden on forest workers, counties, Federal land managers, and other users in Alaska and throughout the country?

Answer. On August 17, 2010, the U.S. Court of Appeals for the Sixth Circuit issued a decision holding that stormwater runoff from forest roads that is collected by and discharged from a stream of ditches, culverts, and channels is a point-source discharge for which a National Pollutant Discharge Elimination System (NPDES) permit is required. That court is now reviewing requests for rehearing. In the meantime, the EPA recognizes these sources of stormwater discharges, which were previously exempt from the requirements to obtain and comply with an NPDES permit, are now vulnerable to citizen suits for discharging without a permit. Because of this, the agency is exploring various options for providing permit coverage to these discharges.

LEAD PAINT RULE

*Question*. The Lead Renovation Repair and Painting (LRRP) Program rule represents an added cost that contractors, who pay to become trained and certified under the rule, then pass on to consumers. In many cases the LRRP requirements can add a significant percentage to the cost of upgrades and remodels. In States where there is a lack of enforcement, "good actor" contractors are pricing themselves out of the market due to the fact that many contractors are not in compliance for the rule and are not being subjected to enforcement, and therefore are able to offer lower costs to consumers.

Do you have any data on the actual additional costs being incurred by homeowners, building owners, and contractors that comply with the lead safety rule, the level of compliance, and the status of the enforcement of the EPA's Lead Paint Rule throughout the States?

Answer. In order to comply with the RRP rule, contractors will incur the following fees and estimated costs:

*Certification Costs*.—Firm certification is valid for 5 years. The fee for most firms is $300, which is equivalent to a cost of $60 per year.

*Training Costs*.—To become a certified renovator, an individual must take a training course from a private training provider accredited by the EPA. The trained renovators can then provide on-the-job training to other workers. The EPA estimates that this costs $560 per person trained, including a tuition cost of $186 (set by the training provider); the value of time for the 8 hours the renovator is in class ($253); the value of time for 2 hours traveling to and from class ($63); mileage costs to drive to and from the training ($49); and lunch while at the training ($9). The renovator's certification lasts for 5 years.

*Labor, Equipment, and Supply Costs*.—As part of the rulemaking process, the EPA conducted an extensive economic analysis that estimated the labor, equipment, and supply costs for these work practices. The EPA first estimated an absolute cost of complying with the lead-safe work practices required by a rule if a contractor did not use any containment, or perform any cleaning, or cleaning verification prior to the rule. However, the EPA heard from the industry that contractors had already been taking steps to control dust from renovations prior to the promulgation of the rule. Based on this input, the EPA estimated an average incremental cost of each lead-safe work practice by subtracting the cost already being incurred by renovators for containment and cleaning from the estimate of the absolute cost of the rule's requirements.

For typical jobs in single family homes, the EPA estimated that the average absolute costs to comply with the rule ranged from $35 to $376, depending on the size and nature of the job. The average incremental costs of complying with the rule ranged from $8 to $124. For example:

—For a large window replacement job in a single family home (12 windows), the average cost ranges between $124 for contractors who already used some of the required work practices, to $376 for contractors who did not use any of the required work practices.

—For a medium-sized job removing portions of a wall in a single-family home (such as might be done to repair water pipes or electrical wiring), the average cost ranges between $41 for contractors who already used some of the required work practices, to $121 for contractors who did not use any of the required work practices.

—For an exterior painting job involving four exterior walls, the average cost ranges between $90 for contractors who already used some of the required work practices, to $245 for contractors who did not use any of the required work practices.

With the exception of the renovation firm certification fee, these costs are discussed in greater detail in chapter 4 of the EPA's "Economic Analysis for the TSCA Lead Renovation, Repair, and Painting Program Final Rule for Target Housing and Child-Occupied Facilities" (March 2008) http://www.regulations.gov/#!document Detail;D=EPA-HQ-OPPT-2005-0049-0916 The renovation firm certification fee of $300 was established in a subsequent rulemaking.

The above data reflect the EPA's estimates of the cost incurred by contractors, not the price paid by homeowners and other property owners. The EPA assumes that contractors will generally pass along their costs to their customers, and anticipates they may also add a mark-up.

*Question*. Can you give us an analysis of economic cost vs. health protection for the rule overall and for homes in which no children or young adults live?

Answer. The following discussion of the benefits of the 2008 final RRP rule is taken from the Executive Summary of the "Economic Analysis for the TSCA Lead Renovation, Repair, and Painting Program Final Rule for Target Housing and Child-Occupied Facilities" (March 2008). Additional details can be found in the full report at http://www.regulations.gov/#!documentDetail;D=EPA-HQ-OPPT-2005-0049-0916.

The benefits of the rule result from the prevention of adverse health effects attributable to lead exposure. Neurotoxic effects in children and cardiovascular effects in adults are among those best substantiated as occurring at blood-lead concentrations as low as 5 to 10 μg/dL (or possibly lower); and these categories of effects are currently clearly of greatest public health concern. Other newly demonstrated immune and renal system effects among general population groups are also emerging as low-level lead-exposure effects of potential public health concern. Both epidemiologic and toxicologic studies have shown that environmentally relevant levels of lead affect many different organ systems depending on level of exposure.

Epidemiologic studies have consistently demonstrated associations between lead exposure and enhanced risk of deleterious cardiovascular outcomes, including increased blood pressure and incidence of hypertension. A meta-analysis of numerous studies estimates that a doubling of blood-lead level (e.g., from 5 to 10 μg/dL) is associated with a 1 mm Hg increase in systolic blood pressure and a 0.6 mm Hg increase in diastolic pressure. Studies have also found that cumulative past lead exposure (e.g., bone lead) may be as important, if not more, than present lead exposure in assessing cardiovascular effects. The evidence for an association of lead with cardiovascular morbidity and mortality is limited but supportive. Experimental toxicology studies have confirmed lead effects on cardiovascular functions. However, there is sufficient uncertainty about the level of exposure and likelihood of effects that adults will experience that this analysis did not attempt to estimate the number of cases that would be avoided due to the regulation.

A further discussion of the benefits of removing the opt-out provision can be found in the Executive Summary of the "Economic Analysis for the TSCA Lead Renovation, Repair, and Painting Program Opt-out and Recordkeeping Final Rule for Target Housing and Child- Occupied Facilities" (April 2010). The 50-year annualized costs of the 2008 final rule were estimated to range from $404 million to $441 million per year, as detailed in chapter 4 of the EPA's "Economic Analysis for the TSCA Lead Renovation, Repair, and Painting Program Final Rule for Target Housing and Child-Occupied Facilities" (March 2008). The additional costs of the removal of the opt-out provision were estimated to range from $295 million to $320 million per year, as detailed in the "Economic Analysis for the TSCA Lead Renovation, Repair, and Painting Program Opt-out and Recordkeeping Final Rule for Target Housing and Child-Occupied Facilities" (April 2010). Thus, the total costs of the Renovation, Repair, and Painting Program have been estimated at $699 million to $761 million per year.

HEALY CLEAN COAL PLANT

*Question*. In 1992, the Federal Government provided $119 million of the $325 million cost of a clean coal power plant that was built in Healy, Alaska, and is now being operated by the Golden Valley Electric Coop. The EPA then issued an air permit for the plant. The EPA is apparently considering substantially altering the permit now as the plant is finally planning to move into continuous operations given the growing need for the electricity in Alaska's northern railbelt.

Since the plant has been kept in warm status for more than a decade, between testing cycles, why is it not appropriate to permit the plant to run under its original permit since it is based on technology approved by the Department of Energy and your agency?

Answer. The New Source Review (NSR) Program requires a company to get a preconstruction permit whenever it wants to construct a new facility or make major modifications at an existing one. Questions have been raised about whether the restart and associated restart activities at Healy would trigger the need for the NSR. Therefore, the EPA recognizes that a permit issued to Healy could be challenged by at least one nongovernmental stakeholder. Recognizing the unique situation at Healy, and the need for its generation, the EPA is currently facilitating discussions between the owners and operators of the source and other stakeholders with the goal of allowing the Alaska environmental agency to issue an operating permit to Healy that will provide certainty to the source, protect the environment, and satisfy the requirements of the NSR program.

FAIRBANKS AIR QUALITY

*Question*. Last summer you visited Fairbanks, Alaska, and learned that the town, given its extreme cold temperatures in winter, will likely have considerable trouble meeting the proposed tightened standards for $PM_{2.5}$ (fine particulate matter) under the Clean Air Act (CAA).

Will the EPA give serious consideration to granting a waiver to the Fairbanks area from the tightening $PM_{2.5}$ standards given the extreme difficulty that the town may have in meeting the standard at temperatures of 20 degrees below zero?

Answer. The CAA does not provide the EPA with the authority to waive National Ambient Air Quality Standard requirements, but it does allow some flexibility in implementing the standards. The EPA is bound by section 172(a)(2) of the CAA which states that an area's attainment date "shall be the date by which attainment can be achieved as expeditiously as practicable, but no later than 5 years from the date such area was designated nonattainment, except that the Administrator may extend the attainment date to the extent the Administrator determines appropriate, for a period no greater than 10 years from the date of designation as nonattainment considering the severity of nonattainment and the availability and feasibility of pollution control measures." Our regulations implementing this portion of the CAA give the States flexibility in proposing an appropriate attainment date as part of the overall plan to address fine particulate matter (40 CFR 51.1004). Ultimate approval of the attainment date will depend on the technical merits of the final state submission; however our EPA Region 10 Office is committed to making this process as efficient, collaborative, and common sense as possible.

IMPLEMENTATION OF NORTH AMERICAN EMISSION CONTROL AREA (ECA) IN ALASKAN WATERS

*Question*. Last year, the EPA imposed new rules requiring low-sulfur diesel fuel to be used by freight carriers and cruise ships in southern and central Alaska waters, even though all vessels serving Great Lake ports were exempted from the new standards and the new ECAs being created by the Agency and going into effect next year.

Would the EPA, given the lack of such fuel in Alaska and at West Coast ports, consider delaying the implementation date of the Alaska/Inside Passage air regulations given the extreme cost to shippers and thus consumers of meeting the new standards, at least until the Agency conducts actual Alaska specific air-quality tests to confirm the need for the rules in Alaska's maritime climate?

Answer. Your question addresses two issues that the EPA takes very seriously—the availability of lower-sulfur fuels and the balance between achieving important health benefits and addressing the economic and technical concerns of industry.

The EPA has taken actions to address these concerns, not only domestically but also as part of the administration's team at the International Maritime Organization (IMO).

Before outlining those actions, we'd like to clarify that the fuel standard due to take effect next summer is the first phase 10,000 parts per million (ppm) sulfur standard, while the industry has until January 2015 before the more stringent 1,000 ppm fuel-sulfur standard takes effect.

In addition, we'd like to clarify that on all coasts, ships must comply with the emissions standards anytime they operate on the landward side of the North American ECA boundary even as they enter our internal waters. This includes operation within the Great Lakes. The narrow exclusion we adopted for a small subset of ships on the Great Lakes is discussed further below.

On the issue of fuel availability, although we believe that compliant fuel will be broadly available for the first phase standard in 2012, we recognize that mariners need a mechanism to address an unexpected nonavailability of fuel that is beyond their control. The IMO treaty allows the United States to provide flexibility in the unlikely event a vessel cannot reasonably obtain compliant fuel.

The EPA has taken actions to address concerns raised by industry regarding operating steamships (vessels with boilers rather than diesel engines for propulsion) on distillate fuel. First, in our final category 3 marine rule, the EPA excluded existing Great Lakes steamships from ECA fuel requirements, thus they may continue to use residual fuel oil. In addition, mirroring that action on the U.S. internal waters of the Great Lakes, we proposed to the IMO an exemption for steamships operating within the ECA. This would apply to the steamships that operate between Washington State and Alaska. By the narrowest of margins, our proposal was included among those that will proceed for circulation among IMO member states. We are striving to see that it is formally adopted by the IMO at its next committee meeting in July 2011.

Throughout development of the ECA and our category 3 marine rule, we sought to maintain the important health benefits of the ECA emissions standards while addressing the serious economic and technical issues raised by the industry. We continue to believe the balance we achieved is the right path to protect citizens in Alaska and the rest of the Western United States from damaging particulate matter and sulfur oxides pollution. Overall, the monetized health benefits of the EPA's coordinated strategy for ships are projected to range from $110 billion to $270 billion, assuming a 3 percent discount rate, or between $99 billion and $240 billion, assuming a 7 percent discount rate. These estimated benefits exceed the projected costs by a ratio of more than 30:1.

The EPA continues to be committed to working with the government of Alaska and regional/local businesses to assist with implementation in any way possible.

SUBCOMMITTEE RECESS

Senator REED. The hearing is now recessed.

[Whereupon, at 3:46 p.m., Wednesday, March 16, 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 2012

**THURSDAY, MAY 19, 2011**

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

The subcommittee met at 2:36 p.m., in room SD–124, Dirksen Senate Office Building, Hon. Jack Reed (chairman) presiding.

Present: Senators Reed, Feinstein, Leahy, Mikulski, Kohl, Tim Johnson, Nelson, Tester, Landrieu, Murkowski, Alexander, Cochran, Collins, Ron Johnson, Blunt, and Hoeven.

## DEPARTMENT OF AGRICULTURE

### FOREST SERVICE

**STATEMENT OF TOM TIDWELL, CHIEF**

**ACCOMPANIED BY KATHLEEN ATKINSON, BUDGET DIRECTOR**

OPENING STATEMENT OF SENATOR JACK REED

Senator REED. Good afternoon. I'd like to call the hearing to order. And, welcome, everyone.

This afternoon the Interior, Environment, and Related Agencies Subcommittee continues its budget oversight hearings as we examine the fiscal year 2012 budget request for the U.S. Forest Service (USFS).

And joining us to present the administration's funding request is Tom Tidwell, the Chief of the USFS.

Thank you very much for being here, Chief, and we look forward to hearing your testimony and having a productive question-and-answer period after the opening statements.

Also joining us this afternoon is Kathleen Atkinson. She is the USFS Budget Director. Ms. Atkinson has the unenviable task of making sure no one tries to fudge any of the budget numbers as we make up our various points.

We appreciate you being here with us very much.

Chief, as you and I have discussed, the USFS does not play as prominent a role in my home State of Rhode Island as it does in the States of some of my colleagues. But your agency is important to every State in the United States, and particularly Rhode Island. We take opportunities through the research program. We also have access to, and benefit from, the State and Private Forestry program. The usefulness of the Forest Legacy Program (FLP) and

Stewardship Programs in conservation and management of forests is also an integral part of Rhode Island and our region's efforts to maintain our forested lands.

The funds that go through these accounts are also extremely critical in being able to leverage the Federal dollars with State, local, and private funds to preserve those lands.

I'm also aware that our State has benefited from the programs funded through the research appropriation where we have received support in dealing with the Asian longhorned beetle, which is infesting our forests.

So I look forward to your presentation this afternoon.

And, just briefly, for fiscal year 2012, the administration is seeking a total of $4.9 billion for the USFS. That's an increase of $248 million, or 5 percent more than the equivalent 2011 enacted level. However, the overall request includes $328 million for payments under the Secure Rural Schools program, which has not been previously included as part of the USFS' discretionary budget. Without this funding, then the budget the administration has proposed is essentially flat.

I'm particularly concerned with the large reductions in the research budget, the wildlands fire budget, and the maintenance budget. Together these three appropriations are proposed to be nearly $600 million below the current enacted levels. That's a 20 percent cut. Even in these fiscally constrained times, I'm not sure cuts at that level are tenable, and so I think we need to be concerned with where we might find additional money to make up some of these shortfalls.

Having said all this, I look forward to a more in-depth discussion. And first I'd like to recognize, before that discussion, our ranking member.

Senator Murkowski.

STATEMENT OF SENATOR LISA MURKOWSKI

Senator MURKOWSKI. Thank you, Mr. Chairman.

Chief, Ms. Atkinson, welcome to the subcommittee. I do appreciate you being here.

Chief, we had an opportunity not too many weeks ago in the Energy Committee to discuss your budget request. I look forward to continuing that discussion today.

As Chairman Reed has stated, the fiscal year 2012 budget request for the USFS is $5.1 billion—essentially flat, compared to fiscal year 2011. But within the fiscal year 2012 request you do have the $328 million for the Secure Rural Schools program. It's been funded in previous years on the mandatory side of the budget.

I certainly understand the importance of Secure Rural Schools program and support it, but I'm also concerned that, with this restructuring, it's essentially going to compete against other important programs—whether it's timber harvesting, grazing, maintenance, and all this at a time when the fiscal environment is pretty tough.

While a mandatory source of funding would avoid the Secure Rural School program from competing with your annual operating budget, as we struggle to deal with our deficits, it's unclear to me where we're going to find this offset. How to fund this program is

a dilemma that we should resolve in the context, I think, of our larger budget discussions.

Another key aspect of the budget is the proposal to establish a new integrated resource restoration (IRR), the IRR line item. This is essentially a big bucket of $854 million created by consolidating several current budget lines for long-standing programs—whether it be timber, forest planning, even portions of the hazardous fuel reduction program. This big bucket approach appears to reflect an attitude from the agency that, essentially we've got to trust you on this with a very large pot of new money, with apparently few strings that are attached.

And I do have to tell you, Chief, that the trust for the USFS is, perhaps, in short supply with some of the colleagues—certainly some of my constituents, the general public there. My staff has met with folks from all over the ideological spectrum—whether it's the environmental community, the timber industry—and they've talked about this IRR proposal. There are concerns. And I think we've had an opportunity to raise them.

But, for instance, the timber program—extraordinarily important for the economy of southeast Alaska. And the funding for it would be buried within the IRR line item, and the agency could then see fit to put as little or as much toward timber funding—or timber sales as—as they wanted.

It's important for me, and I think, the public, to know that you're spending each year on the timber program—we need to know what that amount is. And any other programs that are then consolidated within the IRR line item. I think that's a decision that, quite honestly, we here in the Congress should be making—not something that is just left to the agency's discretion, with a mix of other choices.

And then, finally, since we last discussed before the Energy Committee, there's been some news—most notably, the Roadless Rule and its application within the Tongass. I'm very concerned about this recent ruling and the proposed settlement that the USFS has entered into regarding the litigation.

The settlement language provides some protection for a few very specific hydroelectric projects, but it does nothing for dozens of other hydro projects that are currently under consideration at the Federal Energy Regulatory Commission (FERC), or hundreds of potential hydro sites in the region that could be developed in the future. It also doesn't provide for the roads that are necessary to build the transmission lines to connect these power sources to the local communities.

And what this court decision means for the timber industry is really very, very troubling for us. You know that the timber industry in our State is hanging by a thread. In 1990, there were 3,500 direct sawmill and logging jobs in southeast Alaska. In 2009, we're down to 214 sawmill and logging jobs remaining.

It's pretty incredible to think that the Nation's largest national forest—an area the size of the State of West Virginia, 17 million acres—we only have one large sawmill operating. And that's our situation in the Tongass. And I'm very concerned that if the Roadless Rule is now made applicable to the forest, there's simply

not enough economically viable second growth timber in roaded areas for the industry to survive.

Moreover, the forest plan that took more than 10 years and millions of dollars to complete may have to now be rewritten, creating even more uncertainty into the future.

I do hope to hear from you today some concrete actions that USFS plans to take in response to the litigation, in order to protect the remaining industry left in southeast Alaska, as well as the broader economy of the region.

Again, I thank you for your service, Chief, and I look forward to the opportunity for some questions and answers.

Senator REED. Thank you, Senator Murkowski.

Do any of my other colleagues wish to make some opening remarks?

Senator TESTER. Mr. Chairman.

Senator REED. Let me recognize Senator Cochran, then Senator Tester.

STATEMENT OF SENATOR THAD COCHRAN

Senator COCHRAN. Mr. Chairman, I am pleased to join you and the other members of this subcommittee in welcoming our witnesses from the USFS.

I do have a prepared statement which I will ask be made a part of the record.

Senator REED. Without objection.

Senator COCHRAN. I appreciate the good work done by the USFS, not only in managing the Federal forest lands in our State, but the national impact that the work you do makes on our economy, and our recreational resources. And we know that that doesn't just happen by letting nature run everything.

PREPARED STATEMENT

There are some active programs that you have, that have been tried and proven to be very valuable to enhance the recreational opportunities and economic activities, at the same time that we can enjoy the beautiful scenery and the streams and rivers that make up our forest inventory. So, we're looking for ways to be sure that we allocate funds for those purposes that are consistent with good judgment, and our need to show a little sense of economy, as well, in these tight budget times.

So, thanks for being here and sharing your thoughts on those subjects with us.

[The statement follows:]

PREPARED STATEMENT OF SENATOR THAD COCHRAN

Mr. Chairman, thank you for convening this hearing to review the budget request for the U.S. Forest Service (USFS) for fiscal year 2012. I am pleased to join you and the other members of our subcommittee in welcoming you and working with you to identify your priorities and suggestions for funding within the limitations of our allocations.

We appreciate the efforts of the USFS for your efforts in ensuring that our Federal forest lands are well-managed. The six national forests in Mississippi provide a great deal of outdoor recreation and economic activity in my State, which would not be possible without your valued service and commitment.

The many beneficial functions of the USFS go well beyond providing quality recreational opportunities. In 1996, the USFS research units in Mississippi, including

the Southern Hardwoods Lab in Stoneville, the Forest Hydrology Lab in Oxford, and the Seed Biology Lab in Starkville, merged to function as a research center with a common mission focus. This collaborative effort is now called the Center for Bottomland Hardwoods Research and is headquartered in Stoneville, Mississippi.

The research that these units conduct is vitally important to both my State and the Nation. In addition, the dedicated work that these researchers have provided has positively impacted national and State forests, as well as privately owned forest land, with environmental and economic benefits. In 2010, the forestry industry produced more than $1 billion in revenue in Mississippi alone.

As we move forward with the fiscal year 2012 appropriations process, I hope that the USFS will continue to focus its resources on the important work that the Center for Bottomland Hardwoods Research is doing.

I look forward to your testimony and to working with you during the coming year.

Senator REED. Thank you.

Senator Tester.

STATEMENT OF SENATOR JON TESTER

Senator TESTER. Yes. Thank you, Chairman Reed, Ranking Member Murkowski, for holding this hearing.

Chief Tidwell, always good to have you here.

And Kathleen, thanks for being here also.

I don't need to tell you. You're intimately familiar with the forests in Montana—some 20 million, almost 20 million acres worth, the impacts by beetles. You have a tough job because, as we talk about deficit and debt, and you come forward with a budget with some cuts, we all feel passionate about certain line items that we don't want cut. And we can't have it both ways.

That being said, in your statement, at some point in time—and we can bore down on this during my questions—there are some funds that are being reduced. And I can accept that if I know what the short-term versus the long-term impacts are.

Let me give you an example. Forest and rangeland research—you, there's a reduction in that. Is that going to cause us to spend more money long-term if we save this money short-term?

And, Kathleen, you can answer these questions too if you feel important.

And the same thing with wildland fire management. Are we cutting a fund when, in fact, it could save us money if we utilize that money before we get to a crisis situation?

And that's all.

You've got—I admire the work you do. You know, I've got a bunch of issues, and you've been very helpful on them. And I look forward to working with you in the future.

Mr. TIDWELL. Thank you, Mr. Chairman.

Senator REED. All of the statements will be made part of the record, including yours, Chief. So, if you would like to summarize, that would be perfectly fine.

And let me recognize you for your opening statement. Thank you, Chief.

SUMMARY STATEMENT OF TOM TIDWELL

Mr. TIDWELL. Thank you.

Mr. Chairman, and members of the subcommittee, once again, it's a privilege to be here today to discuss the President's 2012 budget request for the USFS. I appreciate the support the subcommittee has shown the USFS in the past, and I look forward to

working with you to provide more of the things that the American public need and want from our Nation's forests and grasslands.

I also want to thank you for your support with the 2011 budget. I know how difficult that was, and we do really appreciate the support that you showed us.

For 2012, the President's budget is designed to support the administration's priorities for maintaining and restoring the resiliency of America's forests. Additionally, this budget request reflects our commitment to fiscal restraint with significant reductions to ensure that we're spending efficiently and focusing on the priorities of the American public.

The budget supports these priorities through four key objectives. The first is to restore and sustain our forest and grasslands by increasing the collaborative efforts to build support for restoration activities that create jobs.

The budget requests full funding for the Collaborative Forest Landscape Restoration Fund (CFLR). It increases the emphasis on protecting and enhancing watershed health with a request for a new Priority Watershed and Job Stabilization initiative to fund large-scale projects.

It proposes a revised IRR budget line item to align the budget structure with the work we're doing on the ground. This will help facilitate a more integrated approach to developing project proposals that will result in more work being done and more jobs being created.

We will continue to track the traditional targets, such as board feet and the miles of stream improved, but we will also track the overall outcomes of restoration and watershed improvement so that we can show you that we are making a difference at a landscape scale. We will continue to incorporate strategies developed by USFS Research and Development to determine how our management needs to address the effects of climate changes, to be able to increase the ecosystems' resistance to the increasing frequency of disturbances like fire, insect and disease outbreaks, invasives, flood, and drought.

The second objective is to provide funding for wildland fire suppression that includes a level of preparedness to continue our success to suppress 98 percent of the wildland fires during initial attack. It also proposes a realignment of preparedness and suppression funds that more accurately display the costs. It provides for the FLAME Fund to increase accountability and transparency of the costs of large fires, and to further reduce the threat of wildfire to homes and communities by doing more hazardous fuels work in the wildland-urban interface (WUI).

The third objective is that we will increase support for our community-based conservation with the America's Great Outdoors (AGO) initiative, by helping Americans reconnect with the outdoors by increasing conservation, education, and volunteer opportunities through our youth programs. We want to build on the success of our 28 Job Corps Centers by supporting the creation of a 21st Century Conservation Service Corps program to build skills and work together with the States to provide work experiences for more of our youth. We want to continue to work with the States using our

State and Private Forestry programs to promote conservation and help keep private forests forested.

We are requesting an increase in the Land and Water Conservation Fund (LWCF) and our FLP to use conservation easements and land acquisitions to protect critical forests and acquire public access, while we reduce our overall administrative costs.

The fourth objective is to further support economic opportunities in rural communities by supporting the recreational opportunities that not only add to the quality of our lives, but support these communities through more than $13 billion in annual spending by recreation visitors.

We want to encourage biomass utilization and other renewable energy opportunities, and explore ways to process oil and gas permit applications and energy transmission proposals more efficiently.

We're also proposing a framework for a 5-year reauthorization of the Secure Rural Schools Act, with $328 million in our budget request to fund the first year. We want to work with the Congress and this subcommittee to consider options for mandatory funding and to develop the legislative proposal.

PREPARED STATEMENT

Our goal is to increase collaborative efforts, to encourage greater public involvement and management of our national forests and grasslands. We want to maintain and restore healthy landscapes. To do this, we need to take care of the ecosystem, but we also need to support healthy, thriving communities and provide jobs in rural areas.

Again, I want to thank you for the opportunity to address the subcommittee, and I look forward to answering your questions.

[The statement follows:]

PREPARED STATEMENT OF THE TOM TIDWELL

Mr. Chairman and members of the subcommittee, it is a privilege to be here today to discuss the President's budget request for the Forest Service (USFS) in fiscal year 2012. I appreciate the support this subcommittee has shown the USFS in the past, and I look forward to working together in the future to ensure that stewardship of our Nation's forests and grasslands continues to meet the desires and expectations of the American people. I am confident that this budget will allow the USFS to support this goal, while also reflecting our commitment to fiscal restraint and ensuring we are spending efficiently.

As the Secretary testified on March 10, 2011 in front of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee, we need to take some serious steps to reduce the deficit and reform Government so that it's leaner and smarter for the 21st century. The fiscal year 2012 budget the Department of Agriculture (USDA) is proposing reflects the difficult choices we need to make to reduce the deficit while supporting targeted investments that are critical to long-term economic growth and job creation. To afford the strategic investments we need to grow the economy in the long term while also tackling the deficit, this budget makes difficult cuts to programs the administration cares about. It also reflects savings from a number of efficiency improvements and other actions to streamline and reduce our administrative costs. It looks to properly manage deficit reduction while preserving the values that matter to Americans.

A healthy and prosperous America relies on healthy forests and grasslands and the benefits they provide:

—clean air and water;
—carbon storage;
—renewable energy;
—food and fiber;

—fertile soils;
—wildlife habitat; and
—recreation opportunities.

The USFS delivers incredible value to the public by protecting and enhancing these benefits through forest health restoration, research, and financial and technical assistance to partners. Our national forests and grasslands help to sustain 224,000 jobs in rural areas and contribute an estimated $14 billion to the gross domestic product each year through visitor spending alone.[1] In addition to managing 193 million acres on 155 national forests and 20 grasslands in 44 States and Puerto Rico, the USFS helps improve stewardship of lands outside the National Forest System (NFS). The agency partners with and provides technical assistance to other Federal agencies as well as tribal, State, and local governments; private landowners; and nonprofit organizations for the betterment of the Nation's forests and grasslands. Furthermore, the agency is a leader in cutting-edge research on climate change, bioenergy, wildfire management, forest pests and diseases, ecological restoration, and other conservation issues. The agency works to efficiently maximize limited resources and create a high return on investment for the American taxpayer.

The fiscal year 2012 President's budget request for the USFS totals $5.1 billion in discretionary appropriations, a $178 million decrease from the annualized fiscal year 2011 continuing resolution as shown in the published fiscal year 2012 budget justification. This decrease is achieved through several program re-combinations that streamline operations and increase efficiency and through major reductions in programs, including roads, facilities, and national fire plan programs and associated State and Private Forestry programs. In addition, the fiscal year 2012 budget includes $44 million in targeted cost-saving measures for the USFS through reduced travel and improved acquisition management procedures. These actions will allow us to focus limited resources on programs where we can achieve the greatest impact and that are of highest priority to the American people. Our budget priorities respond to the public's desire to make smart Federal investments that will allow us to pass on to future generations the beauty, wildlife, water, and natural resources that we have today.

The fiscal year 2012 budget for the USFS supports President Obama's America's Great Outdoors (AGO) initiative, the goals of the USDA's strategic plan, and Secretary Vilsack's "all-lands vision". It aims to maintain and enhance the resilience and productivity of America's forests through four funding priorities:

—enhancing water resources;
—responding to climate change;
—community-based stewardship; and
—jobs in rural communities.

Climate change, severe wildfires, disease, and pests have all contributed to declining forest health. With the current forest health crisis threatening the future of our forests, ecological restoration[2] is a key component to our fiscal year 2012 strategy. We need to ensure that our forests are resilient in the face of future uncertainties. To most effectively address this forest health issue, we must work across landscapes and ecosystems, as well as across ownership boundaries. The USFS is plotting a course to build a forest restoration economy that would create jobs in rural areas, more actively involve local communities in caring for their land, and improve access to natural areas. Ensuring the sustainability of rural communities and increasing community collaboration in natural resources management are critical to the success of restoration efforts and the continued provision of goods and services from forest ecosystems. Finally, using forest biomass byproducts from ecological restoration activities as a source of renewable energy can help enhance U.S. energy security, economic opportunity, environmental quality, and global competitiveness. In fiscal year 2012 we aim to strengthen biomass utilization efforts through our work with other agencies and our programs that encourage market development for woody biomass.

Our four key funding priorities highlight how we as an agency are continually working to ensure that we are responding to the needs of the American public.

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[1] USDA Forest Service. *National Visitor Use Monitoring Results*. http://www.fs.fed.us/recreation/programs/nvum/.

[2] By restoration, we mean the process of assisting the recovery of resilience and the capacity of a system to adapt to change if the environment where the system exists has been degraded, damaged, or destroyed. Ecological restoration focuses on re-establishing ecosystem functions by modifying or managing the composition, structural arrangement, and processes necessary to make a terrestrial and aquatic ecosystem sustainable and resilient under current and future conditions.

ENHANCING WATER RESOURCES

One of the most important services that the American people receive from forested landscapes is the provision of clean and abundant drinking water. An adequate supply of clean water is integral to the health and prosperity of the United States. More than one-half of the Nation's freshwater supply originates on public and private forest lands, and is the source of drinking water for more than 200 million people. The NFS alone provides fresh water to approximately 66 million people, or 1 in 5 Americans. In addition, healthy rivers, lakes, and streams are crucial to sustaining aquatic life, supporting terrestrial ecosystems, and providing high-quality recreation opportunities. Maintaining an adequate supply of clean water will be one of the biggest challenges of the 21st century as our forests and communities continue to deal with climate change, severe wildfires, invasive pests, severe storm events, and development pressures.

In order to maximize USDA's investments, USFS in collaboration with the Natural Resources Conservation Service and Farm Services Agency has been working to identify and implement high-impact targeted practices that are expected to have the greatest impact on protecting water resources. The agencies expect to treat more than 6 million acres in priority landscapes by the end of fiscal year 2011. These priority areas include targeted acreage on national forests and private working lands in the Chesapeake Bay Basin, Great Lakes, Mississippi River Basin/Gulf of Mexico, and California Bay Delta/Sierras. The agencies are working toward developing more meaningful performance measures as part of this effort.

The Integrated Resource Restoration (IRR) budget line item, first proposed in the fiscal year 2011 budget request, will allow us to effectively integrate interdisciplinary restoration treatments that will protect and improve our water resources. The fiscal year 2011 budget request proposed to combine the forest products, vegetation and watershed management, and wildlife and fisheries management budget line items and the CFLR program from previous years. In addition to these programs, legacy roads and trails, road decommissioning, and postfire rehabilitation and restoration have also been added to the IRR for the fiscal year 2012 request. Moreover, the portion of hazardous fuels management funding work outside the wildland-urban interface (WUI) has also been added to IRR for the fiscal year 2012 request as the agency works toward restoring historic fire regimes on the non-WUI portion of the NFS lands. Restoration projects require the integration of various stewardship activities. Thus, combining these programs will allow us to use resources more efficiently and will also create the vehicle that will allow the USFS to move toward restoring watersheds as a top priority. A new watershed condition framework will be used to evaluate improvements in watershed health using a national standard and provide clear accountability for the IRR program area. Specifically, we are proposing an $80 million Priority Watershed and Job Stabilization initiative that will use the watershed condition framework, state forest assessments, project costs, and input from local communities to prioritize projects to fund to make progress toward improving watershed condition class. Proposed projects will be developed by USFS and will come from the action plans created for the priority watersheds identified as part of the watershed condition framework. We will also continue to use some of our established targeted measures, as well as continue to track outcomes related to past measures. fiscal year 2012 restoration projects will maintain and improve water quality and watershed function, improve fish and wildlife habitat, and integrate forest products production into stewardship and watershed restoration activities.

RESPONDING TO CLIMATE CHANGE

Climate change is occurring at an increasing rate and jeopardizes the benefits that the public receives from America's forests and grasslands, including clean air and water, forest products, and recreational opportunities. Many of the management challenges that we have faced over the past decades have been exacerbated by climate change, including catastrophic wildfires, changing water regimes, insect infestations, and disease. In fiscal year 2012, USFS will continue to focus on incorporating climate change adaptation into multiple program areas, which includes making ecosystems more resistant to climate-related stressors, increasing ecosystem resilience to disturbance driven by climate change, and facilitating landscape-scale ecological transitions in response to changing environmental conditions. This priority is again tightly tied to restoration and our IRR budget line item. Restoring key functions and processes characteristic of healthy, resilient ecosystems allows them to withstand future stressors and uncertainties. Examples of IRR projects include decommissioning roads to reduce the risk of erosion from severe storms, reducing fuels outside the WUI to reduce the risk that severe wildfire will damage resources

near important watersheds or critical habitat, and reforestation to stabilize critical watersheds and soils impacted by natural events and to increase long-term carbon sequestration capacity.

USFS has developed a roadmap for responding to climate change in order to guide the agency in achieving its climate change goals. The Roadmap focuses on three kinds of activities:

—assessing current risks, vulnerabilities, policies, and gaps in knowledge;

—engaging internal and external partners in seeking solutions; and

—managing for resilience, in ecosystems as well as in human communities.

The agency has implemented a scorecard to measure progress made by each national forest and grassland. The scorecard assesses agency capacity, partnerships and education, adaptation, mitigation, and sustainable consumption.

Our commitment to responding to climate change is underscored in the proposed planning rule, published for comment in the Federal Register on February 14, 2011. USFS will begin to operate under the proposed planning rule in fiscal year 2012 after it is finalized, emphasizing citizen collaboration and an all-lands approach to management planning, ecosystem restoration, and climate change mitigation. A new budget line item, land management planning, assessment and monitoring, has been proposed for fiscal year 2012. Combining the previous line items land management planning and inventory and monitoring highlights the clear tie between gathering information through monitoring and making management planning decisions. This combination better aligns program funding with the objectives of the proposed planning rule, ensuring that planning, monitoring, and conducting assessments are coordinated more efficiently across the landscape.

Our climate change research program will continue to help clarify how climate change is expected to affect our ecosystems and the services they provide and to inform decisionmakers as they evaluate policy options. With two decades of climate change research, the USFS is the authority on how forest and range management can be modified to address the challenges of global change.

COMMUNITY-BASED STEWARDSHIP

Working with local communities is critical to the success of restoration efforts and increasing ecosystem resilience across the landscape. Increasing collaboration with stakeholders can move conservation efforts from a scale of thousands of acres to hundreds of thousands of acres. Most importantly, working together with stakeholders from project planning to implementation helps build citizen support for ecosystem restoration projects. The importance of getting citizens and communities more connected and involved with the outdoors has been emphasized in AGO. AGO seeks to empower citizens, community groups, and local, State and tribal governments to share in the stewardship responsibility for protecting, improving, and accessing natural areas and their resources, with the end result of a healthy, vibrant outdoor legacy for generations to come. The agency is committed to achieving greater community-based stewardship in pursuit of resilient forests as outlined in the AGO report. The fiscal year 2012 budget strategically allocates resources to support exemplary local stewardship models and to catalyze new partnerships and innovations. USFS will work toward the goals of AGO through multiple program areas.

Building on the sentiments of the American people, the AGO initiative seeks to maximize use of the Land and Water Conservation Fund (LWCF), which directs a portion of revenue from offshore oil and gas leases to conservation projects. LWCF funds USFS's forest legacy and land acquisition programs and provides local communities the opportunity to cost-share the conservation of priority forest land. The fiscal year 2012 budget request funds LWCF at the fully authorized amount, which constitutes an increase of $59 million for the Forest Legacy Program (FLP) and an increase of $26 million for the Land Acquisition Program from the fiscal year 2011 annualized continuing resolution. The FLP works with States, private landowners, and other conservation partners to protect environmentally critical forests threatened by land conversion through conservation easements. Project funding is based on a nationally competitive process. To date, the FLP has leveraged more than $630 million in non-Federal matching funds to conserve more than 2 million acres of non-Federal forest land. In fiscal year 2012, 48 projects have been proposed for funding in 38 States. FLP projects keep working forests working, which keeps jobs in rural areas. FLP projects also provide public access to recreation in many areas. Land acquisition supports a similar function. Its primary focus is on land acquisitions and donations on land adjacent to national forests, which typically help fill in holes and consolidate land ownership, making management easier and more cost-effective. In fiscal year 2012, 38 nationally prioritized lands have been proposed for funding. Recreation on national forest lands results in a boost to local economies and the cre-

ation of jobs. This budget request includes an increase of $5.4 million for recreation in support of AGO.

Protecting land that borders NFS lands and acquiring inholdings abates the impacts of development. For more than a century, the American people have invested in protecting forests and grasslands across the United States to maintain and improve water quality, reduce wildfire risk, create recreational opportunities and enhance fish and wildlife habitat. By fully funding the LWCF, our budget will continue our historic investments, limiting forest fragmentation, which can be detrimental to these benefits that we have worked so hard to maintain and enhance. In addition to the LWCF, we also have other tools to increase our management efficiency and become better neighbors with our adjacent landowners and will use these as well. I would like to also draw the subcommittee's attention to the pilot land exchange program proposed in the landownership management budget line item, which will accentuate the benefits of consolidated land tenure on one of our national grasslands.

In fiscal year 2012, USFS will commence implementation of the 2008 farm bill's Community Forest and Open Space Conservation program. This program provides eligible tribal governments, local governments, and qualified nonprofit organizations cost-share grants for creating community forests through fee-simple acquisition. This budget request includes an increase of $4.5 million for the Community Forest and Open Space program. These forests will be able to provide public access and recreational opportunities, as well as protection of vital water supplies and wildlife habitat, demonstration sites for private forest landowners, and financial and community benefits from sustainable management.

USFS will continue to expand community engagement in restoration efforts on NFS land through the CFLR. Under the IRR budget line item, the CFLR will provide for the continued implementation of the 10 long-term projects selected in fiscal year 2010 and will provide for the selection of additional long-term projects. The CFLR projects are proposed through multi-stakeholder collaborative planning at a local level, and priorities are suggested by a Federal Advisory Committee. In 2010, the CFLR funded 10 community restoration projects in Idaho, California, Colorado, Arizona, New Mexico, Montana, Washington, Oregon, and Florida.

Conservation education and volunteer opportunities will be a priority for the USFS as we implement AGO recommendations. We already have a variety of programs that have successfully connected youth to the outdoors, and we will continue to find opportunities for engaging youth in conservation efforts in fiscal year 2012. The Lake Tahoe Generation Green program works with local community groups to engage at-risk high-school students in outdoor leadership and forest management activities. The Kids in the Woods program at the Apache-Sitgreaves National Forest is another example of a successful locally based outdoor education program that has taught more than 5,000 participants about a wide range of topics, including invasive species, water conservation, and responsible off-road vehicle use. The Chugach Children's Forest in Alaska connects village, rural and inner-city youth with a nearby national forest, while motivating local district rangers to work alongside community officials and school superintendents, integrating community youth challenges with outdoor solutions. Volunteer opportunities will also expand across the USFS, including wilderness stewardship, trail clearing, restoration of historic structures, and campground host duties.

Finally, the proposed planning rule establishes a framework that emphasizes a collaborative approach to land management planning, assessment, and monitoring. The USFS will work with the public, tribes and other partners to develop, revise, and amend land management plans, conduct assessments and develop and implement monitoring programs. Collaborative approaches build citizen support in identifying needs, establishing desired conditions, crafting alternatives for future management, and identifying information and monitoring needs.

These are but a few examples of initiatives in the budget that exemplify the importance of community-based stewardship.

JOBS IN RURAL COMMUNITIES

In August 2009, in Seattle, Washington, Secretary Vilsack spoke of the need for a "shared vision" that not only focuses on forest conservation, but also on supporting a forest economy that creates jobs and vibrant rural communities. The USFS is not only committed to providing benefits to the American people in the form of clean air and water, fish and wildlife habitat, timber, and recreation opportunities, but also in the form of jobs and sustainable rural communities.

Forests and grasslands are an important source of employment and rural development. More than 2.5 million Americans have forest-related jobs in fields ranging

from ecological restoration to outdoor recreation services to the forest products industry.[3] The USFS provides service contracts for many types of activities including tree planting, timber harvesting, noxious weed control, culvert replacement, and road reconstruction. Recreation on national forest lands also bolsters local economies and creates jobs. We need to build a forest restoration economy, an economy built on the Secretary's forest restoration vision that inspires and brings together support for people playing, recreating and working in the woods.

Over the past year the USFS has worked to create and retain jobs in rural communities through the American Recovery and Reinvestment Act of 2009 (ARRA). USFS received funding for two programs. Capital improvement and maintenance received funds to restore infrastructure that supports public, administrative and recreation uses, while minimizing impacts to ecosystem stability and conditions. In addition, wildland fire management received funds to protect communities from large fires and to contribute to the restoration of fire-adapted landscapes. Final completion of all ARRA projects is expected to occur in the next 2 fiscal years. However, the agency will continue to have a jobs focus. Job creation and rural development will be a priority in fiscal year 2012.

One of the highlights of the IRR budget line item is creating job opportunities in rural areas. Creating job opportunities through landscape-scale restoration projects is a key component of the Priority Watersheds and Job Stabilization initiative under the IRR. Stewardship contracts and agreements will be a significant method for carrying out restoration efforts, and attention will be given to new and emerging markets for the wood removed during restoration activities, as well as the traditional uses for these products. Building a forest restoration economy will create new jobs in rural communities and help diversify the forest products industry to support the sustainability of local communities and the forest contractor infrastructure needed to perform restoration work. Also, we are working to further build a forest restoration economy around wood utilization by targeting grants to assist small businesses. Since 2005, the Woody Biomass Utilization Grant program has awarded a total of $30.6 million to 123 grant recipients in 21 States, including small businesses, nonprofit organizations, tribes, and State agencies, to further innovations in the wood products sector that lend to job creation.

USFS has also invested in job creation for youth through Job Corps, a partnership with the Department of Labor. This program helps people ages 16 through 24 improve the quality of their lives through technical and academic career training. With Department of Labor funding, we operate 28 Job Corps Civilian Conservation Centers across the country that provide approximately 6,200 students per year with the skills they need to become employable and independent so that they can find meaningful jobs or further education. In March 2010, Secretary Vilsack unveiled a green Job Corps curriculum that will help train underserved youth for jobs in the emerging green economy using national forests and grasslands as training sites for solar, wind, and biomass energy demonstrations.

AGO hopes to build on the success of programs like Job Corps by creating a 21st Century Conservation Service Corps program that will remove barriers to employment and improve career pathways to jobs in natural resource conservation. This includes use of the Public Lands Corps Healthy Forests Restoration Act of 2005, which expanded youth service opportunities while addressing important conservation and societal objectives. USFS has a long-standing commitment to recruiting employees that contribute to workforce diversity; providing opportunities for disadvantaged youth to pursue natural resource careers; and creating the next generation of land conservationists. USFS will expand on AGO Goal A (to develop conservation jobs and service opportunities that protect and restore America's natural resources) through the Youth Conservation Corps. This summer employment program aims to accomplish needed conservation work on public lands, provides gainful employment for 15- through 18-year olds from diverse backgrounds, and develops in them an understanding and appreciation of the Nation's natural environment and heritage.

To continue supporting the communities that we work in, the fiscal year 2012 President's budget proposes a 5-year reauthorization of the Secure Rural Schools Act, named Payments to Communities, and includes $328 million of discretionary funding for fiscal year 2012. This act provides annual payments to counties for schools and roads, forest restoration/protection, and fire assistance. The proposal modifies the existing framework to emphasize enhancing forest ecosystems, improving land health and water quality, and increasing economic development activities.

[3] USDA, Forest Service. 2010. *Draft National Report on Sustainable Forests*. http://www.fs.fed.us/research/sustain/.

The administration is open to working with the Congress to fund either through discretionary or mandatory appropriations.

WILDLAND FIRE MANAGEMENT

The fiscal year 2012 budget request continues to reflect the President's commitment to responsibly budget for wildfires, ensuring fire management resources are used in a cost-effective manner in high-priority areas. The 10-year average of suppression costs is fully funded, and the allocations between preparedness and suppression funds have been adjusted to ensure that readiness needs are fully funded for this fiscal year. The budget request includes a two-tier system for fire suppression. The suppression account will be the primary source of funding for responding to wildfires, covering the costs of initial and smaller extended attack operations. The Federal Land Assistance, Management and Enhancement Act reserve account will provide better accounting of funds to cover fires escaping initial attack that are large and complex, as it did last year. This system ensures that funds are available to fight fires without diverting funds from other critical USFS programs and activities.

CONCLUSION

This President's budget request for fiscal year 2012 takes a comprehensive, all-lands approach to conservation that addresses the challenges that our forests and grassland currently face, while also taking into consideration the need to reduce spending and to find the most efficient way to do our work.

The future of our country's forests and the valuable ecosystem services they provide depend on our ability to manage for an uncertain climate and uncertain economic market. This means landscape-level restoration, working across ownership boundaries, relying upon a foundation of strong science to guide decisions, and collaborating with tribal, State, local, private, and other Federal stakeholders to achieve common goals. A comprehensive approach to restoring unhealthy ecosystems will help make our forests more resilient to stressors and disturbances related to climate change and protect our vital water resources. At the same time, we can significantly contribute to economic recovery and job support by building a forest restoration economy. Greater involvement of citizens and communities is key to successfully implementing restoration efforts at large geographic scales. Our vision in creating healthy landscapes not only includes creating healthy ecosystems, but also creating healthy, thriving communities around our Nation's forests and grasslands and providing jobs in rural areas. The fiscal year 2012 budget request highlights these priorities.

I look forward to sharing more with you about our fiscal year 2012 priorities and working with you in shaping the proposals laid out in this budget. Thank you for your time and attention, and I look forward to answering any questions you may have.

WILDLAND FIRE MANAGEMENT

Senator REED. Thank you very much, Chief.

I presume that Ms. Atkinson does not have a statement. Thank you, Kathleen.

Chief, let me begin with the fire budget. In the President's budget, there is an error. I understand it is a clerical error that makes your wildlife fire management request $192 million less than it should be.

As you know, the subcommittee's allocation will be based on the President's budget, and it puts us at a disadvantage to have an inaccurate request. Can you tell us when we can expect to receive a budget amendment or errata sheet to correct this error?

Mr. TIDWELL. We've shared the subcommittee's concerns with the Office of Management and Budget, and I will also visit with them again so we can get that errata sheet up to you very shortly.

10-YEAR AVERAGE

Senator REED. Thank you very much, Chief. Let me continue in terms of fire suppression costs. Could you give us the 10-year average that you're working with?

Mr. TIDWELL. For 2012, we're looking at a 10-year average of $1.17 billion. When we apply the rebaselining that you've been requesting us to do for a couple years, and make that shift between suppression to preparedness, the 10-year average will then drop to $855 million. But the difference is just the shift of some preparedness costs that we've been showing in our suppression costs for the last few years. At the request of this subcommittee, we feel it's actually more transparent to show those costs under preparedness.

These are primarily our large aviation contracts that we have to pay up front at the start of the year no matter how much we use those aviation contracts throughout the year. We just believe that they actually should be shown under preparedness.

Senator REED. You're confident that the funds you've allocated to suppression will be adequate for the current fire season? The current budget season?

Mr. TIDWELL. Yes. Based on what we see and where we are today, and where we expect to be with 2012, we're confident that the funds that we're requesting will be adequate to handle a moderate-to-active fire season in 2012.

IRR—COMBINING LINE ITEMS

Senator REED. Okay. Let me turn now to the IRR program, which I'm sure will be the topic of several questions from my colleagues. For many years the USFS did perform integrated activities under very specific budget lines. I think you'd be the first to point back several years ago, how you were doing integrative things using funds from different accounts to achieve a comprehensive approach.

So the question is why do we have to go to this integrated one fund? What is the roadblock that hampers a forest supervisor or regional forester from taking an integrated approach, even though they would have to, technically, spend from different accounts?

Mr. TIDWELL. Mr. Chairman, you're correct that we've been taking an integrated approach to our project design and planning for years. What we're finding as we do more and more of this—our current budget structure sometimes is a barrier to promote that integration. Based on the feedback we received from you last year, we've made some changes to the revised proposal, so that we will continue to track the traditional targets of board feet, miles of stream, et cetera. By having one fund, it will help facilitate not only a more integrated approach, but it will allow us to look at the landscape and determine what work needs to be done.

Based on our experiences in the past when we had more flexibility with our budget, we found that we were able to get more work done. It makes it easier for not only our employees to design the work, but also for the public to be part of that process. It builds more support for the overall work, because we have a much wider range of objectives that we can accomplish with every project.

The other key part of it is, there are times when you have an integrated project you want to go forward with, but one of the program areas—one of the fund codes—is lacking money on that unit that year. Sometimes in the past we've actually deferred very good projects from being able to go forward because we didn't have the right mix of money to be able to do that. That's just one of the key benefits.

In these difficult economic times, I look for ways that we can improve our efficiency. I believe, by having this IRR line item, that we can be more efficient, and we will actually get more work done on the ground.

IRR—CHANGES TO PROPOSAL

Senator REED. Let me just follow up before I turn it over to Senator Murkowski.

One of the improvements you've made, or, one of the more specific measures you've included is some commitment to the timber program in terms of the amount of board feet.

Can you point to other specific changes that are in response to the criticism of my colleagues last year?

Mr. TIDWELL. There were a couple things based on the comments last year. First of all, we wanted to add some additional budget line items. We felt that it was important to put some hazardous fuels funding into this mix. We also feel that the Legacy Roads program is a very good fit, because so much of that work is done to improve the overall watershed health condition.

In addition to those funds, the other thing that we've done is to ensure that we can track the outputs along with the overall outcomes. Not only will we track board feet, miles of stream improved, acres of invasives that have addressed overall watershed health and acres of wildlife habitat that have been improved, but also, the overall watershed condition class. We'll be able to track that through a new condition class assessment that we are now putting in place for the first time.

We feel that the combination of both of these will allow us to demonstrate that we are carrying out the direction of the Congress, and at the same time—especially over several years—it's my expectation that we'll be able to increase the number of outputs that we currently are doing with the same amount of money.

Senator REED. Thank you very much. Senator Murkowski——

and I will anticipate a second round, because we want to make sure that everybody has a chance to ask all their questions.

Senator Murkowski.

TONGASS ROADLESS SETTLEMENT—HYDROPOWER

Senator MURKOWSKI. Thank you, Mr. Chairman.

Chief, before I begin my questions, I was visited by the mayor and some of the community leaders of the community of Wrangell in southeastern Alaska. And when they heard that I was going to be in hearing with you today, they asked for some assistance as a community in sitting down with their regional forester there, talking about, just, a vision for that community.

I think they've got some good news. And we always want to work to encourage the good news in some of our southeastern Alaska

communities that have been struggling for some time. So, I would——

Mr. TIDWELL. Thank you.

Senator MURKOWSKI [continuing]. Put that on your "to-do" list, if I may. Thank you.

I want to talk about, or ask you a couple of questions, about the Tongass roadless settlement and the proposal with respect to the USFS—what you have advanced with that directive. And this is as it specifically relates to hydropower, to mining, and to timber in the area.

The agency's proposed judgment provides protection, as I mentioned in my opening, for a few hydroelectric sites. But there's about 27 other hydroelectric projects that are filed currently with FERC, that have not been included, and there are also about 150 other potential hydropower sites in roadless areas that, again, are not included.

Can you give me some kind of understanding as to why you selected the ones that you did for the carve-out, and then left hanging 150, and then 27 that are actually filed with FERC? What's the rationale behind that?

Mr. TIDWELL. The ones that we included were the ones that we felt had the most potential to move forward in the near term. At the same time, in our proposed judgment, there isn't anything that would preclude those projects from being considered in the future.

Senator MURKOWSKI. Well, the one thing that would preclude them is if it's not possible to gain access to them. If, in fact, you've got to build a hydroelectric site, or allow for the transmission lines to be built, but only by using a helicopter, that does make the project prohibitive.

Mr. TIDWELL. One of the things with the 2001 Roadless Rule, because it's been in a state of flux for the last 10 years, is that we have never actually been able to move forward and to use the exemptions that are in the 2001 rule. You're correct that when it comes to building roads and timber harvesting, there are definitely restrictions on that.

But there also are exemptions that allow us to put in transmission corridors to be able to construct these hydroelectric plants. Each one of them would have to be looked at. It's on its own merits. We would require probably more helicopter access, especially with the transmission corridors, et cetera.

The projects that we put forward—we felt these were the ones that had the best potential. With this proposed judgment we wanted to be able to get things going forward so that we can start to provide more reasonable energy there in southeastern Alaska. I was in the process of negotiating with the plaintiffs on this. We felt by going with this list, this gave us the best chance to be able to reach an agreement so that these projects can move forward right away.

Senator MURKOWSKI. Well, and those that are looking to build those projects are glad that they're not caught in this real incredible trap. Because to suggest that you can build a hydro project, to suggest that you can build a mine, or develop other mineral deposits, but you can't build a road to get there—you will have to heli-

copter in everything that you're going to need for this—it just defies logic.

The agreement mentions the potential exploration and expansion of Greens Creek Mine, the exploration of Bokan Mountain and of Niblack Mine; but, again, there are some other, about 14 other mineral deposits that are not included.

Excuse me.

And so, I, I'm just at a loss as, to try to understand how you have determined that this small subsection shall move forward, when we have equal opportunities in some other areas that now have, for all intents and purposes, been put off limits.

TONGASS ROADLESS SETTLEMENT—TIMBER SALES

The other question that I would have would be with regards to the timber sales that have already—the USFS has already spent the money to perform the National Environmental Policy Act (NEPA) analysis for these, and this was done prior to the court's ruling. Shouldn't these have also been included in the forest settlement's proposal?

Mr. TIDWELL. Well, Senator, as far as the timber sales, with this latest court ruling, there is an impact on several timber sales that we had completed the NEPA work.

However, with the work that the region and the USFS has been doing over the last 2 years, we have moved out of these roadless areas so that, even with this court ruling, we can go forward with our planned program of work in the future. Even with this, because of the work that our folks were doing over the last 2 years, we're well-positioned to be able to move forward with a continued increase in the amount of timber harvest—not only this year, but also what we plan for 2012.

Senator MURKOWSKI. But, in fact, with the proposals and what has been advanced by the USFS and the others, if somebody decides to sue on this, there is nothing that provides protection from further suits. So, we may be no further ahead than we are right now. Is that correct?

Mr. TIDWELL. That's always the possibility. However, I feel that with the work that's been going on for the last couple of years to build more and more agreement about the need for our timber sales and for the restoration work that we need to do to help sustain these communities, we're seeing that we're able to implement more projects than we have been in the past. I think it's one of the things that we can continue to work on to build additional trust and understanding about the importance of forest management, the integrated wood products industry, and to help sustain these communities.

When it comes to what was negotiated in this proposed judgment—it was a negotiation of being able to put together a list of projects that we felt were the most important to be able to go forward with right now, and at the same time, not preclude other projects from being considered that would have to meet the requirements of the 2001 Roadless Rule.

As you know, everybody was in agreement, and so we submitted our proposal. The other proposals will be coming into the court. We're anxious to see just where we'll end up with this.

Senator MURKOWSKI. Well, I'll ask more in the next round, Mr. Chairman. Thank you.

Senator REED. Thank you, Senator Murkowski.

We'll proceed by recognizing Senators as they arrive, going back and forth from side to side.

Senator Johnson.

FLP—BLOOD RUN PROJECT

Senator TIM JOHNSON. Chief Tidwell, welcome and it's good to see you again.

And welcome, Ms. Atkinson.

The USFS budget emphasizes conservation and outdoor recreation through robust funding for the LWCF. As you pointed out, this funding comes from offshore rail and gas lease revenue, not taxpayer dollars.

As we develop our publicly owned natural resources, it makes sense to reinvest in public assets like our national forests.

I want to highlight a particular FLP project—the Blood Run site in southeastern South Dakota. The State of South Dakota and local partners have made this acquisition along the Big Sioux River a top priority, and I'm pleased that the administration has included the project in its priority list for fiscal years 2011 and 2012. Converting the site into a State park will protect the area from encroaching development, and provide public access to this unique and historic outdoor area.

This project involves significant coordination and financial commitment from a number of partners, and the State faces a limited time frame to purchase the property.

Can you comment on the administration's commitment to completing this project?

Mr. TIDWELL. Senator, as you've mentioned, this project is on our priority list for all the reasons that you've stated.

As far as being able to move forward with the current level of funding that we have in 2011—I'm not sure if it's on the list of projects that's funded in fiscal year 2011. So it'll depend on the amount of funding we receive in fiscal year 2012 if we can move forward with this project in this coming year.

Senator TIM JOHNSON. Sooner or later, can you make a commitment as to the completion of this project?

Mr. TIDWELL. Probably when we receive our budget for 2012, we'll be able to get back to you and be able to tell you if this project can go forward. It will depend on the amount of funding that we receive.

LAND ACQUISITION—LADY C RANCH

Senator TIM JOHNSON. Similarly, I also want to ask about the project that was not included in the fiscal year 2012 priority list, because it was assumed that it would be completed with 2011 funding. The Lady C Ranch is an important inholding in the southern part of the Black Hills National Forest. We have been working on this 2,400 acre acquisition project for years, bit by bit, with willing and very patient sellers. We are now in the very last phase with just $765,000 remaining to complete the project.

Can you provide an update on the status of fiscal year 2011 land acquisition funding? If a project like the Lady C Ranch doesn't receive funding in fiscal year 2011, will it receive consideration in 2012?

Mr. TIDWELL. Senator, we did not receive enough funding in fiscal year 2011 for this very beneficial project. Depending on the funding that we receive in fiscal year 2012, that will determine how far we can go down on the priority list.

A project like you've just mentioned, if we're not able to finish it in 2012, I would hope we can then have it very high on the priority list for fiscal year 2013.

You've done a very good job to express the amount of support that's always behind our LWCF projects—that these are not only willing sellers. There's always strong support from the communities——

Senator TIM JOHNSON. Yes.

Mr. TIDWELL. A lot of folks use these lands.

We go through great lengths to set the priority list that we send up here for your consideration each year. I can tell you that it's always difficult to decide which project actually is a higher priority than the others, because they're all excellent projects, and ideally we'd be able to accomplish all of them over time.

Senator TIM JOHNSON. What criteria do you use in your, enumerating your priority of the projects?

LAND ACQUISITION—PRIORITIZATION

Mr. TIDWELL. The criteria that we've been using looks at the overall benefits. For instance, if it continues to maintain or increase public access, if wildlife habitats are going to be enhanced, if there are other recreational opportunities enhanced, and if there is a reduction in administrative costs. Almost always with our acquisitions, we reduce our administrative costs by not only eliminating the boundary, lines that have to be maintained, but also when it comes to our restoration work. When you don't have to worry about a section of private land that's surrounded by national forest, it's a lot more efficient to design your restoration work and your forest health work. Those are some of the criteria that we use.

The other key part of it is if the project is ready, and by ready, I mean strong support is in place. The other thing we also look at is if these projects can be phased in over a period of years. We often like to at least get started on projects. If the owner is willing to work with us over several years, that often helps us be able to get started on the project.

Senator TIM JOHNSON. Very good, Chief.

Senator REED. Thank you very much, Senator Johnson.

Senator Cochran.

FLOOD DAMAGE—HOMOCHITO NATIONAL FOREST

Senator COCHRAN. Mr. Chairman, thank you.

Let me bring to your attention something you already know a little bit about. If you've been watching television, we've had huge damage done to forests, businesses, and homes in our State of Mississippi because of the flooding of rivers and streams—not just the Mississippi River, because it's really still within its banks, due to

the fantastic work that has been done over time to protect landowners and homeowners along the Mississippi River.

But in the Delta National Forest, which comes to mind, there are small businesses and farms in and around the Delta National Forest. And I wonder if you've had an opportunity to assess the extent of damage, and whether you are involved actively with other Federal agencies in trying to assess the situation and prevent further damage, and try to somehow help us recover from this terrible natural disaster.

Mr. TIDWELL. You know, Senator, we haven't done any assessments of the overall damage. We have been focused on public safety and ensuring that places where people camp or go hiking either are going to be above the floods or that folks are no longer out there, especially as the waters continue to increase.

As soon as the water starts to recede, we'll be in there to assess the damage to see what we need to do to maybe shift some of our planned program of work for this year to deal with the aftermath. It's our experience that there'll be a lot of downed trees that we'll need to deal with to get roads opened up, et cetera. Also, we need to take advantage of the timber that's down, and move quickly to remove it so that we don't create another insect and disease infestation that often occurs following a situation like this. So, we are poised and working with the other agencies in the Department of Agriculture, and specifically the Natural Resources Conservation Service (NRCS), so that we'll be working together and not only helping to address the issues on the national forests, but also on the adjoining private land if there are things that we can do, especially with the NRCS programs, to assist those folks.

Senator COCHRAN. Well, we thank you for your leadership, and for being prepared to move quickly when the time is right, to try to provide that kind of assistance. We appreciate that very much.

Thank you, Mr. Chairman.

Senator REED. Thank you, Senator Cochran.

Senator Tester.

Senator TESTER. Thank you, Mr. Chairman.

And once again, Chief, good to have you here.

Ticker's doing good?

Mr. TIDWELL. Yes, I'm still here——

Senator TESTER. That's good.

Mr. TIDWELL [continuing]. It's doing well.

Senator TESTER. Because it's good to have you here.

RESEARCH AND DEVELOPMENT

I want to bore down a little bit into the budget. And like I said in my opening comments, I think we all have a tough job. There's, we know that the deficit and debt issues are critically important to get under control. On the other hand of the equation, we need to do it right so we don't create more problems than we're solving.

Forest and rangeland research, a $16 million cut. Research and development is something that's pretty important in our overall economy. Can you give me a little insight, and be as concise as you can, as to what the substantiation for that cut is?

Mr. TIDWELL. Well, Senator, I share your concerns. As we put together our budget proposal, we had to make some very difficult decisions about where we could propose some reductions.

And what we did with our research work is that we looked at our ongoing research and identified which of those projects we could go ahead and defer some activity, but at the same time, not lose the overall investment that we've made. We actually went through research project-by-research project to determine where we could either slow down the amount of research or delay it for a few years, and not lose that overall investment.

Senator TESTER. Can you tell me what kind of research you're taking about mainly? Are there main categories they fall into?

Mr. TIDWELL. We went through just about everything that we do. One of the areas where we've tried to maintain the essential funding is the research that we're doing dealing with invasives, especially with some of the insects that we're dealing with. As it was mentioned earlier, the Asian longhorned beetle is one; the emerald ash borer is another one.

Senator TESTER. Yes.

Mr. TIDWELL. But at the same time, with gypsy moths, where the research is in place, we felt that we could probably go ahead and defer or delay any additional research at this time.

Senator TESTER. Okay.

Mr. TIDWELL. The other key part of the reduction is with our forest inventory and analysis work that provides the long-term database of the condition of our forests in this country—not just on national forests, but also on private land. This is an essential database that almost everybody uses today.

And we had to make some tough decisions. There were a couple of States that we felt we didn't need, that we could postpone putting out additional plots. Those are the types of decisions we had to make.

WILDLAND FIRE MANAGEMENT

Senator TESTER. Okay. Wildland fire management, $400 million, almost $400 million. Fires are a fact of life. But we all know we need to handle them in a way—because there's a lot of people that live out there, there's a lot of forest communities.

Can you tell me how that budget's going to impact firefighting, and in particular, if it's going to have any impact on protecting our forest communities?

Mr. TIDWELL. Our proposed budget will provide the same level of preparedness that we've had for the last few years—the same number of firefighters, the same number of aviation resources.

Senator TESTER. Okay. So, where'd the $400 million come from?

Mr. TIDWELL. Well, part of it, close to $100 million of those funds are part of the IRR budget line item.

Senator TESTER. Which does what?

Mr. TIDWELL. Some of the hazardous fuels funding was moved into IRR.

Senator TESTER. Okay. So let's just stop there for a second. It was moved into other accounts, so it's still going to be funded? Or it's not going to be done?

Mr. TIDWELL. The majority of it was moved. There was a $9 million reduction in hazardous fuels work that we do outside of the WUI.

Senator TESTER. Right. Because if there's more hazardous fuels, it sounds to me—and correct me if I'm wrong—there's more potential for fire. And you might have the same number of firemen, but you may have more fires.

Mr. TIDWELL. That's where it's a combination of addressing the hazardous fuels, but at the same time providing that level of preparedness. We felt it was essential to maintain almost the same level of fuels work.

WORKFORCE MANAGEMENT

Senator TESTER. Okay. About 1,819 employees will be terminated, or not replaced if they retire, however you're going to do it. And I'm all about making folks lean and mean, and all that. Can you give me an indication on where those people are going to come from?

Mr. TIDWELL. We do project it'll be, with this budget proposal, a loss of about 1,800 permanent, full-time positions. That's about what our attrition rate is each year. So, we believe that for this budget proposal, with what we normally see with the number of people that retire or leave the agency, we'll be able to handle this reduction without having to take any actions with any of our employees.

The challenge will be to match up where we've lost funding in the programs with our existing workforce. But we have done a very good job managing our workforce. We have had a stable, flat workforce since about 1995, and we've continued to do more and more work through contracting, so we are, I believe, well-positioned to handle this because of our conservative approach to our workforce over the years.

Senator TESTER. Just one last, if I may, Mr. Chairman.

You touched on something that drives me crazy in Government, in that we reduce the workforce on one hand. And we replace it with contract labor on the other hand. The cost is more than the workforce that existed before. That's not going to happen here?

Mr. TIDWELL. No, I believe we'll probably be doing less contract work in 2012 to be able to maintain our existing workforce.

Senator TESTER. Okay. Thank you very much.

And thank you.

Senator REED. Thank you.

Senator Blunt.

BUDGET TRENDS

Senator BLUNT. Well, thank you, Chief, for being here, and Director.

And maybe just to follow up on that a little bit—the budget you're requesting increases overall budget numbers, is that right?

Mr. TIDWELL. There's a slight increase to provide funding for the Secure Rural Schools program that hasn't been part of our budget in previous years. So that's the increase that you see.

Senator BLUNT. And how much is that program?

Mr. TIDWELL. $328 million.

Senator BLUNT. All right. So there is actually in the traditional budget, you're looking at a decrease?

Mr. TIDWELL. Well, it's basically a flat budget.

PESTICIDE REGULATIONS—CLEAN WATER ACT

Senator BLUNT. Let me mention one thing in that statement, though. Just looking at the Mark Twain National Forest, which is 1.5 million acres in Missouri, the estimate is that we're adding about 210 million board feet worth of growth every year, and we're harvesting 17.2 million. Adding 210 million, harvesting 17.2 million. That 17.2 million is worth about $2.1 million. The 210 million would be worth about $21 or $22 million.

Just on the record, you know, I really think one of the ways to manage the forest is to go in there and be sure that we're doing the management job we should do and capitalizing on these resources at the same time.

Another resource that I think could be huge for the country and for our State would be the whole idea of woody biomass, and what we can do with that, and the resource that provides for the USFS.

I've got a couple of questions, though, to ask specifically on. I want to be sure and get in the time the chairman's given me here.

And one is that the Environmental Protection Agency's (EPA) attempting to classify pesticide application to crops and to forests as point source, which subjects them to the Clean Water Act. There's already a lot of Federal laws in place to control pesticide applications.

I think this is going to have a real impact on forest managers. And I'm wondering—has the USFS reached out to the EPA on behalf of the managers to challenge this addition of forest into the point-source category?

Mr. TIDWELL. Well, Senator, we work with the EPA on all of their regulations. One of the things that I always want to stress with them is the need for us to be able to do the forest health work, the restoration work, and the timber harvest work to maintain and restore these forests. We work very closely with the EPA, so that the regulations that they move forward do not necessarily restrict those activities that are so important, but actually allow those activities to go forward.

We continue to have discussions on all of their regulations, so that we can move forward in a way and still do the work that has to be done on the landscape.

Senator BLUNT. On this one, are you in agreement with the forest being a point-source designee?

Mr. TIDWELL. Are you referring to this under-the-roads portion?

Senator BLUNT. I think that's right.

Mr. TIDWELL. Oh.

Senator BLUNT. Under the—no, this is, this would be pesticides. Director, do you want to clarify what I'm—

Mr. TIDWELL. You know, Senator, I'll have to get back to you on this one.

[The information follows:]

In January 2009, the Sixth Circuit Court of Appeals determined that residues of chemical pesticides and biological materials are point-source pollutants. Because of that court finding, the Environmental Protection Agency (EPA) is obligated under

the Clean Water Act to develop a National Pollutant Discharge Elimination System (NPDES) permitting system for pesticide applications on/over/near waters of the U.S. Most States have "primacy" under the NPDES program, and will develop permits at least as stringent as those requirements that the EPA establishes. The United States Forest Service (USFS) will need to establish internal procedures to meet State-level requirements of NPDES permits. Our forest health protection program is the USFS lead for pesticide management and has been engaged over the last couple of years in talks with the EPA on development of their proposed NPDES Pesticide General Permit (PGP). Because State requirements are still yet-to-be determined, pending the release of the EPA PGP, the impacts on our agency are still largely unknown. We will continue to maintain communications and work with the EPA to ensure that we stay current on the PGP timeline and subsequent State requirements.

Senator BLUNT. All right. That would be great. That would be great. I'd like to hear more about this. Because I think it's a new—it treats them in a different way than they've been treated in the past. And I think it creates a management challenge. So, well, let's, let's keep talking about that.

Mr. TIDWELL. Okay.

THOUSAND CANKERS DISEASE

Senator BLUNT. That was actually going to be my next thing to say on that. Well, let's continue to talk about it and see if there's not a better way to do this, than to create another management nightmare for forest managers that you represent, including the forest management that the Government itself does.

I also wanted to be sure and call attention to a disease that threatens black walnut trees. It's called the thousand cankers disease. And I know you're familiar with it already. It's domestic. I think Animal and Plant Health Inspection Service only gives priority to exotic, invasive species. I'm not sure what the treatment will be with thousands cankers, but I do know that it has the potential—at least I'm told it has the potential to wipe out millions of, and billions of black walnut trees in Missouri and in other places. And just a little comment on where we're headed there would be helpful, Chief.

Mr. TIDWELL. Thousand cankers disease has been out West for years, and it really hasn't been a major concern. But now, as it's moved eastward, and especially to black walnut, we're very concerned. Our research scientists are now focusing on that to try to discover the insect vector with this pathogen, so that we can develop some type of either biological control or insecticide, et cetera, to be able to stop this before it really gets established more than where it is right now.

Senator BLUNT. And the reason it was less of a problem in the West than it will be as it moves into the eastern tree species is what?

Mr. TIDWELL. Well, for instance, the black walnut is a highly valuable tree. Some of the species that it's infested in the West, those species have evolved with it, so it doesn't take out all of them, it just reduces some of those stands. They're usually the less profitable trees where we've had this disease. So actually out West, it doesn't really cause a big problem.

The other thing we want to also look into is, what's created this change now allowing thousand cankers disease to start moving East, so that we can also understand if there are some things that

we can change so it can't go even further East, or head North, or wherever. So that's the other thing that we want to look into—not only the specific control, but to understand, what's changed and if it's some type of change in our climate that's allowed this pathogen to expand, or what. That's the other thing that we're looking into.

And there's some urgency to get ahead of this before it becomes a major problem.

Senator BLUNT. Well, if you'll put me on your list to update on this——

Mr. TIDWELL. Yes.

Senator BLUNT [continuing]. As you look at it, I'd be very pleased to be both involved and supportive in your efforts there.

And thank you for the time, Chairman.

Mr. TIDWELL. Thank you.

Senator REED. Thank you.

Senator Hoeven.

AGRICULTURAL MEDIATION SERVICE

Senator HOEVEN. Thank you, Mr. Chairman.

Chief, good to see you again. Thanks for being here today.

And, Ms. Atkinson, thank you as well.

Also, Chief, I want to thank you for coming out to North Dakota and spending some time with our ranchers in the grasslands. We appreciate it very much. And you were very responsive after your testimony in front of the Energy and Natural Resources Committee. So thank you very much. And, I think that your visit out there was well received.

I guess I want to follow up on a couple of the issues that we discussed, and that I know you had opportunity to discuss with the grazing associations and our ranchers in the grasslands, and make sure that your planning—both in terms of your management plan, but also in terms of your budget—to follow up on some of the things that are of particular importance to our ranchers and grazers.

The first relates to use of the Ag Mediation Service. And I'd like your comment both in terms of using the Ag Mediation Service up front when those contracts are signed with a grazer—well, I actually should take a step back—in negotiations with the grazing associations, but then also contracts with the grazers, and then ongoing dispute resolution. So, if you would comment on all three of those?

Mr. TIDWELL. Senator, what we had discussed when I was out in North Dakota is to be able to use certified mediators to help in two steps of the process.

The first one is, before we even start any of the proposed projects or a proposed NEPA, to address the grazing agreements and to use those certified mediators to help bring people together so we have a better understanding of the issues, whether it's issues the USFS has or issues the grazers have, so that as we move forward there is a better understanding of just what we need to address.

Then, the second part is during our pre-decisional process, before a decision is made, to actually use the certified mediators to really bring the parties together and talk through that prior to when that decision's made.

We felt those were the two areas that we could probably have the most benefit, to use the additional skills available to really head off some of these issues before a decision's actually made.

Senator HOEVEN. Delineate in your mind where you have agreement with the grazers, the grazing associations, and where you don't.

Mr. TIDWELL. It's different, probably, with each of the associations where we have agreement. There is definitely some disagreement over which parts of the grasslands have the biological potential for the high structure, to produce grass high enough to address the wildlife habitat concerns. We have come to agreement with the university to go forward with the study to be able to help determine that. I think once completed, that'll go a long way to resolve what I believe is probably the number one issue that we have with the grazing associations.

I think bringing people together and having them sit down with a certified mediator can resolve a lot of the other issues that have continued at times. We need to focus on not only maintaining the grasslands, but continuing to do it in a way that not only sustains grazing but also can increase wildlife habitat opportunities.

GRAZING MANAGEMENT—WILDLIFE HABITAT

Senator HOEVEN. Are you willing to wait to get the study—and I appreciate you using the range scientists at North Dakota State University. I think that's helpful, both because they're very good, but also, because the grazers in our part of the world have confidence in them and tend to know them. And so they have a higher comfort level with them.

But both as to the structure, the grass structure and so forth, as it relates to wildlife like the sage grouse, and as it relates to current management practices and any change you would make in your management practices, are you willing to look at those studies first, get some agreement with the ranchers, hopefully, a meeting of the minds, use some of those mediators if you need to, to get that meeting of the minds, before you go forward with the new management plan?

Mr. TIDWELL. Well, Senator, without having the specific knowledge of the status of each one of those agreements, and also which allotments we've completed, to determine whether we have the biological capability or not, I would suggest that we look at each situation on its own merits and make that determination of where we have adequate data to be able to move forward. Where we don't, then we need to wait and collect additional information.

Most, if not all the ranchers are good managers. We share the same results. They want to be able to sustain that forage so they can go out year after year. We all know that no two years are the same, as you well know in your State. That's the other thing we have to factor into it—every year we have a different amount of precipitation, and a different amount of growth that occurs. We need to collect information over a period of time, and then we can make adjustments.

The other thing is that these adjustments don't have to be permanent. They can be very flexible depending on each year because no 2 years are going to be the same. I think the other key part of

is to be able to reach an agreement about—this is what we want the grasslands to look like when we're done each year and then to work together to have the right stocking level out there. That's where the ranchers are in the best position to make that determination.

Senator HOEVEN. Mr. Chairman, with your indulgence, if I could——

Senator REED. Go right ahead.

Senator HOEVEN [continuing]. Continue for just a minute.

Well, two things. First off, you're absolutely right. For example, this year there's going to be a lot of high structure, because it's been, well, you know, even when you were out there, and there's been a lot of rain since then. So you're absolutely right about no two years are the same.

But both in terms of, with some of the individual grazers who are anxious to get their contract or their leases signed, using those mediators could really be helpful. And I'd strongly urge you to do that wherever you can.

Second, in a lot of other cases, both with individual grazers and the associations, really working on, together with them on the studies to get the results——

Mr. TIDWELL. Yes.

GRAZING ASSOCIATIONS—FREEDOM OF INFORMATION REQUESTS

Mr. HOEVEN. Get a competence level, and then go forward with your agreements. I'd strongly urge you to do that. And I think that you've shown a willingness to work with them that I greatly appreciate.

And the only other thing that I'd throw out, because my time is up, is, at least one of the grazing associations, if not more, has a Freedom of Information Act request into—and it's been pending for quite some time. And I'd really encourage you to respond to them on it. And if there's some issue or impediment, maybe you can let my office know, and we can try to follow up and help you with it.

LWCF—PRIORITY LIST

Mr. TIDWELL. Okay. Thank you, I'll do that. We'll, look into that tomorrow.

Senator HOEVEN. Okay. Thank you.

And thank you, Mr. Chairman.

Senator REED. Thank you, Senator.

Let me begin a second round, and, by following up on Senator Johnson's question with respect to the LWCF.

Now that you have an idea of the funding—in fact, a good idea of the funding for fiscal year 2011—and which projects you can complete, do you expect to send us an amended list for fiscal year 2012 that will take into account the projects in fiscal year 2011 priority list that were not funded?

Mr. TIDWELL. At this time, we're not planning to send up a changed list. The projects that were not funded in fiscal year 2011 are the ones that we'd like to consider for our fiscal year 2013 proposals.

SECURE RURAL SCHOOLS PROGRAM

Senator REED. Okay.

Let me turn to the issue of the Secure Rural Schools program. And both Senator Murkowski and I have indicated the challenge this poses to our budget. Discretionary funding of $328 million, as you said, Chief, if you take it out, you have a flat budget, basically. So, you've had to make some hard calls within your budget to do everything before you even got to Secure Rural Schools program.

Previously, this was a mandatory funding program, so it didn't impact your budget. You also recognize that we had to cut 8 percent from the fiscal year 2011 continuing resolution. We don't have the Senate allocation yet. We have to fix the errata, which we mentioned before. And the House is working with a 10 percent reduction below their fiscal year 2011 funding. So, there's huge pressure on the budget, and yet now we have this new program, more or less.

And one other point I'd add, too, is, the shift from a mandatory program to a discretionary program, even for those schools that are benefiting, given the difficulty of funding discretionary programs, this is not something I think they can bet on for a long time, or feel secure about. So that's another aspect.

But, essentially—and I'd be very eager for my colleagues to discuss it, and I'm sure we'll talk about this—are you working with the authorizers to continue this as a mandatory program, so that we have flexibility in the budget to do more traditional USFS activities?

Mr. TIDWELL. We've made it clear that we're very interested in finding a way to make this mandatory. I think everyone agrees. We agree that ideally that would be probably the best approach. As we were putting together our budget proposal, as you folks well understand, it was difficult for us to find the funding for a mandatory program.

At the same time, it's such an important program, especially to these counties, and it provides the funding for their schools and their roads. This is also not the time for this program to be discontinued in our view. We have put it in the budget and understand the consequences. At the same time, we want to work with the authorizing committees. We'll work with this subcommittee. We'll work with anyone that has some ideas about how to pursue the mandatory program.

Senator REED. Well, obviously, we look forward to working with you. Just looking at the terrain at the moment, if we get something close to the House allocation, a 10 percent reduction, then, you know, no program, I think, is sacred. So, we're going to have to do something about this program.

And again, I can see the premise behind the program. There was a loss of jobs, abrupt loss of jobs because of changing rules about timber cutting; communities who were at risk. And, frankly, my colleagues want, as I would, to protect their constituents. But it seemed to be a 5-year program that would have a finite point. And that point now is being extended.

And also, there are some communities that are still suffering grievously—unemployment rates about 10 or 11 percent. But, look-

ing quickly at some of the other recipients, I've seen unemployment rates down to 2.7, 3.1, and 4 percent, which are, trust me, relative to Rhode Island, in fact, relative to Alaska, they're doing pretty well. So, there are a lot of issues we have to deal with in the context of this program. And, obviously, we're going to be working with you. And I'm working with the ranking member to see what we can do.

PRIORITY WATERSHEDS AND JOB STABILIZATION PROGRAM

Let me turn to another topic. That's the Priority Watershed and Job Stabilization program. What's the current status of the Watershed Condition Framework classifications? How far are you along?

Mr. TIDWELL. We have completed our assessment, and now have all 15,000 of our watersheds done. Basically, we've classified their current conditions, if they're healthy and stable, if they're at risk, or if they're actually an impaired watershed. We used a set of 10 to 12 criteria to make that determination. We have completed that, so we now have our baseline. As we move forward with our work over the years, we're going to be able to track the improvement by watershed.

Senator REED. Now, you've essentially prioritized these watersheds as you've described. Is there a geographic trend? Or, are you going to try to devote resources across the country based upon these critical or deficient watersheds? Is there any geographic principle?

Mr. TIDWELL. We have watershed concerns in every region of this country. The way I envision this will work is that, within our regions, they'll make some determinations about what is the best investment and where is the best place to do the work.

I don't see any shifts in resources between regions. But I do see there will probably be a shift within national forests and also a shift in where we need to make the investment. For some of our watersheds—it's really a forest health issue. If we have a concern about potential catastrophic fire in there and the impacts, that might be the highest-priority work. In another watershed, it may just be improving the drainage on a few roads. I mean, that's the sort of thing that would really help us to identify, where's the best investment to make?

You will see shifts in some areas as to what type of work we need to focus on first. But I don't believe you'll see any shifts between the regions on this, and it will probably be more shifts within the forest activities.

Senator REED. Can I ask a final question before I recognize the ranking member, and that is, it's called the Priority Watershed and Job Stabilization program. Can you kind of give me the concrete link between the watershed condition and job stabilization? I mean, how does this focus on jobs, or differentiate from other parts of the IRR, and any other elaboration about the job effect?

Mr. TIDWELL. Well, the connection with jobs is that, with this priority watershed focus, we want to look at larger landscapes. It's one of the places I feel we can gain some efficiencies. In the past, most of our planning and project design has been focused on relatively small acreages—500, maybe 1,000 acres. We want to look, encourage our forests and grasslands to look, at much larger

project areas, like up to 10,000 acres, so that we can gain some efficiencies. Also, we want to use stewardship contracting to be able to provide some certainty about the amount of work that's going to be done over the next few years. That is one of the places where we can, I think, increase jobs.

By looking at larger areas this time, we'll just be able to get more work done, and thus be able to put more people to work.

Senator REED. Thank you.

Senator Murkowski.

SECURE RURAL SCHOOLS PROGRAM

Senator MURKOWSKI. Thank you, Mr. Chairman.

Just to follow up with the Chairman's questions about the Secure Rural Schools program. I think you've heard from the subcommittee here, as well as the Energy Committee—a great deal of concern about where we are with the Secure Rural Schools program right now and how it continues to meet the needs. I think the Chairman's noted that it is appropriate to be looking at it, but recognizing that in, for instance, in many of the communities in the Tongass that receive Secure Rural Schools program funding, there is no other economy there to grow to. And we've had this discussion before.

A question for you with regard to, if we were to determine that within this fiscal year 2012 budget, that the funds that have been requested are appropriated, how will the funds be allocated? Do you, will you be sticking to the current formula, working with authorizers to revise that formula? What are you thinking at this time?

Mr. TIDWELL. We want to work with the authorizing committee to develop the legislative proposal. We made some, in my view, significant improvements when we re-authorized this 5 years ago from the initial authorization. I think there's an opportunity to continue that. We want to be able to work with the authorizing committee about how this would actually work over the next 5 years.

TONGASS ROADLESS SETTLEMENT—TIMBER SALES

Senator MURKOWSKI. Okay. I want to take you back to the Tongass and the impact of the Roadless decision on the long-term.

As we, as you know, historically, the allowable board feet that have been put forth historically have been enough to sustain the area. The allowable sale quantity for the Tongass is 267 million board feet. But according to your own figures, the average offer level over the last 5 years—even with the Roadless exemption—has only been about 36 million board feet.

So, if we are now to assume that the Roadless Rule applies in the Tongass, how do we deal with these, just, abysmally low numbers?

Mr. TIDWELL. Well, Senator, as I've expressed, we've not been happy with the amount of work we've been able to get accomplished on the Tongass over the last few years. I am optimistic with the focus on our transition plan—the focus to work, bring people to the table and provide more of a collaborative environment up there—that we are seeing some changes, and we saw that in 2010.

Senator MURKOWSKI. But, unfortunately, we're seeing—many of those who have been willing to collaborate and sit around the table at the Tongass Futures Roundtable, they're peeling off of that. And that's disappointing, I know, for you, certainly for me, and for those that have invested so much time.

But do you really still feel that level of optimism?

Mr. TIDWELL. Well, I do. It's based on what we were able to accomplish in 2010, what the forest is planning to do in 2011, and what they're planning to do in 2012—even with the latest court ruling.

I think, one of the things we need to do is to be able to move forward, to build some trust and credibility with the folks that have been on the roundtable, so that they can see that their hard work and the time that they spent working together is starting to pay off. They need to be able to actually get some work accomplished so that we can maintain the existing wood products infrastructure still there.

TONGASS ROADLESS SETTLEMENT—TONGASS LAND MANAGEMENT PLAN (TLMP)

Senator MURKOWSKI. Well, I am usually a person that says the glass is half full. But I have been less optimistic, less encouraged—and certainly now, since this decision on the Roadless has come out, I feel pretty discouraged. That's why I started off my comments today asking if your folks would be willing to sit down with the people in Wrangell to talk about a local plan there. Maybe it's bit by bit that we're able to offer some degree of hope. But, I feel very, very discouraged and very frustrated right now.

Do you think that the court's ruling is going to require that we rewrite the TLMP? And if so, if we've got to do the rewrite, how long is that going to take? What's it going to cost?

Mr. TIDWELL. Well, the reinstatement of the 2001 Roadless Rule by itself would not require us to revise that plan. I think we need to look at the Tongass plan, like all of our plans that we have to look at from time to time, and assess the current conditions to see if there's a need to do a revision or an amendment. That's one of the things that we're hoping to change with our proposed planning rule to be able to have a process that makes it easier to amend forest plans so that we don't spend the years, or in the case of the Tongass, a decade, to actually complete a plan, or complete a revision.

The 2001 Roadless Rule in itself would not require us to do a revision.

Senator MURKOWSKI. But would you agree that if, in fact, it was rewritten, if you did have to rewrite it, wouldn't the allowable sale quantity be drastically reduced from what we currently have?

Mr. TIDWELL. You know, it would be my expectation that it would probably be reduced.

AIR TANKERS

Senator MURKOWSKI. So the glass is getting emptier.

One last question for you.

And then I'll quit here, Mr. Chairman.

And this is regarding fire aviation and our tanker replacements. I got a letter from the Governor of the State, who is concerned about the USFS not including any water-scooping amphibious aircraft—either the Bombardier or the CL–415s—as you're looking to the replacement of the aging firefighting aircraft. The State of Alaska and the Bureau of Land Management both seem to really like the water-scooping aircraft. They seem to be working well within the State.

What is the strategy for replacement of the aging air tanker fleet? And, kind of, where do you see that going?

Mr. TIDWELL. Well, I was hoping to have that completed by now. But, the RAND Corporation that's doing the study for us has not completed their work. We're hoping to get that here in the next month or so. Once we receive that, that'll probably be the last piece of information we need to move forward with our strategy.

We want to look at all the various aviation resources that are available, and then look at which resources should the USFS provide? Which ones should the Department of the Interior provide? Which ones should our States, our cooperators provide? So that we have the right mix of resources.

The Department of the Interior, I know, has a couple of scoopers under contract. The State of California often will bring planes down from Canada during their fire season. We'd use those in the Great Lakes sometimes. So, I think it's one of the tools that just needs to be included in the overall mix of aviation resources.

Senator MURKOWSKI. Do you see a situation where private industry could purchase some of these aircraft, and then work out some kind of a leasing arrangement? Is that something that is considered in part of the strategy here?

Mr. TIDWELL. Yes, the RAND Corporation will provide their views, their findings on what is the right mix of how many large air tankers, how many small air tankers, the type of air tankers, whether they're water scoopers—they will provide us some insight into that.

The other part of it is that we'll have to really look at is what is the right way to acquire or maintain these resources? I believe that we're going to have to look at every option that we have. Our contractors that are currently providing our large air tankers have done an outstanding job to be able to keep these planes flying with these aging aircrafts. As we move forward, we're going to have to find some replacement solutions for our large air tankers. We know that. But there are various options, and part of that is definitely to continue to work with our contractors or with others that want to get into this business.

Everything's going to be on the table as we determine what is the most economical way to go forward. I believe it'll probably take a mix of about every option that we have for us to be able to do this.

Senator MURKOWSKI. Well, I'm glad to think that you're thinking pretty holistically about how you're going to have to approach it. I think we recognize that when we're dealing with these tough budgets, some of these line items are going to raise some eyebrows. We know that it's going to be expensive to replace them, but we also know that we have to have them, that this is an asset that's

going to be necessary as we deal with the fires, whether they're up in my State or out in Senator Tester's part of the country.

And we recognize the risk that the men and women who are fighting these fires place themselves in. We want to make sure that the aircraft that are working, as well, are also safe so, that we don't have accidents there. So, big balance.

Mr. Chairman, I thank you for the indulgence and extra 5 minutes.

And thank you, Chief. Appreciate it.

Senator REED. Thank you, Senator Murkowski, for your questions, and for your participation. So, thank you.

Chief and Kathleen, thank you very much for your testimony today.

ADDITIONAL COMMITTEE QUESTIONS

If there are any questions for the record, I would ask my colleagues to submit them by next Friday, May 27.

And obviously, Chief, we would ask you to respond as quickly as you could to written questions.

[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 JACK REED

REDESIGN PROCESS

*Question*. The State and private forestry programs are critical for Rhode Island and the region. In particular, the cooperative programs of forest stewardship, forest legacy, the urban and community forestry, and forest health are the foundation for program delivery at the local level. The United States Forest Service (USFS) has begun a redesign process of State and private forestry programs with an increased emphasis on a competitive process for funding, pooling funds from multiple programs and taking 15 percent of those funds and designated them to the new competitive program. This program could provide opportunities for all States to benefit from new, innovative ideas. However, it is important to have a balance and ensure that States have the funding they need to continue to meet their fundamental programmatic goals.

What has been the impact on funding for the cooperative programs in Rhode Island and the Northeast region under the redesign process? Specifically, what has Rhode Island and the region received in formula and competitive grants for the 2 years prior and each year since the redesign program, and how much would those States have received if there were no redesign in the funding process? In addition, what are the projected funding levels for Rhode Island in fiscal year 2012 in the President's budget and current operating plan of the redesign process, and what would the projected levels be if there were no redesign process?

Answer. In the Northeast region, most States fare better under the redesign process than they would without it. If the redesign process was not in effect it would not necessarily mean that all of those funds currently allocated competitively via the redesign would be allocated to States via formula.

Redesign was implemented starting in fiscal year 2008. The following table shows the amounts that Rhode Island received from 2006 to 2011 in cooperative programs with redesign and estimated amounts without redesign based on historical cooperative program allocation methodologies.

| Fiscal year | With redesign | Without redesign |
|---|---|---|
| 2006 [1] | $595,095 | ([2]) |
| 2007 | $620,386 | ([2]) |
| 2008 | 611,342 | $542,010 |
| 2009 | 576,100 | 583,760 |
| 2010 | 800,561 | 805,361 |

| Fiscal year | With redesign | Without redesign |
|---|---|---|
| 2011 | [3] 636,806 | 583,173 |

[1] Does not include forest legacy project funding or the American Recovery and Reinvestment Act of 2009 funding.
[2] Not applicable.
[3] Estimated.

We expect Rhode Island will receive about 3 percent less core funding in fiscal year 2012 than in fiscal year 2011, accounting for the reductions in applicable State and private forestry programs proposed in the fiscal year 2012 budget justification. Rhode Island also received $48,000 in redesign competitive funds in fiscal year 2011. However, it is unknown at this time whether Rhode Island would receive more or less funding of this type in fiscal year 2012 as the competitive process is currently underway.

The following table displays the funding that all other States in the Northeastern area have received prior to and following implementation of redesign which occurred in 2008. The table also indicates estimated funding that would have occurred without redesign.

| State | Fiscal year 2006 | Fiscal year 2007 | Fiscal year 2008 | Fiscal year 2008 without | Fiscal year 2009 | Fiscal year 2009 without | Fiscal year 2010 | Fiscal year 2010 without |
|---|---|---|---|---|---|---|---|---|
| Connecticut | $566,353 | $643,744 | $1,014,341 | $729,445 | $692,097 | $652,908 | $839,621 | $888,955 |
| Delaware | 585,786 | 585,780 | 776,167 | 558,541 | 568,538 | 553,912 | 528,556 | 534,156 |
| Iowa | 985,768 | 968,193 | 1,461,507 | 936,966 | 1,367,481 | 896,940 | 2,108,336 | 1,005,872 |
| Illinois | 1,369,140 | 937,685 | 1,794,860 | 1,508,988 | 1,358,578 | 1,593,550 | 1,151,052 | 1,210,712 |
| Indiana | 1,009,156 | 1,054,086 | 1,130,821 | 1,023,165 | 1,265,951 | 1,125,704 | 1,601,179 | 1,281,890 |
| Massachusetts | 788,592 | 899,929 | 1,066,312 | 967,016 | 1,030,931 | 966,898 | 1,392,240 | 1,064,047 |
| Maryland | 991,941 | 969,754 | 1,048,238 | 977,457 | 1,110,810 | 1,005,594 | 1,198,651 | 1,088,973 |
| Maine | 1,364,764 | 1,432,366 | 1,352,719 | 1,502,817 | 1,664,914 | 1,593,874 | 2,077,137 | 1,722,238 |
| Michigan | 1,835,151 | 2,226,190 | 2,278,720 | 2,300,419 | 2,541,342 | 2,336,626 | 2,071,368 | 2,333,767 |
| Minnesota | 1,655,628 | 1,673,780 | 1,605,033 | 1,639,593 | 2,016,194 | 1,743,575 | 1,917,506 | 2,076,423 |
| Missouri | 1,557,001 | 1,612,844 | 1,555,989 | 1,628,229 | 1,920,246 | 1,740,058 | 1,641,328 | 1,783,323 |
| New Hampshire | 814,340 | 852,879 | 757,408 | 817,230 | 858,627 | 831,749 | 1,321,680 | 845,906 |
| New Jersey | 853,793 | 841,537 | 859,791 | 1,022,763 | 1,223,340 | 1,219,874 | 1,075,975 | 1,276,634 |
| New York | 1,941,144 | 2,370,898 | 2,192,554 | 2,719,401 | 2,960,915 | 2,819,203 | 2,482,017 | 3,041,044 |
| Ohio | 1,462,756 | 1,532,074 | 1,965,988 | 1,667,520 | 1,456,865 | 1,534,025 | 1,500,904 | 1,762,108 |
| Pennsylvania | 1,399,397 | 2,067,392 | 1,552,856 | 1,863,030 | 2,085,362 | 2,221,370 | 2,741,349 | 2,619,048 |
| Vermont | 694,818 | 726,295 | 800,241 | 736,503 | 1,413,321 | 792,743 | 1,126,306 | 786,216 |
| Wisconsin | 2,092,958 | 1,959,994 | 2,284,811 | 2,014,168 | 2,315,816 | 2,187,470 | 2,449,154 | 1,977,104 |
| West Virginia | 1,136,784 | 1,322,140 | 1,161,956 | 1,230,334 | 1,446,253 | 1,362,901 | 1,365,297 | 1,399,616 |
| Total | 23,641,365 | 25,232,946 | 26,660,312 | 25,843,585 | 29,297,581 | 27,178,974 | 30,589,656 | 28,698,032 |

*Question.* Going forward, what is the outlook for the redesign process? For future years, what will be the minimum level or percentage that goes out in competitive bids, and who makes that decision?

Answer. USFS anticipates that the percentage of funding that goes into redesign will remain the same. Of the net available for State and private forestry funds, traditionally 15 percent has been awarded to State forestry agencies via the competitive process (not including forest legacy; volunteer fire assistance; and forest health management—Federal lands). This level is after congressional requests and national commitments are removed. The Deputy Chief of State and private forestry work in conjunction with the State foresters to make that decision.

*Question.* In addition, how can we give a commitment to smaller State programs which may have limited capacity to compete for funding in order to ensure their continued capacity to meet the programmatic goals of the cooperative programs?

Answer. All States, regardless of size, receive and will continue to receive core State and private forestry funding that supports their capacity to meet State and private forestry program goals. In addition, the Northeastern area has partnered with the Northeastern Area Association of State Foresters (NAASF) to implement an approach that focuses Federal investments on issues, challenges, and opportunities across the landscape. The purpose of the competitive allocation of funds is to shape, influence, and enhance forest land management on a scale and in a way that optimizes public benefits from trees and forests for both current and future generations. This model has been designed to address on-the-ground priorities, integrated across program areas, with the goal of delivering Federal funds to non-Federal partners.

USFS views the annual competitive allocation as a partnership where we have a regular dialogue with States and NAASF. We have joint goals to ensure the fairness of the process and the ability of each State to compete for the available noncore funding. The USFS works on many fronts to provide training and support to help deliver grant applications that will compete and rank fairly against other States. In New England and the mid-Atlantic, the USFS serves States that are smaller geographically than others, yet are extensively forested and densely populated.

USFS has a network of field offices with responsibility to meet the needs of these States. Field representatives work directly with each State forester to deliver Federal programs. Additionally, our field offices have technical staffs who work cooperatively with technical staff at the State level to accomplish results. Our field representatives and technical staff advise States on the development of strong grant proposals, through training, technical visits, and coordination and information sharing among States. The work is done in a one-to-one manner, as well as in a networking fashion. States also network amongst each other to address common issues. Many of the funded 2011 competitive allocation grant applications involve landscape projects across multiple States.

In addition to our local leadership and technical work with States, our regional grant administration staff provides frequent training to States and works daily with State forestry agencies, from the development of grant proposals through delivery on funding and execution of work on-the-ground. Where States have been unsuccessful in competitive allocation bids in the past, the field representative and field staff makes a focused effort with that State the following year to help them compete, individually or in partnership with other States facing similar issues.

FOREST LEGACY PROGRAM (FLP)

*Question.* FLP has been a great success in Rhode Island. FLP funds have been effectively leveraged with State, local, and private funds to protect forested lands that will be managed according to conservation values, while at the same time contributing to the local economy by conserving working forest landscapes. There are two important phases of the conservation process: the acquisition itself and the ongoing oversight of the land. Land acquisition for forest protection can be a complex undertaking involving multiple funding sources with different administrative processes and reporting. In addition, each FLP acquisition will demand oversight and compliance activities including field review to assure commitment to baseline conditions and forest stewardship goals.

As more lands are protected under FLP, is there a role for greater partnerships between the Federal and State officials to ensure the proper management and oversight of acquired lands? In addition, is there a way to ensure that States have the necessary resources, such as training and staff, to comply with all responsibilities to effectively implement this program over time?

Answer. Yes, in acquiring lands and especially conservation easements, States have taken on perpetual stewardship responsibilities. Upon entering the FLP,

States have committed to managing and monitoring the lands and interests in lands acquired through FLP. This commitment is also in the grant agreement that States enter with USFS. Under current FLP implementation guidelines, no FLP funds can be used directly for conservation easement monitoring.

USFS provides each State with annual administration grant funds. These are separate from project grant funds. These can be used for due diligence costs for FLP projects such as appraisals or surveys, staff salary, training, and to purchase necessary software or equipment for conservation easement stewardship. Administration grant funds and project grant funds may be used for development of baseline documentation reports and forest stewardship plans.

USFS has strong partnerships with the States that participate in the FLP. USFS provides training to States on conservation easement stewardship. This is done through national and regional FLP managers meetings and through conservation easement monitoring training sessions. One such training is planned by a field unit in July of this year. As noted earlier, States may use FLP administration grant funds to attend USFS-sponsored trainings or other trainings and may also use their administration funds to visit other States to learn about their conservation easement stewardship practices. There are examples of States using their administrative funds to do both of these activities.

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## QUESTIONS SUBMITTED BY SENATOR DIANNE FEINSTEIN

### MARIJUANA CULTIVATION ON PUBLIC LANDS

*Question*. As you may know, my home State of California once again led the Nation with more than 70 percent (7.1 million) of all the marijuana seizures in the United States. It is our duty to protect these lands for all Americans and allow for safe, uninhibited access to our Nation's treasures. For the past 2 years, our national forests have been the largest home to illegal marijuana cultivation grows in California. In 2010, the U.S. Forest Service (USFS) Pacific Southwest region eradicated more than 3 million marijuana plants with a street value of more than $3 billion on 585 grow sites.

What funds have been allocated to combat this problem in the Pacific Southwest region or more specifically California forests?

Answer. USFS did not receive any funds specifically for drug enforcement. In fiscal year 2010, law enforcement and investigations spent 10.4 percent, $15.2 million nationally, of our $144,252,000 general allocation on drug enforcement and investigation operations. Of the $15.2 million, $6.6 million was spent in California for drug trafficking operation activities on National Forest System (NFS) lands.

*Question.* Is money appropriated for marijuana eradication efforts spread equally or based on the grow threat of each forest?

Answer. The other eight regions of the USFS spent about 7.3 percent of their resources on drug enforcement. The law enforcement and investigations resources are utilized for eradication operations as needed on forests throughout the Pacific Southwest region.

In 2010, the Campaign Against Marijuana Planting (CAMP), a program operated and run by the California Department of Justice and Bureau of Narcotics Enforcement eradicated almost 50 percent of the marijuana located on USFS lands during large-scale operations. CAMP has praised your assistance on operations, the use of law enforcement, and the allocation of $200,000 in 2010 which assisted them greatly with budget cuts.

*Question.* How will budget cuts to the CAMP program affect eradication efforts on USFS lands in California?

Answer. The budget decreases to the CAMP program will affect eradication efforts on NFS lands in California. It is not known what the State of California will provide to the CAMP program.

*Question.* Given the focus of CAMP program on USFS lands, do you have plans to allocate funds to this program?

Answer. The fiscal year 2012 President's budget proposes funding CAMP at the same level as provided in fiscal year 2011 at $200,000.

I want to commend you for making the reclamation of marijuana grow sites a priority. I have been told that in 2010 the USFS Pacific Southwest region spent 33,500 man hours to reclaim 335 grow sites and remove more than 300,000 pounds of trash and debris.

*Question.* How much money was spent last year to reclaim these sites?

Answer. The Pacific Southwest region spent $2,435,000 to clean up the sites.

Per statistics reported to our office, California forests have a remaining 490 grow sites that have yet to be reclaimed causing environmental destruction and animal deaths.

*Question.* How much money has been allocated to reclaim the 490 grow sites?

Answer. While not specifically targeted, the cleanup of these toxic sites remains a priority for watershed restoration, balanced with other restoration needs. In fiscal year 2010, $3.5 million of NFS funds were allocated for site clean-up. In fiscal year 2011 clean-up remains a priority but no specific allocation was made.

NIGHT-FLYING HELICOPTERS AND AIRTANKERS STRATEGY

*Question*. Chief Tidwell, on May 26, 2010 you testified in front of this subcommittee that USFS would complete reviews of night operations and the optimal combination of helicopters and airtankers by January 2011. This did not occur, and I understand that now you do not expect to complete these reports until at least late summer. So I will once again ask you Chief: When will this subcommittee receive the *Helicopter Night Operations Study*; the RAND Corporation's *Determination and Cost Benefit Analysis of the Optimum Mix of Helicopters and Airtankers Study* (RAND Corporation Study); and the *Forest Service Large Airtanker Strategy* (Strategy)?

Answer. USFS is working on the *Helicopter Night Operations Study* and is coordinating with cooperator agencies in southern California to provide helicopter night-flying coverage for USFS fires. Additionally, USFS is analyzing the other alternatives in the draft study. We are continuing to implement night-flying helicopter operations through the use of State and local cooperators.

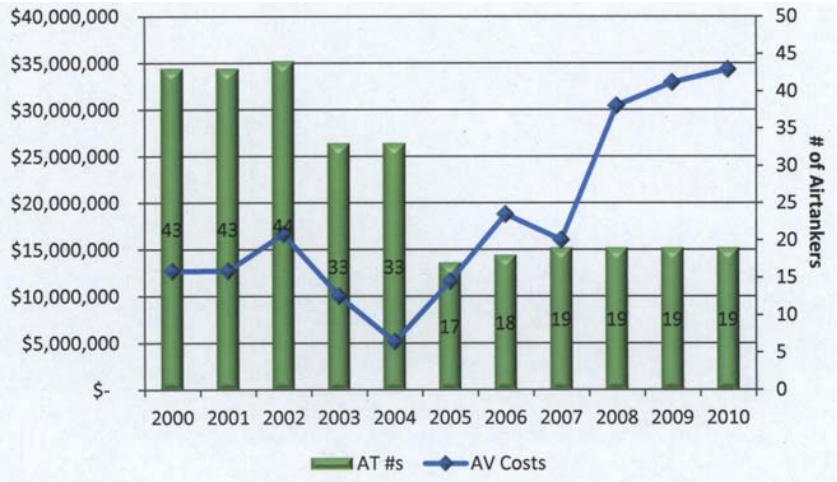
Similarly, USFS is also making progress on the *Forest Service Large Airtankers Strategy*. The RAND Corporation has asked USFS to provide additional tactical information to refine the models being used, which has delayed the delivery of the RAND report. However, USFS expects the RAND report to become available around the same time as the *Forest Service Large Airtanker Strategy* is released. Due to the complexity of the issues in the interagency environment; the high costs of multi-year contracts in the current budget environment; and the agency's desire to be effective, efficient, and safe, the reports have been delayed to ensure we get it right. These reports will be provided to the Congress prior to their release to the public.

NEW PLANE ACQUISITION

*Question*. I recognize that in this time of shrinking budgets that implementing a new night-time firefighting operation program or funding the acquisition of new planes will be a significant challenge. But the failure to address these problems is also becoming a burden to the taxpayer.

Compared to fiscal year 2002 what are the per-plane operations and maintenance costs of USFS' firefighting fleet? Absent an investment in newer planes, how do you expect these costs to change in future fiscal years?

Answer. The operations and maintenance costs per plane of USFS firefighting fleet have more than doubled since fiscal year 2002. In fact, in just 4 years, costs for daily airtanker availability have more than doubled—from just more than $15 million in 2007 to $35 million in 2010. This trend is expected to continue. The increase in costs is directly related to the expense of maintaining the airworthiness and safety of these aircraft for the firefighting mission.




*Question.* Since the precipitous decline in the number of firefighting aircraft began in 2002, annual expenditures on suppression have skyrocketed and the 10-year average has continued to grow. To what extent do these two trends correlate and why?

Answer. Annual expenditures on suppression activities are not only a function of what suppression resources are used but also other factors including weather conditions, location of the fire, fuel loadings, and overall fire season intensity and complexity. In the past several decades we have accumulated extreme fuels loads coupled with drought conditions in much of the West. This is where most of the fire activities occur and suppression expenses are accrued. The number and type of aviation assets in use do correlate with overall suppression costs, but the rapid increase in the cost to operate these aging planes overshadowed the respective decrease in the quantity under contract, and aviation assets are not the only factor in suppression costs. Projections from both climate and fire experts indicate we will have sustained, to above average fire conditions, in the near term. We expect suppression costs to stay the same.

NIGHT FLYING

*Question*. As the Station Fire proved in 2009, night-time aerial firefighting capabilities are critically important to containing fires in the WUI. This is especially true in southern California where high-value homes and property abut national forests and other public lands.

What modifications to USFS operating agreements have been made to clarify that night-time aerial fire operations are permissible?

Answer. Guidance has been provided to the regional foresters where cooperators are capable of performing night missions. The guidance is to update their local agreements, annual operations plans, and run cards to include these missions prior to commencing field operations.

*Question.* What changes have been made to your incident commander training courses to reflect this change in policy?

Answer. Incident Commanders have been briefed on the availability of this capability. A GO/NO GO checklist has been developed for aviation and incident commanders to complete prior to commencing any night operations on NFS lands.

ANGELES NATIONAL FOREST, MOUNT WILSON

*Question*. Mount Wilson, which lies in the middle of the Angeles National Forest, houses a number of communications towers and structures. This highly valuable infrastructure was threatened during the Station Fire. In an effort to protect this infrastructure from future fires, LA County Supervisor Mike Antonovich and LA County Fire Chief Mike Freeman asked that you increase the brush clearance requirements at this location to 200 feet. This request was made on November 23, 2009.

What steps have you taken to protect the valuable equipment on top of Mount Wilson?

Answer. In 2005, 160 acres of fuels reduction work was completed in the Mount Wilson observatory and recreation site areas. The treatments included thinning, pruning, pile burning, and chipping.

In 2008, the Los Angeles River District Ranger held a Mount Wilson stakeholders meeting to inform the stakeholders of the need for additional fuels work, and to attempt to raise the interest of the stakeholders to form a fire safe council in the Mount Wilson area. A Mount Wilson Fire Safe Council was formed in June 2008. Since that time, the forest has worked with that council to upgrade their water capacity and water systems. This includes repairing a large 530,000 gallon water cistern so that it can store water to be used for fire-suppression purposes. In fiscal year 2010, a $200,000 Fire Safe Council grant was divided among four other fire safe councils in the local area. The Observatory and the Mount Wilson television stations generally keep a large supply of stored water specifically intended for fire suppression, with a total combined capacity of more than 2 million gallons. Additionally, USFS has worked with local stakeholders to provide information on how and why to fireproof their structures and remove excess debris from their areas.

The Station Fire of 2009 threatened the Mount Wilson area, During the fire a "burn out" was conducted north of the Mount Wilson area to help reduce the fuel build-up and create a "black line" around the area. The back fire stayed in the ground fuels and backed down the hill to the north, protecting the facilities. This was successful because the back fire stayed on the ground as a direct result of fuel reduction projects that had been completed in 2005.

In May 2010, an environmental analysis was completed to implement an additional 736 acres of fuels reduction in the Mount Wilson area. This ongoing work will take approximately 3 to 5 years for completion and is being completed by Los Angeles County and USFS crews and includes fuels treatments such as thinning, pruning, and chipping.

*Question.* Why have you failed to enforce the county standard 200-foot brush clearance requirements at this location?

Answer. USFS regional direction issued December 17, 2009 allows for 100-foot defensible space around structures. However, permittees could only implement this new standard where applicable because many communication sites do not have 100 feet of brush to clear due to the presence of asphalt and concrete. All structures located at the Mount Wilson Observatory have at least a 100-foot of minimum defensible space and this standard has been implemented. We have achieved the 100-foot minimum defensible space clearance standard around the perimeter of all the communication site structures located at the Mount Wilson Observatory. We continue to have the goal of a 300-foot clearance. The forest has worked closely with Los Angeles County Fire to accomplish this effort.

*Question.* Will you implement the 200-foot clearance requirement before the beginning of the 2011 fire season?

Answer. Currently, the clearance is 200 feet on the south side of the communication sites, with a goal of 300 feet around everything. The forest supervisor of the Angeles National Forest has analyzed the situation, values at risk, and possible fire behavior and has made the decision to increase the defensible space clearance around the perimeter of the Mount Wilson Observatory and communication site structures to 300 feet. Also, the Mount Wilson Observatory received a National Science Foundation grant of $12,000 to complete hazardous fuel reduction work in their permit area. Additional appropriated funds just distributed to the Angeles National Forest allow for additional defensible space accomplishments to be achieved.

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## QUESTIONS SUBMITTED BY SENATOR PATRICK J. LEAHY

### FOREST LEGACY PROGRAM (FLP)

*Question.* In fiscal year 2011, the Forest Service (USFS) received only $53 million for FLP, just a little more than one-half of the budget request. This allocation was too little to finance the full list of 38 projects across the country. For fiscal year 2012 you are requesting funding for 46 projects, about 18 of which were on last year's list.

Are you setting unrealistic expectations by identifying so many new projects for fiscal year 2012 when many fiscal year 2011 projects went unfunded? What do you think subcommittee should do with respect to the fiscal year 2011 projects the agency was not able to fund last year? Are they expected to get back in line, apply again, and wait another year or 2 or 3? Or should preference be given to those projects that were not fully funded last year and have second phase on your request list for fiscal year 2012?

Answer. Consistent with the recommendations of the USFS Response to America's Great Outdoors report (March 21, 2011), the administration has expressed its desire to fully fund the Land and Water Conservation Fund, in response to the overwhelming public support for this program. The funding levels requested in fiscal year 2012 are consistent with the administration's goal. When the prioritized project list was developed for fiscal year 2012, we were still unaware of what the fiscal year 2011 appropriation would be. Certainly, this presented the States with a degree of uncertainty in how they should handle the fiscal year 2012 request for projects.

Since 2002 through a nationally competitive process, we have developed a prioritized project list. Projects are funded in accordance with congressional appropriations. Some projects submitted in any given year may go unfunded. States with projects that fall below the available funding needed to be resubmitted in the following year. Based on this history, States anticipated that if a project did not receive funding in fiscal year 2011 it would need to be submitted again in fiscal year 2012.

Selecting fiscal year 2011 lower-priority projects that were not funded by the Congress ahead of the high-priority projects on the fiscal year 2012 list will change the process that has been developed in consultation with the subcommittee and has been in place for nearly a decade. The process is designed to be open and transparent and facilitate dialogue with State partners and others. The fiscal year 2012 list in the President's budget justification is the order of priorities developed at the time of publication (February 2011).

*Question.* Do you think any Community Forest and Open Space projects will be completed this year? This program is something I fought for in the 2008 farm bill and I continue to hear from constituents as well as forest groups across the country that are interested in accessing it once the regulations are finalized.

Answer. The Community Forest and Open Space Program (CFP) was appropriated $500,000 in fiscal year 2010 and $1 million in fiscal year 2011. The final rule for CFP is undergoing clearance and we hope to publish the final rule in 2011. USFS plans to request applications shortly after the rule is published. We would like to award the first project later this year or in early 2012.

RESEARCH AND DEVELOPMENT

*Question*. The Forest Research and Development (R&D) funding request from the administration has steadily decreased over the last few years. The fiscal year 2012 request is $295.8 million, less than the fiscal year 2011 and fiscal year 2010 requests which were $304.4 million and $300.6 million, respectively. The Congress increased these numbers to $312 million in fiscal year 2010 and $307 million in fiscal year 2011. These funds support the Northern Research Station (NRS), which serves the entire Northeastern region and the Midwest. NRS relies on these funds to support research for white nose syndrome, which continues to plague bats in Vermont and States across the country. R&D also seems critical to supporting responses to climate change, which was identified as a USFS priority for fiscal year 2012. Our maple syrup industry in Vermont is struggling because of warmer winters and earlier springs.

Our maple syrup producers are also concerned that they will suffer even more though if something is not done to stop the spread of the asian longhorned beetle, which has already decimated other parts of the Northeast. NRS is also leading all research on this beetle for USFS. This forest pest poses an enormous threat if it reaches Vermont where it could devastate fall tourism, maple syrup, timber, greenhouses, and the State's nurseries.

*Question.* These problems are not going away, so how can the agency justify decreasing R&D funding, especially for NRS, which serves such a large portion of the country?

Answer. The fiscal year 2012 President's budget provides for a base level of funding to address priorities for research in climate change, forest inventory and analysis, watershed management and restoration, bioenergy and biobased products, urban natural resources stewardship, nanotechnology, and localized needs. The Research and Development Deputy Area, including NRS, has proposed the best-possible request to match science capacity and demands for services. We fully understand the critical needs in the 20 States of the Northeast and Midwest and in particular, the contemporary conservation issues facing Vermont.

Clearly, the threat of major forest pests such as the asian longhorned beetle, the emerald ash borer and other pests and pathogens that affect vegetation and wildlife will test our ability to ensure that environmental health and community stability remain in harmony and that there will be available resources to conduct leading-edge science. USFS will do all that it can to ensure the forests of New England re-

main healthy and sustainable so the long-standing goal of "keeping forests in forestry" in that region shall remain intact.

FOREST HEALTH PROGRAM

*Question.* Other cuts to programs, such as Forest Health on Federal Lands and Forest Health on Coop Lands, also affect insect and disease work. How can we be assured that our forests will be guarded against the spread of these growing problems with less funding for so many programs that address them?

Answer. USFS recognizes the important work that is done through our forest health programs. The President's fiscal year 2012 budget is formulated to balance the activities of different program areas, with some program reductions necessary to exercise appropriate fiscal prudence in these difficult economic times. The agency will continue to focus on the highest-priority prevention and suppression needs, including those for emerald ash borer, asian longhorned beetle, sudden oak death, western bark beetles, oak wilt, root diseases, hemlock woolly adelgid, white pine blister rust, sudden oak death, Port Orford cedar root disease and southern pine beetle; as well as slowing the spread of gypsy moth.

Also, the agency is committed to the Secretary's "all lands" vision for forest conservation and recognizes the need for greater collaboration across Federal, State, and private forestlands and the importance of maintaining working forest landscapes for rural economies. The agency will provide incentives for maximizing this "all lands" approach by utilizing a mix of programs to conduct work to address insect, disease, and wildfire risk on Federal lands and to expand this work on all lands while also involving programs beyond these budget line items.

RURAL DEVELOPMENT PROGRAM

*Question*. I am concerned how some of the USFS budget cuts will affect Vermont programs. The State and private forestry program, and in particular your rural development program is one that has yielded great benefits to Vermont at very low cost. USFS, through those programs has helped us realize real and significant economic development outcomes by supporting development and marketing of value added, locally harvested forest products. One of the most successful programs in Vermont has been support for the wood products collaborative funded through as a rural development through forestry project, within the economic action program. Many small but very effective forest based economic development initiatives have succeeded as a result.

Will forest-related economic development programs be eligible to compete for funds through these or other programs within the fiscal year 2012 funding request? If not, how else is the USFS supporting these efforts that are so vitally important to Vermont's private forestland owners?

Answer. The fiscal year 2012 President's budget does not propose funding for the economic action program, so Vermont would not be able to compete for funds through this program in fiscal year 2012. However, the USFS has other programs that support working forest landscapes for rural economies. In fiscal year 2012, the agency is requesting funding for the community wood to energy competitive grant program, which would provide State, tribal, and local governments support in developing community wood energy plans. In addition, the agency continues to support a small biomass grant program for the 35-State eastern hardwood region at the Wood Education Resource Center in West Virginia focused on maintaining or expanding the economic competitiveness and sustainability of wood products manufacturing businesses. The agency also continues to fund the competitive Woody Biomass Utilization Grant program which provides funding to help build capacity for biomass utilization in support of fuels reduction and restoration.

The agency's other State and private forestry programs also support forest landowners by providing funds for technical and financial assistance to monitor, assess and mitigate forest health conditions on non-Federal lands through the forest health cooperative program; by providing funds for fire management; firefighter training, and fuels treatment on non-Federal lands through State and volunteer fire assistance; and providing private forest landowners with assistance to develop comprehensive, multi-resource management plans so they can manage their forests for a variety of products and services through the Forest Stewardship program.

STAFFING LEVELS

*Question*. I notice that the USFS full-time equivalent (FTE) employment will be at an all-time low with this request. It appears you will have 1,819 fewer employees than you did in fiscal year 2010. Many of these loses are in important programs

such as wildlife and fisheries habitat management, forest products, vegetation and watershed management, and wildland fire management.

How do you plan to carry out your critical missions with such low staffing? Are your programs becoming more efficient or will you rely on more seasonal employees to carry out these activities?

Answer. The President's proposed fiscal year 2012 budget indicates a reduction of 1,819 FTE across the agency. However, not all programs would be equally affected nor would this necessarily result in a reduction in outputs. Some areas would increase. The President's proposed fiscal year 2012 budget shows an estimated increase of 167 FTE in National Forest System areas from 11,547 in fiscal year 2011 to 11,714 for fiscal year 2012.

Along with these changes the President's budget would include integrating activities such as wildlife and fisheries management, forest products, vegetation and watershed management, and portions of wildland fire management and road decommissioning into a single program of work referred to as Integrated Resource Restoration (IRR). Integrating these activities under IRR is expected to lead to increased efficiencies in performance and levels of outputs. The wildland fire management program will have similar staffing levels as compared to previous years.

Through the IRR process, there will be an emphasis on integrated priorities. In some cases, there will be opportunities to hire more of the seasonal workforce or local contractors to help implement the priority work on the ground. A mix of full-time, seasonal staff, and contractors will continue to be available to meet wildland fire response requirements.

NEW HEADQUARTERS GREEN MOUNTAIN NATIONAL FOREST

*Question.* Will USFS take advantage of the cost savings in deferred rent payments by completing construction of the new headquarters for the Green Mountain National Forest this year?

Answer. The new headquarters for the Green Mountain National Forest will not be completed this year. The headquarters office for the Green Mountain National Forest is currently under lease, which runs through August 2014. Cost saving derived from deferred rent payments, along with project planning and design for a new headquarters office have not been initiated.

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QUESTIONS SUBMITTED BY SENATOR LISA MURKOWSKI

10-YEAR TIMBER SALES

*Question.* In 2008, the Forest Service (USFS) committed to preparing and offering four 10-year timber sales with a volume of 150 to 200 million board feet each in the Tongass National Forest. The purpose of these timber sales was to provide sufficient assured volume for a single-shift at four medium-size manufacturing facilities. Without the volume assurance, the industry cannot make the investments necessary to upgrade their existing mills or to construct a facility that could process the low-grade timber in the region. The Congress has repeatedly made available pipeline funds to allow USFS to prepare these 10-year sales and other timber sales. Now we are told that the agency plans to convert two of the 10-year timber sales to Stewardship contracts and to offer only one-half of the promised volume and to offer that reduced volume in small parcels.

Can you explain what happened to the commitments for each of the four 10-year sales?

Answer. In response to Under Secretary Mark Rey's direction in September 2008 to develop a work plan and proposed budget to offer four 10-year timber sales, each averaging 15–20 million board feet per year, the Tongass National Forest identified several areas to analyze for 10-year sale programs.

Two of the four 10-year timber sales, for which pipeline funds have been received, are currently in the planning stages, including National Environmental Policy Act (NEPA) compliance, and will continue to move forward in fiscal year 2012 and fiscal year 2013 as scheduled. Opportunities to incorporate additional restoration activities within the project areas are being explored. The volume of timber to be sold with these two projects, including volume from stewardship contracting, is currently being estimated as a part of the NEPA analysis that is ongoing. These two projects are part of the overall transition framework for southeast Alaska announced by the Department of Agriculture in May 2010.

*Question.* Do you realize that when USFS walks away from the commitments that it made, you risk the Congress walking away from funding many of the priorities the agency hopes to pursue?

Answer. The agency will work to provide sufficient supply of timber volume over the course of 5 years to ensure the industry remains solvent. The agency shares the objective of keeping a viable forest products industry in place in southeast Alaska, a necessary ingredient to achieve the Secretary's restoration goals and the transition framework.

LAND ACQUISITION

*Question*. The agency has testified to the Congress that USFS has 60–80 million acres of unhealthy productive forestland at risk to insects, disease, and wildfire. It has become increasingly apparent through missed timber targets, reduced outputs, and a shift away from active forest management that USFS cannot take care of the 193 million acres it already has.

In light of these problems, can you explain the reason the agency has increased its request for land acquisition programs by 160 percent, from roughly $86 million to $225 million?

Answer. The fiscal year 2012 budget justification supports President Obama's America's Great Outdoors (AGO) initiative to strengthen citizen and community connections to the outdoors, including the national forests and grasslands. The fiscal year 2012 budget proposes program increases to ensure the success of the AGO initiative. Those programs include:

—the Forest Legacy Program;
—community forest and open space conservation program;
—urban and community forestry;
—land acquisition; and
—recreation, heritage, and wilderness.

Land acquisition serves an important role in meeting the 2012 strategic plan objective to protect forests and grasslands from conversion to other uses. We will focus on acquiring the highest-priority lands that serve both the President's AGO initiative and the Department's strategic plan for fiscal year 2010–2015.

Land acquisition can also reduce management costs by consolidating landownership, avoiding further fragmented development within forest boundaries which can exacerbate fire, insect, and disease management challenges. Land acquisitions sought by USFS have broad support from stakeholders at the local level and ensure water quality, recreational access, wildlife habitat, and other public benefits. USFS actively engages in land exchanges where there are opportunities to adjust Federal ownership patterns while conveying lands to non-Federal entities.

Land exchanges, acquisitions, right-of-way acquisitions, and limited sales of USFS facilities and adjacent land are all important land adjustment tools to promote the long-term health and sustainability of the national forests and grasslands. These actions will support a healthy, vibrant outdoor legacy for generations to come in alignment with the AGO and the Department priorities for achieving an "all-lands vision" for forest conservation.

FACILITIES MAINTENANCE

*Question.* At the same time, you've also cut your facilities maintenance programs by $31 million and your roads program by $37 million. I think these priorities are simply misplaced at a time when we're looking at deep cuts in your core operations. How would you respond to such criticism?

Answer. The fiscal year 2012 President's budget reflects difficult choices we need to make to reduce the deficit while supporting targeted investments. This decrease is achieved through several program re-combinations and streamlining to increase operations and efficiencies. Our fiscal year 2012 budget request reflects four priorities:

—enhancing water resources;
—responding to climate change;
—community based stewardship; and
—jobs in rural communities.

Emphasis will be on eliminating health and safety risks at agency-owned buildings and recreation sites and reducing critical deferred maintenance on the aging infrastructure. Priority will be placed on repairing and improving those facilities that receive public use and are critical to supporting agency operations. With regard to roads the agency will focus on the work to ensure public safety, and critical access needs.

ALASKA SUBSISTENCE PROGRAM

*Question.* Your budget proposes to eliminate the Alaska subsistence program. How will you carry out these responsibilities, if at all, with no funding?

Answer. At this time, there are no changes being implemented for the Alaska subsistence program. The subsistence program delivery in fiscal year 2012 would be similar to that implemented in fiscal year 2010. The subsistence program is a Federal inter-agency responsibility administered by USFS, Fish and Wildlife Service, Bureau of Land Management, National Park Service, and the Bureau of Indian Affairs. USFS will continue to meet its subsistence program management responsibilities under Alaska National Interest Lands Conservation Act (ANILCA).

*Question.* Are you simply going to assign other employees to add this to their current duties?

Answer. We expect to continue to manage the program with adequate personnel as managed in recent years and consistent with meeting our responsibilities under ANILCA.

LAND MANAGEMENT PLANNING RULE

*Question*. USFS expects to issue its new planning rule by the end of the year. I have a number of questions about certain aspects of the proposed rule.

Would you please explain "species of conservation concern" as discussed in the draft land management planning rule? It seems from the definition provided in the draft that a "responsible official" might have overly broad latitude to deem any number of species as a "species of conservation concern" without undergoing sufficient scientific review.

Answer. The intent of the provisions in the new draft planning rule is to provide for plant and animal diversity, and to keep common species common, contribute to the recovery of threatened and endangered species, conserve candidate species, and protect species of conservation concern. Responsible officials would be required to develop components in plans, using a two-pronged approach of overall habitat (ecosystem and watershed) maintenance or restoration combined with targeted measures designed to address the needs of specific species (section 219.9, Federal Register/Vol. 76, No. 30, February 14, 2011/Proposed Rules, p. 8492). By including these requirements, the draft rule recognizes that there will be circumstances outside of the agency's capability that may impact particular species. The agency believes that the proposed approach is both more reflective of the National Forest Management Act, and more implementable than the 1982 planning rule.

The proposed rule requires that the best available scientific information be considered throughout the rule-making process, and the responsible official would have to document how the most relevant, reliable, and accurate science was appropriately interpreted and applied, including in determining which species are "species of conservation concern" for the unit. USFS directives would contain specific criteria for selecting species of conservation concern. For example, State lists of endangered, threatened, rare, endemic, or other classifications of species, such as those listed as threatened under State law, may be used to inform the selection of species of conservation concern for the unit.

The proposed rule's requirement for species of conservation concern would be to maintain or restore ecological conditions to maintain viable populations of species of conservation concern within the plan area, within the agency's authority and consistent with the inherent capability of the plan area. Where a viable population of a species of conservation concern already exists within the plan area, the appropriate ecological conditions needed to maintain the long-term persistence of that species would continue to be provided.

The responsible official would identify ecosystem-level plan components to provide the overall ecological conditions needed by a species of conservation concern: for example, restoration of mature longleaf pine habitat for red-cockaded woodpeckers. In addition, the responsible official would identify specific ecological conditions needed by a species: for example, providing artificial nesting cavities for red-cockaded woodpeckers while longleaf pine stands that can provide natural nesting cavities are being restored.

At times, factors outside the control of the agency will prevent the agency from being able to maintain a viable population of species of conservation concern within the plan area: for example, some of our southern forest units are too small to provide nesting habitat for the number of pairs needed to provide for a viable population of red-cockaded woodpeckers solely within the boundaries of the unit. In such cases, the proposed rule would require that the agency provide plan components to maintain or restore ecological conditions within the plan area for that species, and by doing so to contribute to the extent practicable to a viable population across its range.

Additionally, the responsible official would be required to reach out beyond National Forest System (NFS) boundaries, to coordinate management with other land

managers for the benefit of a species across its range. This requirement does not impose any management requirements or attempt to impose management direction on other land managers—rather, it imposes a duty on the responsible official to reach out to work with others and to coordinate management to the extent practicable. This requirement recognizes that species move across the landscape, and as habitat and ecological conditions change, greater cooperation among land managers will be necessary to conserve individual species.

*Question.* What is meant by "landscape planning" in the land management planning rule?

Answer. The proposed rule takes an "all-lands" approach to planning. What this means is that the responsible official would need to understand the context for management within the broader landscape, to determine the best management plan for a specific unit within the NFS.

In the assessment phase, responsible officials would draw on information from many sources to understand the social, economic, and ecologic conditions and trends relevant to the plan area, and to identify the distinctive roles and contributions of the unit in providing various multiple uses or benefits to the local community, region, and Nation. In the planning phase, responsible officials would provide opportunities for other Government agencies and land managers to participate, would review the planning and land use policies of other governmental entities where relevant to the plan area, and would coordinate with other planning efforts to the extent practicable and appropriate. In the monitoring phase, responsible officials would assess information and data from monitoring on both the unit and the broader landscape to determine whether any change to management within the boundaries of the plan area might be warranted.

This approach recognizes that management of national forests and grasslands can both impact and be impacted by management or conditions on the lands that surround the unit and that management can be improved by understanding that context and communicating with other land managers.

*Question.* How do you envision USFS managing at the "landscape" level, "irrespective of ownership or other artificial boundaries?"

Answer. This "all lands" approach recognizes that management issues do not stop and start on a property, political, or other boundary line. The primary trends and threats that face our Nation's forests such as:

—forest fragmentation;
—increased urbanization and conversion of forestlands;
—the effects of climate change;
—severe wildfire; and
—the spread of invasive species cross all jurisdictional boundaries.

To be successful in addressing these issues we must work with landowners and interested parties to conserve, protect, and enhance the Nation's forests.

USFS land management authority applies within national forest boundaries, and USFS manages lands within NFS and its authorities. Consistent with Federal law, USFS cooperates with adjacent landowners, local government entities, and others on a range of land management issues, including fire suppression, invasive plant control, law enforcement, recreational use and access, and other shared priorities. USFS, through its planning process and through project specific management actions, consults and coordinates with adjacent landowners to improve the health, sustainability, and productivity of national forests and surrounding lands.

USFS also provides technical and financial assistance to landowners and resource managers to help sustain the Nation's urban and rural forests. The USFS works with our State partners to address those priority landscape-level issues that they identified in their Statewide forest resource assessments and strategies through cooperation and coordination across jurisdictional boundaries. The primary trends and threats that face our Nation's forests such as forest fragmentation, increased urbanization and conversion of forestlands, the effects of climate change, severe wildfire, and the spread of invasive species cross jurisdictional boundaries. To be successful in addressing these issues we must work with landowners and interested parties to conserve, protect, and enhance the Nation's forests.

*Question.* And, do you believe that property lines are "artificial boundaries?"

Answer. USFS respects all boundaries, private property rights, and understands the limits of the agency's land management authority. NFS employees survey, mark, manage, and protect national forest and grassland boundaries in order to protect the public's investment in the national forests and grasslands. Property lines are legal landownership boundaries whose location and extent is defined by the legal land title ownership of the United States and the adjoining landowners. USFS does not assert management authority on other Federal, State, tribal, county, local, private, or corporate lands lying within the exterior perimeter boundary of NFS. USFS does

actively seek opportunities to work cooperatively and collaboratively with adjoining landowners and communities to protect both public and private estates.

*Question.* How far from USFS boundaries do you think your agency's influence should extend?

Answer. USFS respects all boundaries, private property rights, and the limits of the USFS' land management authority. The primary trends and threats that face our Nation's forests (such as forest fragmentation, increased urbanization and conversion of forestlands, the effects of climate change, severe wildfire, and the spread of invasive species) cross jurisdictional boundaries. To be successful in addressing these issues we must work with landowners and interested parties to conserve, protect, and enhance the Nation's forests.

Consistent with USFS' authority and direction, the State and private forestry, research and development, and international programs provide technical assistance, grants, and other support to non-Federal forests and grasslands throughout the United States and internationally. Together USFS programs improve forest health, sustainability, and productivity, whether in an urban forest in Chicago, on private forest land in northern New England, or in the rainforests of Africa, and the benefits to the American people of these investments are substantial. Likewise, the long-term health and resilience of national forests and grasslands directly affect surrounding non-Federal lands, communities, and waters that are adjacent or downstream. Therefore, we implement management decisions to improve the long-term health of broader ecosystems and watersheds as well as respecting private property rights and the broader interests within communities, States, and regions.

ACCESS TO ALASKA LANDS

*Question*. Just recently small placer miners in Alaska have been informed that the USFS is planning to restrict motorized access to a host of mining claims in Alaska in the Chugach National Forest and also in the Tongass National Forest. While some of this may be the result of the USFS moving to close the use of logging roads no longer needed for future timber sales based on a 2008–2009 study, some of the complaints appear unconnected to budgetary concerns about the lack of funding for maintenance of traditional access routes. Clearly access across lands protected by the ANILCA is protected by the 1980 law, but the complaints about access denial for mineral operations in the Chugach National Forest is rapidly increasing.

What exactly is the reason for the attempt to close access?

Answer. The Chugach National Forest closed a number of roads and trails to motorized access in 2002, as directed by the unit's land management plan, which was revised that year. Those roads and trails were closed based on environmental and economic concerns and were done so with the appropriate level of NEPA analysis and documentation. Motorized access to mining operations in areas otherwise closed to motorized use on the Chugach National Forest is routinely allowed for mining purposes by written authorization under a mining plan of operations, consistent with 36 CFR 228.4.

*Question.* Under what scope of authority is the USFS moving to deny access?

Answer. Land management plans are completed under authority of the requirements of the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976.

*Question.* And how can small miners access their valid claims to minerals under the mining law without having the right to motorized access on routes they have used for many decades?

Answer. Prior to mining activities, the miners must develop and submit a plan of operations, which would identify motor vehicle use needs. The plan of operations requires NEPA compliance and would enable the USFS to identify where motor vehicle use is reasonable pursuant to the proposed mining activities. Stipulations may include seasonal restrictions to protect resource values, such as, road or trail improvements and surfaces due to the particular and unique needs of the mining operating plan.

Forest visitors including those engaged in recreational mining or panning are subject to the same motorized access restrictions. USFS has provided maps and brochures to the Gold Prospectors Association of America showing locations open to the public that are easily accessible near open roads and/or that can be accessed with off-road vehicles.

CONCLUSION OF HEARINGS

Senator REED. If there are no further questions or comments, then the hearing is concluded.

[Whereupon, at 3:58 p.m., Thursday, May 19, the hearings were concluded, and 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 2012

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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 ASSOCIATION OF ART MUSEUM DIRECTORS

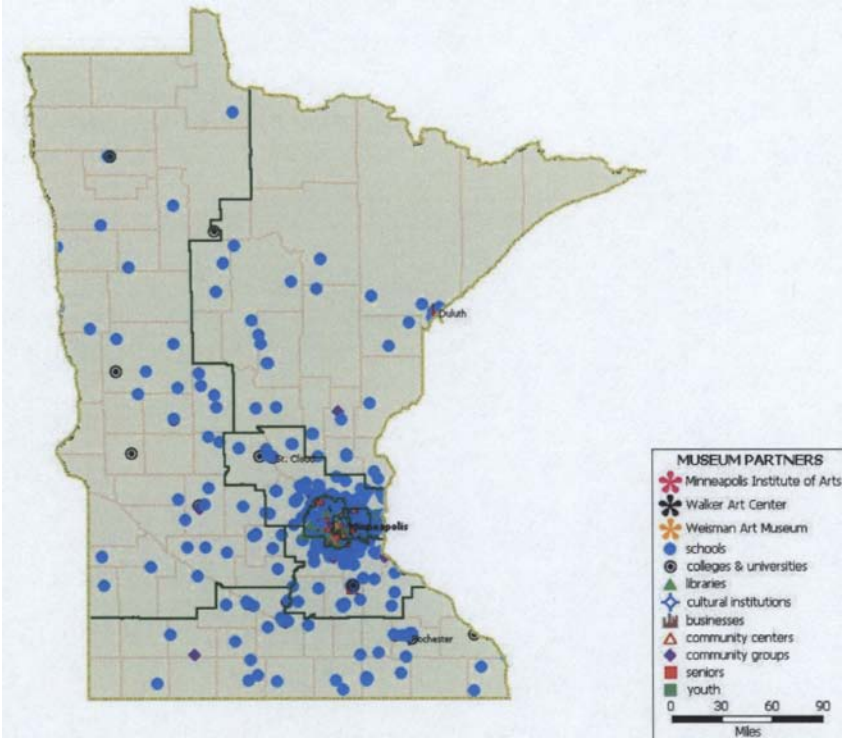
The Association of Art Museum Directors (AAMD), founded in 1916, is composed of the directors of 200 leading art museums, including more than 180 in the United States.

On behalf of its members, AAMD respectfully requests funding of $167.5 million for the National Endowment for the Arts (NEA) and an equal amount for the National Endowment for the Humanities (NEH) for fiscal year 2012. These two agencies help art museums contribute to society in important ways.

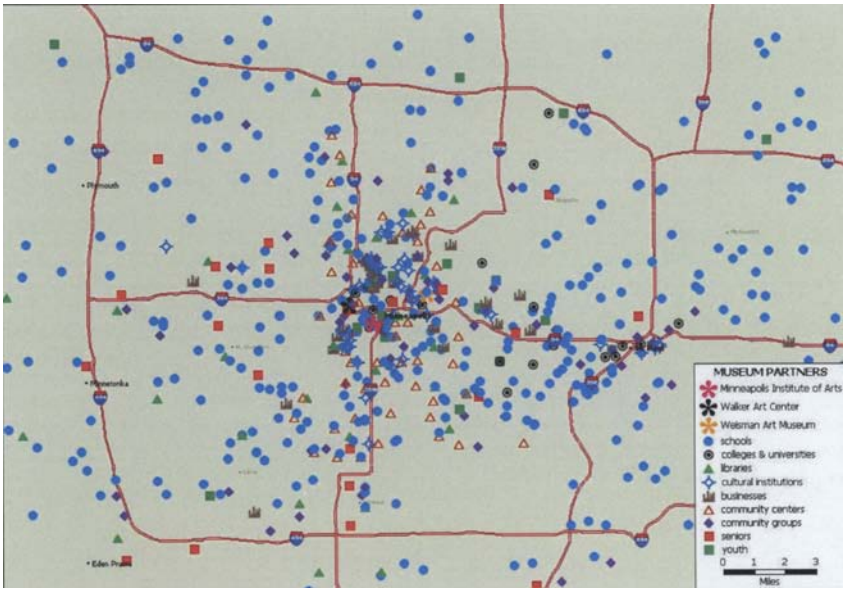
By way of context, AAMD members employ 20,000 full-time equivalent staff and have a significant economic impact. They have approximately 60 million visits on site each year. They charge visitors on average $1.50, but spend approximately $85.50 for each visitor. Nearly all offer at least limited free admission, for example each Thursday afternoon and evening, or the first Saturday of every month.

According to data collected by the AAMD with support from the NEA, our members assist approximately 40,000 American schools in any given year, out of a total of perhaps 120,000, including public, private, charter, magnet, and home schools, which have become significant consumers of museum services. Programs range from docent-led tours to full-year school-wide collaborations involving everything from curriculum design to team teaching, including professional development for teachers, with lesson plans that connect the unique works in museum collections to State and local education standards. Art museums are by nature multi-disciplinary and thus offer the ideal setting for teaching and learning across a wide range of academic subjects.

Each of our members works with multiple school districts, often across county and State lines. For example, three art museums in Minneapolis—the Minneapolis Institute of Arts, the Walker Art Center, and the Weisman Art Museum—serve more than 700 schools in all eight Minnesota congressional districts and 66 countries, as depicted on the map. Each of the three museums has received support from the NEA.

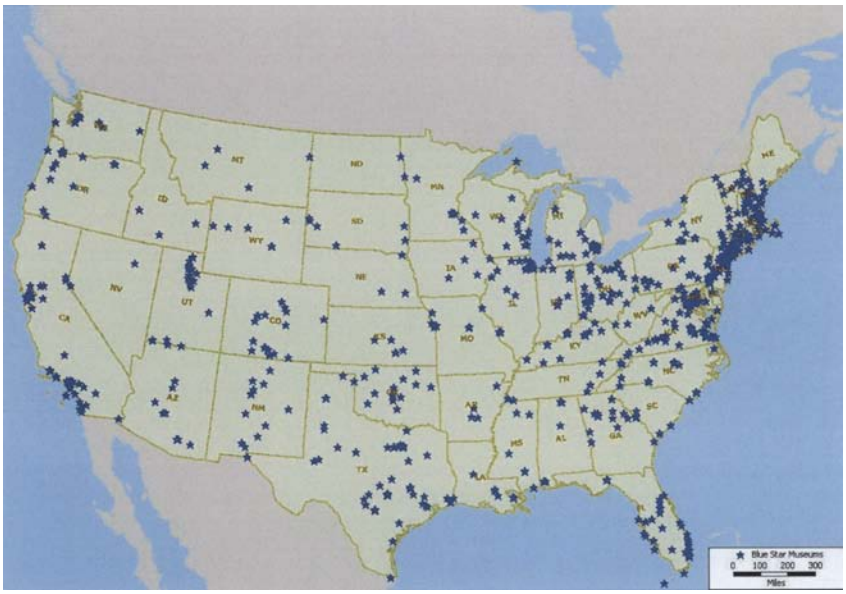



Art Museum Service in Minnesota




Art Museum Service in the Twin Cities

The AAMD was proud to solicit its members' participation in the Blue Star Museums program, conceived by Blue Star Families and the NEA, which offers free admission to families of active duty members of the military from Memorial Day to Labor Day. Well more than half of our membership participated in 2010, the program's first year, and we anticipate even broader participation in 2011. Altogether, approximately 250,000 family members visited museums. This program, as well as being a way of saying "thank you" to the Nation's military members and families, also offers them a uniquely valuable service. As the NEA has made clear for the past several years, art-making and arts participation are powerful expressive vehicles for those who endure war and absence. We believe the Nation owes the NEA a debt of gratitude for encouraging these services.




BLUE STAR MUSEUMS (including art museums as well as all other types of museums)

A grant to the AAMD from the NEA has allowed us to look deeper into the kind of programming that occurs at art museums beyond the presentation of art exhibitions and beyond working with schools. Very often, this programming occurs in partnership with other institutions.

While schools make up about two-thirds of the institutions served by art museums, the other one-third is extraordinarily diverse. We have learned that museums run programs for people with Alzheimers and their caregivers. They run studio art programs for medical and nursing schools that want their students to learn the skills of close observation; research shows that students who receive this instruction are more successful in their diagnoses. There are programs for autistic children, for children in the juvenile justice system, and for the incarcerated. There are programs for churches, universities, pre-schools, and libraries. In short, museums have found ways for art, which they hold in trust for the public, to serve the public in multiple ways.

All too often, however, members of the public are not aware of the richness of museum programming, in part perhaps because museum communications efforts often, and understandably, focus on art exhibitions. AAMD is now working directly with museum communications offices to develop and place stories in local media so that people become more aware of what is available to them and to the community in general.

A story in the local newspaper in Ithaca, New York focused on Cornell University Johnson Museum of Art program that is reducing the rate of recidivism for people in a court-mandated addiction recovery program. The Carnegie Museum of Art in Pittsburgh generated greater awareness of its reduced-fee program, which allows admission for $1 to people who are eligible for public assistance benefits such as food stamps or Medicare. Eleven thousand people used the program last year. The Seattle Art Museum got coverage of an exhibition developed at the invitation of the Quileute tribe. Depicted in the Twilight series, the tribe was inundated by people who had absorbed a Hollywood version of the tribe's cultural identity. A curator worked with them for a full year to create an exhibit that would inform the public of the true Quileute story in their own voice. That particular effort was covered in Indian Country Today.

The NEA and NEH provide modest but important assistance to art museums, especially in helping them perform tasks that are critically important, but for which it is difficult to raise private funding.

Perhaps prime among these tasks is the cataloging and digitization of collections, which obviously makes them far more accessible both to scholars and to the general public. Each of the three Minnesota museums mentioned above has received this sort of assistance from the NEH. Just in the most recent grant round, the NEH made grants to the Spencer Museum of Art at the University of Kansas to photograph and catalog 5,800 Native American objects; to the Norman Rockwell Museum to digitize 264 magnetic tapes containing video interview with Rockwell's sons, colleagues, models, and studio assistants; and to the Frick Collection to digitize 15,000 deteriorating photographs of works of art held in private homes and small public institutions during the early to mid-20th century.

In summation, with only modest funding, the NEA and NEH help art museums fulfill their fundamental mission of collecting, preserving, researching, presenting, and using art in service to the public.

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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).

The 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. The AAPG has nearly 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.

The 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 (ERP)*

The USGS ERP conducts both basic and applied geoscience research focused on geologic energy resources (both domestic and international), including oil, natural gas, coal, coalbed methane, methane hydrates, geothermal, oil shale, and bitumen and heavy oil. The 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.

The President's fiscal year 2012 budget request reduces the ERP's energy resources activities by $2 million. The AAPG does not support this reduction. The President's request also includes $3 million for the ERP to participate in the New Energy Frontier (wind) initiative. If the Congress wishes to fund the New Energy Frontiers initiative, it should provide supplemental funds to do so.

The AAPG encourages the subcommittee to fund the ERP activities at $27.3 million, and provide an additional $3 million to fund the ERP's participation in the New Energy Frontier initiative if the Congress chooses to fund this activity.

*Mineral Resources Program (MRP)*

The United States is the world's largest consumer of mineral commodities. They form the building blocks of our economy.

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; and the Federal Reserve) and the private sector.

The USGS MRP is the only Federal and publicly available source for comprehensive information and analysis of mineral commodities and mineral materials. Yet, the President has proposed reducing this program's funding by 18 percent to $44.2 million. The AAPG does not support this reduction.

The AAPG encourages the subcommittee to fund the MRP at $53.7 million, equal to fiscal year 2010 appropriated levels.

CORE SCIENCE SYSTEMS

*National Geologic and Geophysical Data Preservation Program (NGGDPP)*

The NGGDPP was authorized in Energy Policy Act of 2005 (EPACT 2005, Public Law 109–58) section 351. The NGGDPP is designed to preserve geological, geophysical data, and engineering data, maps, well logs, and samples. It includes development of a national catalog of this archival material, and providing technical and financial assistance related to the samples and materials.

The NGGDPP is a cost-shared partnership between the State geological surveys and the USGS. It was authorized for $30 million annually, but since inception has received insufficient funding to accomplish all of the objectives set out in the authorizing language.

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 these data may no longer have value to the company that acquired it, and is in jeopardy of being discarded.

But these data still has value to society and the State geological surveys have stepped in to preserve it. These data are valuable for further natural resources exploration and development, management of water resources, carbon sequestration research, 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 in the years ahead.

Historical allocations for this program have ranged from $750,000 to $1 million per year. These funding levels are inadequate to achieve the program's objectives.

The AAPG encourages the subcommittee to appropriate at least $1 million in fiscal year 2012 for the preservation of geological and geophysical data, and consider higher funding levels.

GEOLOGIC LANDSCAPE AND COASTAL ASSESSMENTS

*National Cooperative Geologic Mapping Program (NCGMP)*

The AAPG supports the NCGMP. This unique partnership between the Federal and State governments and the university community further demonstrates 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.

The 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.

The AAPG encourages the subcommittee to fund the NCGMP at a minimum of fiscal year 2010 levels of $28.2 million.

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.

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PREPARED STATEMENT OF THE ASSOCIATION OF AMERICAN UNIVERSITIES

Dear Chairman Reed, Ranking Member Murkowski, and members of the subcommittee: On behalf of the Association of American Universities (AAU), an organization of 61 leading U.S. public and private research universities, I appreciate the opportunity to express strong support for the National Endowment for the Humanities (NEH). AAU urges the Congress to continue funding the NEH at the fiscal year 2010 final funding level of $167.5 million. In particular, we remain committed to maintaining existing funding levels for the core competitive programs within the endowment.

It is important that the Congress take steps to reduce Federal spending and address the Nation's growing debt. We need to do this in a smart way, allocating money in a manner that gives us the best chance of improving our future. Unfortunately, deficit-reduction efforts have thus far focused almost exclusively on nonsecurity, domestic discretionary spending—which is approximately one-sixth of the budget, yet includes most of the Federal Government's priority spending for long-term

economic growth and prosperity. Reducing the Federal deficit in fiscal year 2011 and beyond cannot, and should not, fall solely on nonsecurity, domestic discretionary spending. Serious deficit reduction efforts must put the entire Federal budget on the table, including entitlements and defense spending, and additional revenues generated through tax reform and measures to improve economic growth. Efforts to reduce the Federal deficit in fiscal year 2011 should not preclude prudent Federal spending, such as the core competitive research NEH programs, which will pay dividends into the future.

We believe that there is a legitimate Federal role in supporting the humanities as a strategic national priority. Federal support of the humanities complements Federal investments in the sciences and engineering. Our Nation's long-term economic success depends on cultivating a broadly educated workforce ready to compete in a knowledge-based, global economy. The humanities programs funded by the Endowment represent the core fields of knowledge and capacities that enrich individuals, provide a foundation for success in a wide range of careers, undergird our civic institutions, support strategic national interests, and help advance sound public policymaking in addressing the challenges of the 21st century. The high-quality projects supported by the NEH reach millions of Americans each year.

NEH FUNDING AND CORE COMPETITIVE PROGRAMS

For fiscal year 2012, the President's budget would cut the Endowment to $146.3 million, a reduction of $21.2 million (12.7 percent) from fiscal year 2010 levels, with a disproportionate cut of 16 percent for program funds that support the core competitive national grants. These grants represent the pool of funds that support peer-reviewed, competitive grant opportunities for a wide range of educational institutions, nonprofit organizations, and individual scholars around the country. They encompass NEH core programs, divisions, and special initiatives:

—research, education, preservation, and access;
—challenge grants;
—public programs;
—the office of digital humanities; and
—bridging cultures.

These highly competitive grants are renowned for their quality. NEH was able to fund only 16 percent of the competitive proposals it received in fiscal year 2010. Funding erosion for core competitive funds would continue to have a significant impact on the Endowment's ability to support humanities research and education into the future. Over time, the combined impact of budget cuts and inflation has reduced the number, diversity, and buying power of grants provided by the NEH, directly impacting faculty, researchers, students, and the broader public. This translates into real consequences not only for continuing efforts to understand and highlight our history, culture, and civic values, but also for our economic competitiveness and national security, as our most pressing and complex problems worldwide will not be solved by science alone. In fact, most scientists and engineers believe in the essential role of the humanities in higher education, as their undergraduate and graduate liberal arts courses amplified their effectiveness later as a scientist or engineer.

It is misleading to assume that colleges and universities or private funding sources will be able to compensate for cut in Federal funds. The recent financial crisis and subsequent recession continue to have a significant impact on public and private colleges and universities across the country, including budget cuts, hiring freezes, staff layoffs, course reductions, and more. Institutions are struggling to maintain continued access to high-quality programs, a struggle that is particularly evident in the humanities disciplines.

In addition, foundation support for the humanities has slipped since 2005. Approximately $12.34 billion was raised for arts, culture and the humanities in 2009, a drop of 8.7 percent from 2005. Gifts to arts, culture, and humanities organizations comprised only 4 percent of the total estimated giving in 2009. The humanities community is concerned about not only the overall reduction in foundation support, but also the declining share of foundation giving in the humanities compared to overall giving. In addition, there has been a long-term shift away from funding for scholarship and core disciplines and toward funding for public programming. These funding trends are of particular concern to AAU because of the unmet need and rising debt assumed by humanities students.

CONTINUED FUNDING EROSION FOR CORE PROGRAMS

Within the NEH core competitive programs, AAU is particularly focused on the research and education division. The Summer Seminars and Institutes, which support national faculty development programs in the humanities, are located in the

education division. These programs provide a critical forum for leading scholars and faculty to deepen their knowledge of current scholarship in the key fields of the humanities. Similarly, Faculty Humanities Workshops support local and regional professional development programs that allow faculty and scholars to engage in collaborative study. Within the research division, several programs, including Summer Stipends and Fellowships, support individuals or teams of two or more scholars (not including graduate students) pursuing advanced research that will contribute to scholarly knowledge or to the public's understanding of the humanities.

With respect to research, one of the problems that humanities researchers and scholars face is that the reinterpretation and other scholarly work that often defines the work of humanists and often culminates in new discoveries, as in the sciences, does not fit the traditional concept of research. AAU is working with the humanities community to find ways to better communicate humanities research and how it both resembles and differs from scientific research. NEH research programs facilitate the transfer of new knowledge among faculty, students, and the broader public.

AAU continues to support efforts to better engage humanities graduate students. The NEH does not currently support graduate research in the humanities. While the National Institutes of Health, National Science Foundation, Department of Defense, Department of Energy, and National Aeronautics and Science Administration, among others, have graduate education components that complement the agencies' research, the NEH stands as one of the few Federal agencies that does not support or train the next generation of researchers or support collaboration between students and faculty. While the NEH did at one time fund a small dissertation fellowship program, it was defunded when the agency was cut significantly in the mid-1990s.

Last year we proposed, in conjunction with the broader humanities community, the creation of a new competitively awarded, graduate student-faculty program to simultaneously expand scholarship in key areas of inquiry, support the critical education of graduate students in the conduct of research, and bring faculty and graduate students together in the kind of collaborative arrangements that have long characterized the sciences. The new program was designed to build on the Endowment's 2009 decision to allow graduate students to participate in the NEH summer seminars. We plan to revisit the proposal more formally in future years. We believe that NEH is uniquely positioned to promote a higher level of collaboration between faculty and graduate students in a manner that helps to supply our Nation with the talented and knowledgeable individuals who will contribute to a culturally competent workforce.

AAU UNIVERSITIES AND THE HUMANITIES

As a follow-up to the 2004 report, AAU encouraged its members to convene roundtable discussions on emerging trends and best practices in the humanities. While many institutions had been actively engaged in these discussions for some time, the AAU report provided a focal point for the deliberations among campus constituencies. These campus efforts culminated in a national convocation with the American Council of Learned Societies in 2006, which brought together university, association, Federal agency, and congressional leaders to discuss the appropriate role for the humanities in meeting today's challenges.

These discussions continue today both on campuses and at the national level. Several AAU university presidents, for example, will serve as members of the Commission on the Humanities and Social Sciences, which was established recently by the American Academy of the Arts and Sciences, per the bi-partisan request from Senators Lamar Alexander (R-TN) and Mark Warner (D-VA) and Representatives Tom Petri (R-WI) and David Price (D-NC). AAU and its members look forward to working with the Academy on this effort to identify the top actions that the Congress, State governments, universities, foundations, educators, and others can take to maintain national excellence in the humanities and social sciences, and to achieve long-term national goals for our intellectual and economic well-being.

BRIDGING CULTURES: A LINK BETWEEN THE HUMANITIES AND NATIONAL SECURITY

It is important that the Nation recognize the link between the humanities and national security issues, as we strive to improve our armed services' understanding of the social, cultural, behavioral, and political forces that shape the views of regions of the world of strategic importance to the United States. Indeed, analysts in the major national intelligence and security agencies are to a great extent humanists and social scientists. As NEH Chairman Jim Leach stated in his address to the College Art Association Centennial Convocation in February 2011, "In public policy, inadequate attention to cultural issues can cost lives as well as money. There are, of

course, costs to all public programs, but the cost of not supporting some could be far higher. Just as we need an infrastructure or roads and bridges, we need an infrastructure of ideas. In a splintered society, bridging cultures may be our most difficult challenge." The fiscal year 2012 budget would devote $4 million to the Chairman's Bridging Cultures initiative, designed to renew and reinforce the bridges between the different cultures and viewpoints that are part of the fabric of American life. Beginning in the spring of 2011, eight pilot-project grantees will host regional public forums at venues across the country, focused on the role of civility in our democracy and the history and culture of Muslim societies. AAU applauds the attention on the need for a civil discourse in American life, with the hope that colleges and universities can play a role in facilitating this in the coming years.

CONCLUSION

AAU encourages the subcommittee to take seriously the importance of the humanities in our society today. NEH helps colleges and universities around the country ensure that the humanities remain central to their missions and to the cultural life of the Nation. NEH, as the largest Federal supporter of the humanities, broadens public awareness of and participation in the humanities through teaching, scholarship, and research. Along with the larger humanities advocacy community, AAU encourages the Congress to continue funding the NEH at the fiscal year 2010 final funding level of $167.5 million to maintain our Nation's capacity to address complex challenges by advancing an educated and competitive workforce.

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LETTER FROM THE AMERICAN BIRD CONSERVANCY

APRIL 25, 2011.

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: American Bird Conservancy (ABC) is a 501(c)(3) national nonprofit organization dedicated to the conservation of wild native birds and their habitats throughout the Americas. Founded in 1994, ABC is the only U.S.-based group dedicated solely to overcoming the greatest threats facing native birds in the Western Hemisphere.

As you know, America is blessed with a spectacular abundance and rich diversity of birds, with more than 800 species inhabiting the mainland, Hawaii, and surrounding oceans. Unfortunately, according to the U.S. Fish and Wildlife Service's (FWS) 2009 "State of the Birds" report, many of our bird species are in decline and some are threatened with extinction making it more important now than ever to continue funding Federal programs like the Neotropical Migratory Bird Conservation Act (NMBCA) grants program, Joint Ventures (JVs), and the North American Wetlands Conservation Act (NAWCA) which have been proven and effective in maintaining healthy and abundant native bird populations.

Funding Federal bird conservation programs not only provides ecological benefits, it makes good economic sense. Birds are also a very important economic driver. According to a report put together by the Federal Government, Americans spend about $36 billion in pursuit of birding activities every year. Approximately 1 in 5 Americans—48 million people—engages in bird watching, and about 42 percent travel away from home to go birding. Birding activities also generate about $4.4 billion in Federal tax revenues. Birds also naturally provide billions of dollars worth of pest control each year benefiting farmers and consumers alike.

American Bird Conservancy's report, "Saving Migratory Birds for Future Generations: The Success of the Neotropical Migratory Bird Conservation Act", found that of our 341 species that are neotropical migrants—meaning birds that breed in the United States and Canada and winter in Latin America and the Caribbean—127 are in decline. Sixty of those species, including 29 songbirds, are in severe decline having lost 45 percent or more of their population in the past 40 years. If these trends continue, future generations of Americans may never be able to see a bright blue Cerulean Warbler, Bell's Vireo, or Black-chinned Sparrow.

This trend can be seen all throughout the country. Here in Washington, DC for example an annual census of birds in Rock Creek Park that started in the 1940s, found that the number of migratory songbirds breeding there has dropped by 70

percent over the past half-century. Three species of warbler (Black-and-white, Hooded, and Kentucky) no longer breed there at all.

The main reasons for these precipitous declines are well established and reported in the 2009 State of the Birds Report: The largest source of bird mortality is due to habitat loss through conversion for human uses. Resource extraction and a growing human population have resulted in more development and land conversion for suburban sprawl so there are simply fewer and fewer large blocks of unbroken habitat for our native birds.

The second major impact is from habitat degradation from ecologically harmful land uses, such as unsustainable forestry or destruction of grasslands to create farm land. Deforestation, especially in Latin America, is accelerating at an alarming rate, driven by the needs of the rapidly expanding human population, which has tripled from 1950–2000. Estimates of the percentage of remaining forests that are lost each year in the neotropics are between 1–2 percent.

NMBCA

To address these two problems—habitat loss and degradation, both of which are rapidly increasing south of our border—ABC respectfully suggests that the Congress act to help mitigate their impact by continuing to fund the NMBCA grants program at the highest level possible. As the subcommittee knows, NMBCA supports partnership programs in the United States, Canada, Latin America, and the Caribbean to conserve migratory birds, especially on their wintering grounds where birds of nearly 350 species, including some of the most endangered birds in North America, spend their winters. Projects include activities that benefit bird populations such as habitat restoration, research and monitoring, law enforcement, and outreach and education.

The NMBCA grants program has a proven track record of reversing habitat loss and advancing conservation strategies for the broad range of neotropical birds that populate America and the Western Hemisphere. The public-private partnerships along with the international collaboration they provide are proving themselves to be integral to preserving vulnerable bird populations.

Between 2002 and 2010, the program supported 333 projects, coordinated by partners in 48 U.S. States/territories and 36 countries. More than $35 million from NMBCA grants has leveraged more than $150 million in matching funds and $7 million in nonmatching funds. Projects involving land conservation have affected about 2 million acres of bird habitat. While there are more than 100 worthy proposal received each year, the program is oversubscribed with funding only available to fund about 40 projects. From these numbers, it is clear that conservation that would benefit our migrant songbirds is not able to take place due to a lack of funding for this program. ABC strongly believes expanding this program is essential to achieving conservation goals critical to our environment and economy. Just as importantly, this Federal program is a good value for taxpayers, leveraging more than $4 in partner contributions for every $1 that we spend. ABC respectfully requests that NMBCA be funded at $6.5 million for fiscal year 2012.

JVS

JVs also exemplify a highly successful, cost-effective approach to conservation. By applying science and bringing diverse constituents together, JVs across the United States have created a model for solving wildlife management problems and restoring habitats critical to conserving declining species. Nationally, JVs have protected, restored, or enhanced more than 13 million acres of important habitat for migratory bird species. There are currently 21 JVs in the United States that provide coordination for conservation planning and implementation of projects that benefit all migratory bird populations and other species.

JVs have a long history of success in implementing bird conservation initiatives mandated by the Congress and by international treaties. Projects are developed at the local level and implemented through diverse public/private partnerships. These projects reflect local values and needs, while addressing regional and national conservation priorities. The projects benefit not only birds, but many wildlife species, and have a positive impact on the health of watersheds and local economies. In fiscal year 2010, every $1 appropriated for JVs leveraged more than $30 in non-Federal partner funds. ABC respectfully requests that JVs be funded at $15 million for fiscal year 2012.

ABC strongly believes increased funding for NMBCA and JVs is essential to achieving conservation goals critical to our environment and economy. Just as importantly, these Federal programs are good values for taxpayers, leveraging more

than $4 and $30, respectively, in partner contributions for each one that the taxpayers spend.

NAWCA

NAWCA has helped conserve wetlands in North America for more than 20 years by providing funding for conservation projects that benefit wetland-associated migratory birds in all 50 States, Canada, and Mexico. NAWCA which has a proven track record of success leveraging more than $3.4 billion in matching funds affecting 26 million acres through the work of more than 4,440 partners and has fostered public and private sector cooperation for migratory bird conservation, flood control, erosion control, and water quality. For every $1 of money invested in the program, an average of $3.20 is raised to match the Federal share by non-Federal entities.

As an organization that works with migratory birds, which by definition cross international borders during their migration patterns, we know that protection and restoration of wetland and upland habitat must occur across the continent if the goal is to protect the species. As a result ABC respectfully requests that NAWCA be funded at $50 million for fiscal year 2012.

America faces a serious challenge to reverse the decline of many of our bird species, but it is possible. Since birds are sensitive indicators of how we are protecting our environment as a whole, this decline signals a crisis that the Congress must act now to reverse it. If these reports tell us anything, it is that when we apply ourselves by investing in conservation, we can save imperiled wildlife, protect habitats, and solve the multiple threats at the root of this problem.

Sincerely,

DARIN SCHROEDER,
*Vice President for Conservation Advocacy.*

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LETTER FROM THE AMERICAN BIRD CONSERVANCY; NATIONAL AUDUBON SOCIETY; PRBO CONSERVATION SOCIETY; AND THE WILDLIFE SOCIETY

APRIL 29, 2011.

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: As you may know, birds are an important economic driver. A report by The Outdoor Industry Foundation found all outdoor wildlife-related recreation activities generate $730 billion annually for the United States' economy. The report estimated that bird watching alone contributes $43 billion annually. Birds also naturally provide billions of dollars worth of pest control each year benefiting farms and consumers alike.

The Bird Conservation Funding Coalition (BCFC) consists of national organizations that, together, advocate for Federal funding to advance bird conservation. This year we urge you once again to provide the highest level of funding possible 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)*

The NMBCA supports partnership programs to conserve birds in the United State, 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, and outreach and education. The BCFC respectfully requests the subcommittee prioritize fiscal year 2012 funding for the NMBCA at $6.5 million.

*Joint Ventures (JVs)*

JVs 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 JVs 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 $15 million for fiscal year 2012.

*Science and Monitoring*

Science and monitoring done within the U.S. Fish and Wildlife Service (FWS) 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 $30.7 million for this important program.

*North American Wetlands Conservation Act (NAWCA)*

The 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. The 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 2012 funding for NAWCA at $50 million.

*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, the Congress charged each State and territory with developing an "action plan". Every State and territory submitted their wildlife action plan to the FWS 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 $95 million for fiscal year 2012.

*International Affairs within the FWS*

International conservation programs, such as Wildlife Without Borders (WWB), supports the preservation of endangered and migratory species and habitat by providing capacity building, environmental outreach, education and training. WWB is a mainstay of bird conservation in Mexico, Central America, and the Caribbean typically leveraging $4 for every appropriated $1. WWB also serves as a foundation for long-term conservation efforts because they focus on developing in-country capacity. There are currently 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 2012 funding at $12.9 million.

*International Programs Within the USDA Forest Service (USFS)*

International programs within the USFS has a distinct niche that is not met by any other federally funded program emphasizing conservation of migratory bird species throughout their range. It supports an array of extremely effective bird conservation projects with a relatively small budget. Specific emphasis is placed on forest, grassland, and shorebirds which include high-priority species like the Cerulean Warbler, Bicknell's Thrush, Western Sandpiper, and Rufous Hummingbird, whose greatest threats are found outside the United States.

The BCFC respectfully requests the subcommittee provide $9 million for fiscal year 2012.

*United States Geological Survey American Breeding Bird Survey (BBS)*

The 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,

DARIN SCHROEDER,
*Vice President of Conservation Advocacy,*
*American Bird Conservancy.*

MIKE DAULTON,
*Vice President for Government Relations,*
*National Audubon Society.*

ELLIE M. COHEN,
*President and CEO,*
*PRBO Conservation Science.*

MICHAEL HUTCHINS, PH.D.,
*Executive Director and CEO,*
*The Wildlife Society.*

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PREPARED STATEMENT OF THE ALLIANCE FOR COMMUNITY TREES; AMERICAN FOREST FOUNDATION; CALIFORNIA FOREST PEST COUNCIL; CITY OF CHICAGO DEPARTMENT OF STREETS AND SANITATION, BUREAU OF FORESTRY; GREENSPACE—THE CAMBRIA LAND TRUST; MASSACHUSETTS ASSOCIATION OF CAMPGROUND OWNERS; MISSOURI FOREST PRODUCTS ASSOCIATION; NATIONAL ASSOCIATION OF STATE FORESTERS; NATIONAL PLANT BOARD; NORTH AMERICAN MAPLE SYRUP COUNCIL, INC.; PURDUE UNIVERSITY, DEPARTMENT OF ENTOMOLOGY; SOCIETY OF MUNICIPAL ARBORISTS; THE DAVEY INSTITUTE; THE NATURE CONSERVANCY; AND VIRGINIA FORESTRY ASSOCIATION

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: We urge the Subcommittee on the Interior, Environment, and Related Agencies to appropriate adequate funding for the U.S. Department of Agriculture (USDA) Forest Service (USFS) to manage non-native insects and plant diseases that threaten America's forests. We recommend a fiscal year 2012 appropriation of $138 million for the USFS Forest Health Management Program. This level is the same as the current level of funding. In addition, we ask that you provide the President's request of $295,773,000 for the USFS Research Program.

We recognize the importance of reducing Government spending and taking other steps to reduce the deficit. However, forests and urban trees are a treasured and integral part of American life. Forested landscapes cover 1.15 million square miles in the United States. Every American derives some type of value from forested land, whether in the form of wood products for construction or paper, neighborhood amenities, wildlife habitat, carbon sequestration, or spiritual inspiration—or the jobs associated with these values. The U.S. lumber and paper industries employ 1.3 million people. In Vermont alone, the maple sugar industry provides 4,000 seasonal jobs. Tourism based on fall foliage displays attracts 1 million tourists who annually generate $1 billion in revenue in New England.

American forest ecosystems are under siege by a growing number of exotic forest pests. Close to 500 species of invertebrates and pathogens from other countries have become established in the country, and a new damaging pest is introduced, on average, every 2 to 3 years.

The USFS Forest Health Program is the lead agency assisting other Federal agencies, State agencies, and private landowners in their struggle to respond to this growing threat. The USFS expertise is essential to the success of pest eradication and containment programs implemented by the USDA Animal and Plant Health Inspection Service (APHIS)—including those targeting the Asian longhorned beetle, emerald ash borer, and sudden oak death. The USFS contribution becomes increasingly important when forest pests have become more widespread. Thus, USFS forest health protection provides the greatest proportion of the Federal Government's efforts to mitigate the impacts of gypsy moth, hemlock woolly adelgid, white pine blister rust, Port-Orford-cedar root disease, ohia rust, oak wilt, and Erythrina gall wasp—among others.

The President's requested funding level of $120 million would necessitate cuts of 40 to 60 percent in programs addressing highly damaging introduced pests that are already eliminating certain tree species from the forest, or threaten to do so.

—Emerald ash borer occupies more than 100,000 square miles in 15 States. More than 200 million ash trees in the Plains States and additional trees in the South are at risk to this pest. Homeowners and municipalities collectively will pay $10 billion or more to remove dead ash trees that would otherwise fall and

cause property damage or even loss of life. USFS forest health protection has helped States and municipalities prepare by conducting inventories of their ash resources and planning coordinated management steps.

—Hemlock woolly adelgid has killed up to 90 percent of hemlock trees in the Appalachians from Georgia to Massachusetts. Loss of hemlock groves threatens unique ecosystems and watersheds. USFS forest health protection has helped try to reduce the overall damage by supporting development and testing of biological and chemical control methods and supporting control efforts on remote infestations resulting from artificial movement.

—Thousand cankers disease of walnut threatens to eliminate black walnut trees from the forest. Black walnut's greatest economic value comes from the wood. Top-grade walnut is used for millwork and veneer; it is also exported. Medium-grade walnut is used in furniture, cabinetry, flooring, and other manufactured item. Lower-grade walnut is used as sleepers (railroad ties), mine timbers, pallet parts, and flooring. USDA APHIS estimates the timber value of black walnut throughout its range at $500 billion. In addition, although most walnuts sold in the United States for human consumption are from orchards of English or Persian walnuts, a thriving niche market for native black walnuts—centered on Missouri—harvests 25–30 million pounds every year. USFS health protection has helped try to reduce the overall damage by analyzing the risk to forests in the East and supporting States' efforts to determine whether they already harbor outbreaks of this recently discovered pest.

—Goldspotted oak borer has killed between 20,000 and 50,000 California live oak and black oak trees in San Diego County in less than 15 years. The insect threatens oaks throughout California, including close to 300,000 oak trees growing in greater Los Angeles and trees in Yosemite Valley. USFS forest health protection has helped try to limit the spread of this insect by supporting delimitation of the outbreak, analysis of the risk to trees in California, and efforts to develop better detection tools.

The USFS Research and Development Program provides the science to help manage forest invasive species. While we accept the proposed 4 percent reduction in research overall, we consider it vitally important to maintain—at approximately current levels—research aimed at improving detection and control methods for the emerald ash borer, hemlock woolly adelgid, sudden oak death, thousand cankers disease, and other non-native forest pests and diseases. In addition, we strongly believe that additional funds should be allocated toward research on the goldspotted oak borer; $156,000 provided in the President's request represents a 37 percent cut in funding from the Research account for the current year.

*Emerald Ash Borer (EAB)*.—The USFS research continues on such crucial fronts as developing control methods (biological, chemical, and microbial); detection technologies (improved traps and lures); testing host resistance; silvicultural treatments; and integrated management of EAB via the Slowing Ash Mortality pilot project.

*Hemlock Woolly Adelgid (HWA)*.—The USFS research continues on such crucial fronts as developing control methods (biological and chemical); testing host resistance and hybridization for incorporating resistance; analysis of spread and impacts of HWA; population dynamics of HWA including climatic drivers; and silvicultural treatments for coping with HWA.

*Thousand Cankers Disease*.—The USFS research has sufficient funding to monitor for the walnut twig beetle (vector of thousand cankers disease) in only two States—Indiana and Missouri. The study will analyze all bark and ambrosia beetles trapped at selected sites as well as any fungi the beetles might be transporting, so as to better understand this growing risk.

*Pathways of Introduction and Spread*.—The USFS research will continue evaluation of the efficacy of quarantine programs aimed at preventing transport of pests in various pathways, including wood packaging and firewood. These studies provided the scientific foundation for managing these pathways in the past.

Thank you for considering our views.

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PREPARED STATEMENT OF THE ASSOCIATION OF COMMUNITY TRIBAL SCHOOLS, INC.

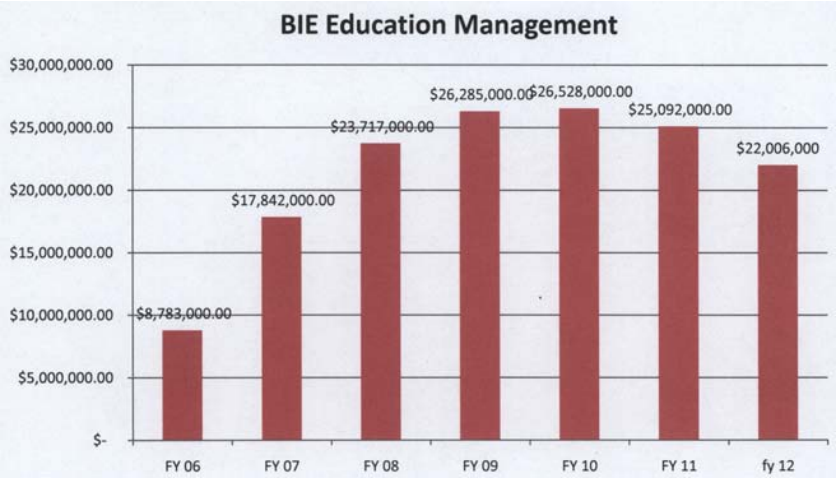
My name is Dr. Roger Bordeaux, Executive Director of the Association of Community Tribal Schools, Inc. (ACTS). I have been a Tribal School Superintendent for 20 years and the executive director for 25 years.

The tribal school movement started in 1966 with Rough Rock Demonstration School. Now there are more than 28,000 students in tribal elementary and secondary schools. The schools are in the States of Maine, Florida, North Carolina, Mississippi, Louisiana, South Dakota, Minnesota, North Dakota, Michigan, Iowa,

Wisconsin, Kansas, Wyoming, Oklahoma, Montana, California, Washington, Idaho, Nevada, Arizona, and New Mexico. ACTS represents a significant number of the more than 125+ tribally controlled elementary and secondary schools. The schools have more than 28,000 tribal children enrolled in pre-K–12 programs. ACTS's mission is to "assist community tribal schools toward their mission of ensuring that when students complete their schools they are prepared for lifelong learning and that these students will strengthen and perpetuate traditional tribal societies."

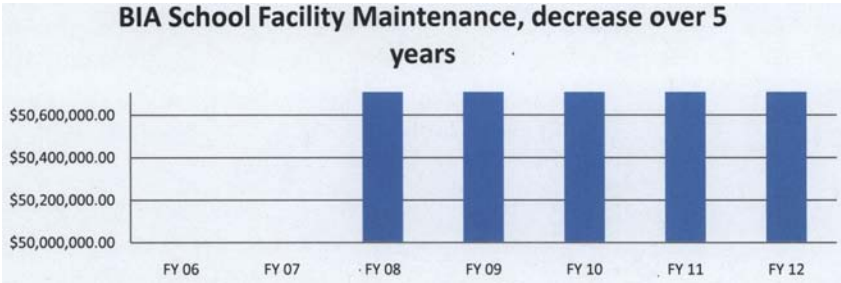
There was no equity in the appropriations over the last 10 years. Bureau of Indan Education (BIE) education management, Indian School Equalization Program (ISEP) adjustments, and education program enhancements have grown by more than 200 percent while the appropriations for all school-based programs have stayed relatively stagnant.

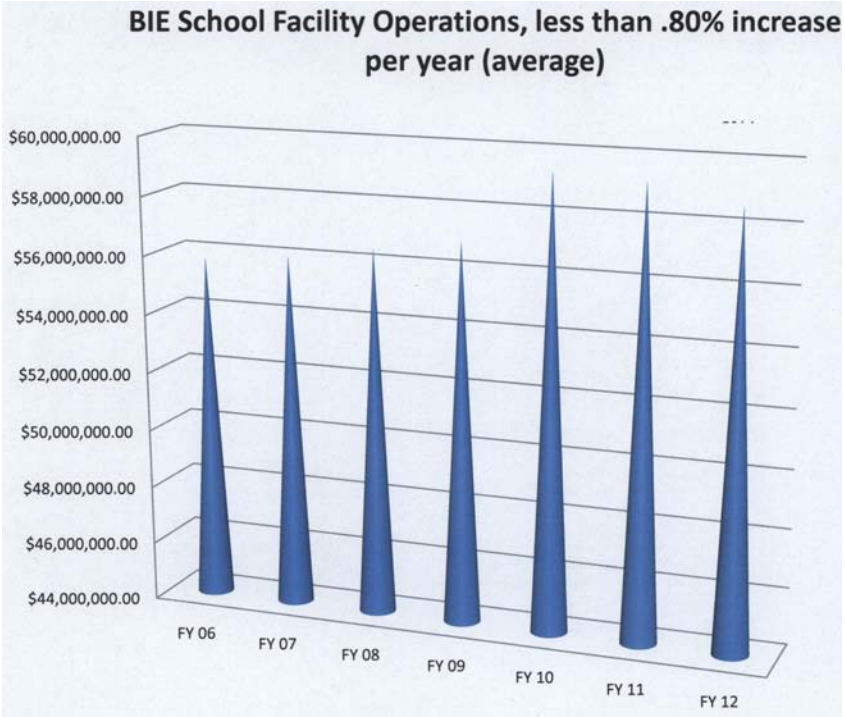
The following charts illustrate the inequity:

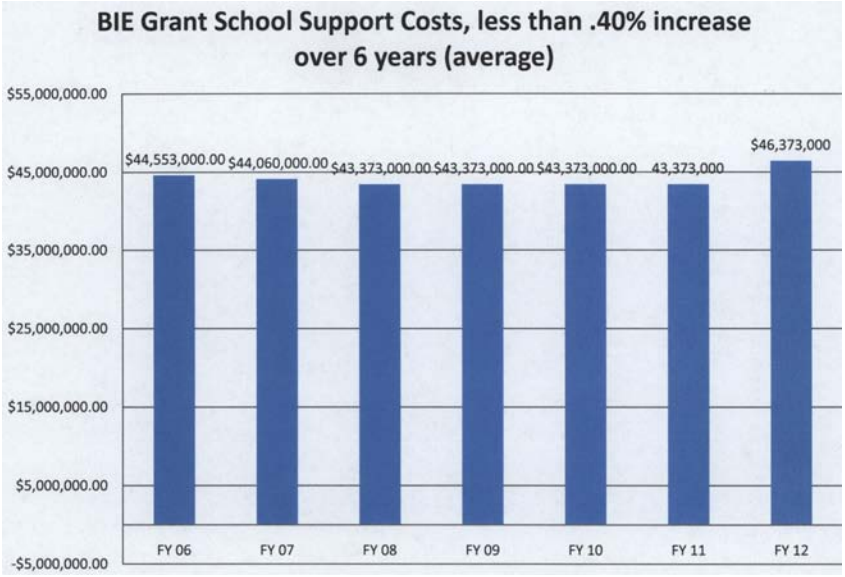



This chart does not include an additional $ 10,000,000+ or at least 5 percent, the BIE uses for education program management from the Department of Education program funds and other Bureau of Indian Affiars (BIA) management funds.

SCHOOL-BASED PROGRAM FUNDS




BIE School Facility Operations, less than .80% increase per year (average)
$60,000,000.00
$58,000,000.00
$56,000,000.00
$54,000,000.00
$52,000,000.00
$50,000,000.00
$48,000,000.00
$46,000,000.00
$44,000,000.00
FY 06
FY 07
FY 08
FY 09
FY 10
FY 11
FY 12


BIE Grant School Support Costs, less than .40% increase over 6 years (average)
$55,000,000.00
$45,000,000.00
$35,000,000.00
$25,000,000.00
$15,000,000.00
$5,000,000.00
-$5,000,000.00
$44,553,000.00
$44,060,000.00
$43,373,000.00
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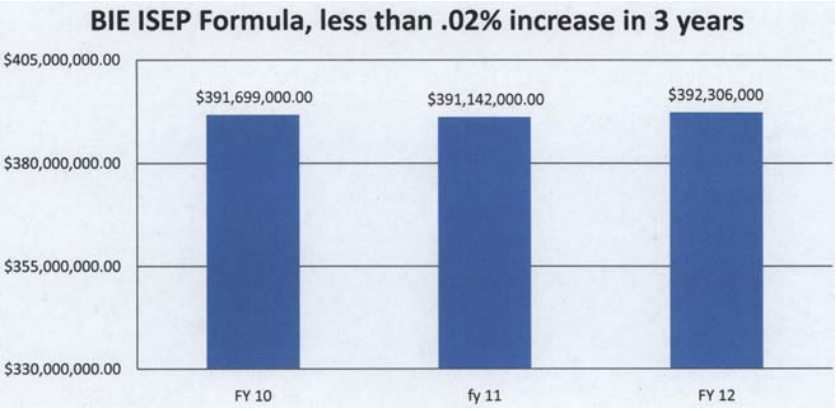
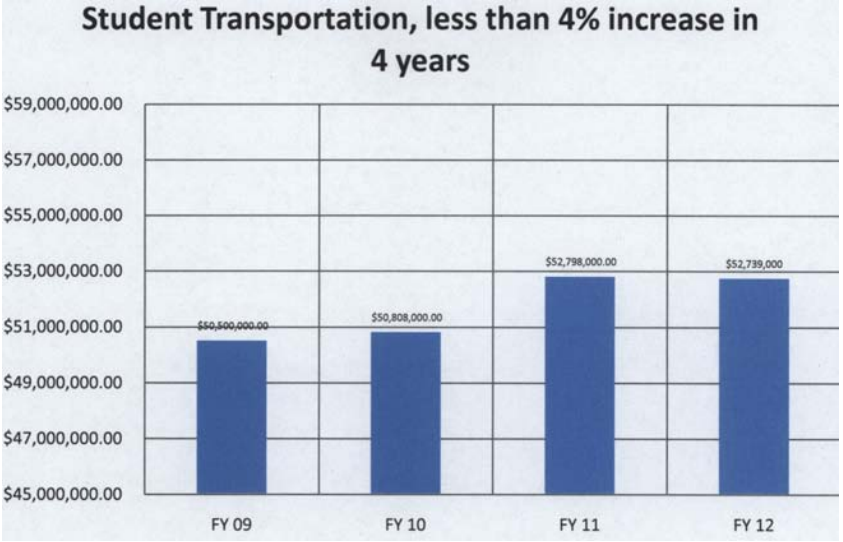
FY 08
FY 09
FY 10
FY 11
FY 12




REQUESTED ACTION

*Restore Residential Education Placement Program Funds: $3,760,000.*—This program element provides funding for BIE-eligible students who are temporarily place in residential facilities for special education, alcohol/drug abuse, and court-ordered placements. If there is a need to find funds, do not give BIE an additional $3,900,000 for ISEP adjustments.

*Restore the "Construction—Education Construction" Activity to the Fiscal Year 2010 Levels.*—The BIA reports a $70,000,000 annual facility deterioration rate and also reports a $3.4 billion school replacement need. The schools will not be able sustain a $61,000,000 cut from education construction.

*Decrease*.—These funds are currently used to control the schools and hamper progress, the BIE uses these funding program elements to dictate what schools what they should do to improve assessment scores based on AYP requirements, and has nothing to do with school improvement, funds should be rolled into ISEP, transportation, facility operations, facility maintenance, and tribal grant support costs:

[Dollars in thousands]

| Item | Amount |
|---|---|
| BIE—Elementary/Secondary Programs—ISEP program adjustments | 7,238 |
| BIE—Elementary/Secondary Programs—Education program Enhancements | 12,067 |
| BIE—Elementary/Secondary Programs—Education management | 5,000 |
| Total | 24,305 |

*Increase*.—Based on BIE-generated needs formulas:

[Dollars in thousands]

| Item | Amount |
|---|---|
| BIE—Elementary/Secondary Programs—Facility maintenance | 3,254 |
| BIE—Elementary/Secondary Programs—Tribal Grant Support Costs | 18,627 |
| BIE—Elementary/Secondary Programs—Facility operations | 30,737 |
| BIE—Elementary/Secondary Programs—ISEP formula funds | 112,858 |
| BIE—Elementary/Secondary Programs—Student transportation | 6,212 |
| Subtotal additional need for nearly 43,000 children | 171,688 |
| Less requested decrease | 24,305 |
| Total requested increase for fiscal year 2012 | $147,383 |

*Eliminate the Following Administrative Provisions Language*.—To allow current schools to expand grade level offerings and allow tribes to apply to operate a grant school:

"Appropriations made available in this or any other Act for schools funded by the Bureau shall be available only to the schools in the Bureau school system as of September 1, 1996. No funds available to the Bureau shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau school system as of October 1, 1995."

*Change Language, With Insert*.—To allow additional appropriations for tribal grant support costs:

"*Provided further,* That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, and 25 U.S.C. 2008, not to exceed *$46,373,000 $65,000,000* within and only from such amounts made available for school operations shall be available for administrative cost grants associated with ongoing grants entered into with the Bureau prior to or during fiscal year [2009]*2010* for the operation of Bureau-funded schools, and up to [$500,000]*$500,000* within and only from such amounts made available for administrative cost grants shall be available for the transitional costs of initial administrative cost grants to grantees that assume operation on or after July 1, [2009]*2010*, of Bureau-funded schools."

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## PREPARED STATEMENT OF THE AMIGOS DE LA SEVILLETA

Mr. Chairman and members of the subcommittee: On behalf of the Amigos de la Sevilleta (Friends of Sevilleta National Wildlife Refuge) and its membership, thank you for your strong support for the National Wildlife Refuge System (NWRS). The meaningful funding increases from fiscal year 2008–fiscal year 2010 allowed the NWRS to emerge from the years of declining budgets that followed the 2003 Refuge Centennial. Unfortunately, the President's fiscal year 2012 budget request of flat funding from fiscal year 2010 represents a $23 million cut when factoring in the amount the NWRS needs annually to maintain existing management capabilities and will result in a dramatic reduction in what refuges will be able to do on the ground.

The Amigos de la Sevilleta appreciates the opportunity to submit comments on the fiscal year 2012 Interior, environment, and related agencies appropriations bill and we respectfully request the subcommittee support the following funding allocations for programs in the NWRS and the U.S. Fish and Wildlife Service (FWS):

—$511 million for the operations and maintenance (O&M) accounts of the NWRS;
—$27 million for Refuge Revenue Sharing;
—$900 million for the Land and Water Conservation Fund (LWCF), including $140 million for the NWRS;
—$20.2 million for Landscape Conservation Cooperatives (LCCs) in the FWS;
—$20 million for Inventory and Monitoring for refuges;
—$37 million for the NWRS construction account for large scale restoration projects, visitor's centers and energy-efficiency projects;
—$80 million for NWRS Visitors Services;
—$39 million for Refuge Law Enforcement;
—$5 million for the management of the new Pacific Marine Monuments;
—$65 million for the FWS' Partners for Fish and Wildlife Program;
—$95 million for the State and Tribal Wildlife Grants Program;
—$50 million for the North American Wetlands Conservation Fund;
—$6.5 million for the Neotropical Migratory Bird Fund;
—$8.4 million for Wildlife Without Borders; and
—$8.5 million for the National Fish and Wildlife Foundation (NFWF) in the FWS' Resource Management General Administration appropriation.

We believe the request of $511 million is a reasonable amount for the FWS to maintain most management capabilities for next year. Without providing adequate funding for these fixed costs, refuges will simply be unable to maintain current programs and public services, and the backlog will grow. Refuges have almost $1 billion worth of construction needs, including the replacement of deteriorating structures that are becoming more expensive to maintain. We request flat funding for the NWRS' construction budget at $37 million, including funds for large-scale habitat restoration. Refuges with a broad range of programs create more service industry jobs and more income for local communities. The visitor's center at the Sevilleta National Wildlife Refuge is scheduled for slight remodeling to install displays and allow for a store for Amigos de la Sevilleta merchandise to raise funds for education and habitat restoration projects on Sevilleta.

*Supporting Jobs and Leveraging American Volunteerism*

Refuges are economic engines in local communities, returning on average $4 in economic activity for every $1 appropriated by the Congress. Nationwide this equates to more than $2 billion in annual economic impact. Refuges are job creators; more than 30,000 jobs—largely in the private sector—are attributed to refuge-related activities. Ecosystem restoration activities deliver the biggest pay-off, where $1 million invested creates 30 jobs, while $1 million invested in recreation creates 22 jobs. Refuges provide significant bang for the buck, despite receiving the least amount per acre of all land management agencies. Refuges are managed with $3.36 per acre while the National Forest Service and National Park Service receive $32.25 and $37.11 per acre, respectively. Refuges are also vital places for the American people to connect with nature and volunteer. Currently, refuge Friends and volunteers do approximately 20 percent of all work on refuges, the equivalent of 648 full-time employees. We support the request of $80 million for Visitors Services for the NWRS. The administration's proposed $2.3 million cut to Visitors Services represents a cut to the programs that oversee volunteers and thereby a marked decline in the work volunteers are able to contribute, leaving that work essentially undone. The Amigos de la Sevilleta provides bus scholarships to our local schools to bus the students to our refuge to learn about nature and to support Children In Nature.

*Using Science to Guide Adaptive Management*

The FWS and the NWRS are developing landscape level strategies to address habitat changes due to shifting land use, increasing human population, the spread of invasive species and changing climates. But the need is urgent and time is of the essence—especially with species on the verge of collapse in locations such as Alaska and Hawaii. We strongly support the FWS initiative to establish Landscape Conservation Cooperatives (LCCs) to bring the best science to bear to help local, State, and Federal agencies make the most educated management decisions. We recommend an allocation of $20.2 million to fund LCCs in fiscal year 2012, building upon the initial LCC investments in fiscal year 2010. The Amigos de la Sevilleta recommends an allocation of $20 million for the NWRS's Inventory and Monitoring program. As the gulf oil spill showed, basic inventories of our natural assets are crucial if the American people are to recoup costs in the event of manmade disasters.

*Commitment to Refuge Communities—Refuge Revenue Sharing*

The NWRS uses the net income derived from use permits, timber harvests, and so on to make payments to local counties or communities to offset lost tax revenue, and relies on congressional appropriations to the Refuge Revenue Sharing program to compensate for the shortfall between revenues and obligations. Due to declining revenue and lack of appropriations, the FWS has been paying less than 50 percent of its tax-offset obligations since 2001. This has a measurable impact on local communities that is felt even more starkly in difficult economic times—and it creates severe strain in relations between the Federal units and their local community, threatening the goodwill and partnerships that are keystones of successful conservation. Amigos de la Sevilleta requests $27 million for the Refuge Revenue Sharing Program, which, in recognition of the President's proposal to zero out funding, is still only half of what is needed. The Amigos de la Sevilleta believes that a review of the Refuge Revenue Sharing Act of 1935 as amended, and consideration of conversion to a Payment-in-Lieu of Taxes (PILT) program to be consistent with the National Park Service, the Bureau of Land Management and the U.S. Forest Service will provide Refuge communities with more equitable payments. Sevilleta National Wildlife Refuge is in a predominantly Federal land managed county in New Mexico and there are several institutions that rely on property tax funding to provide services to the communities within our County.

*Partnerships and Strategic Growth*

The Partners for Fish and Wildlife Program is a powerful tool for working with private landowners to collaboratively conserve refuge landscapes. The program consistently leverages Federal dollars for conservation, generating between $4–$10 in conservation return for every $1 appropriated, and has been key to the success of many iconic landscape conservation projects. In the past 2 years, the Wyoming Landscape Conservation Initiative used $454,000 in habitat restoration and enhancement to leverage an additional $1.4 million from private partners! But the Partners program saw its purchasing power erode between 8–24 percent in 2010 due to rising diesel fuel and seed costs. If funded at its authorized level of $75 million, the program would net at least $300 million worth of additional conservation. We request an fiscal year 2012 appropriation of $65 million for the Partners for Fish and Wildlife Program, a $5 million increase to maintain capabilities. The Amigos de la Sevilleta also calls upon the Congress to fully fund the Land and Water Conservation Fund (LWCF) at its authorized level of $900 million, with 75 percent devoted across agencies to investments in iconic landscapes. Created in 1965 and authorized at $900 million per year (more than $3 billion in today's dollars), the LWCF is our most important land acquisition tool. With more than 8 million acres still unprotected within existing designated refuge boundaries, and the need to establish key wildlife corridors and connections between protected areas, the LWCF is more important than ever. We also urge the subcommittee to appropriate $95 million for the State and Tribal Wildlife Grants Program to implement State Wildlife Action Plans; $50 million for the North American Wetlands Conservation Fund; $6.5 million for the Neotropical Migratory Bird Conservation Fund and $8.5 million for the National Fish and Wildlife Foundation.

*Returning to fiscal year 2008 Funding Levels*

Some in the Congress have recommended returning to fiscal year 2008 funding levels; we must caution that this would have immediate and severe impacts to our national wildlife refuges. With the NWRS already 44 percent underfunded, proposals to return the agency to fiscal year 2008 levels would result in an estimated 20 percent cut to current funding and would have dramatic ramifications including:

—Elimination of hundreds of staff positions, significantly reducing the NWRS's ability to:
  —restore habitats;
  —control invasive species;
  —maintain roads; and
  —respond to illegal activities; and
—Decline in the quality and quantity of visitor services programs, forcing an estimated 54 visitor centers to close and preventing 11 more under construction from opening at all;
—Reduction of volunteer efforts, as cuts to staff who oversee volunteers will result in a decline in the work volunteers are able to contribute;
—Reduction of hunting programs on an estimated 48 refuges and reduction of fishing programs on an estimated 45 refuges;
—A halt on progress of the NWRS' inventory and monitoring program, likely reducing it to a skeletal operation. The need for this program was made clear by

the Deepwater Horizon oil spill, which forced FWS staff to hastily catalog gulf coast refuge assets in order to prove damages and recoup costs from responsible parties. Now the only refuges nationwide with a comprehensive inventory of species and water quality are those that were in the path of oil.

In conclusion, the Amigos 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 our NWRS. As a "Friends" organization, the Amigos de la Sevilleta will continue to do its part by raising funds for educational activities on the Sevilleta National Wildlife Refuge and continue to assist with volunteer days for habitat restoration, as well as fundraising for habitat restoration dollars.

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PREPARED STATEMENT OF 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 2012 funding for the National Endowment for the Arts (NEA) at the fiscal year 2010 enacted level of $167.5 million.

Arts Advocacy Day was last month on Capitol Hill, an annual grassroots gathering hosted by Americans for the Arts and cosponsored by more than 80 national organizations representing dance, theater, music, literature, and the visual and media arts—the full landscape of American culture. Collectively these national groups represent tens of thousands of nonprofit and governmental cultural organizations at the State and local levels across the country.

We are well aware that this subcommittee and the Congress are under tremendous pressure to help fix our economy, reduce our debt and provide for a better country for future generations. I want to say unequivocally that our sector stands ready to be a part of the solution.

Awareness of the new budget realities are reflected in our legislative "ask" before you today. $167.5 million for the NEA represents fiscal year 2010's enacted level of funding.

Households, municipal governments, and the Federal Government are being asked to tighten their belts and the arts community is cognizant of the difficult financial landscape we currently find ourselves in as a Nation. We echo the sentiments of President Obama and congressional leaders that our Nation's new austerity should not impair crucial investments that will lead us out of the current recession. We believe the arts are one of those investments.

Yet despite the best efforts of arts leaders in the Congress, we face the daunting task of continuing the upward trend of support that we have seen over the recent past. The NEA has steadily approached its previous high from the early 1990's after the drastic 40 percent cuts and threatened termination of the mid 1990s. Past arts leaders, such as former Chairwoman Senator Feinstein, have provided invaluable support in maintaining NEA increases, and we hope that you and your colleagues will continue that commitment during these admittedly challenging times.

There is some sobering news across the country that emphasizes the importance of the NEA's contribution to the health of the larger arts landscape. The 2009 National Arts Index, a project of Americans for the Arts that studies the well being and vitality of the arts, illustrates the bad news that the health of the arts industry has hit a 12-year-low. The creative sector is an industry that profoundly impacts and is impacted by the Nation's business cycles. In 2008, 41 percent of nonprofit arts organizations reported a deficit to the IRS, up from 36 percent in 2007. Additionally, the portion of philanthropic giving to the arts dropped from 4.9 percent to 4 percent over the past decade.

The good news is that the arts mean jobs. We have given you the numbers before but they warrant repeating. The nonprofit arts industry is a $166.2 billion economic sector that supports 5.7 million full-time equivalent jobs and pumps $29.6 billion in tax revenue back into local, State, and Federal treasuries. They are home-grown, made in America jobs. According to our Creative Industries study, there are 2,788 arts-related nonprofit and for-profit businesses that employ 12,675 people in the State of Rhode Island, Mr. Chairman. In Senator Murkowski's State of Alaska, 1,857 arts-related businesses employ 5,523 people. It cannot be emphasized enough that the arts industry is uniquely positioned to help us rebound out of the current fiscal crisis. The NEA is a modest but highly effective Federal investment and reaches into every State and Congressional District to support jobs, deliver programming, leverage private giving, and spur economic activity.

*Support for the States*

Forty plus years ago, something as simple as requiring States to match funds received from the NEA helped spur the creation of State arts agencies in every State. They now appropriate $272 million in funds to support the arts. Through Partnership Agreements, the NEA provides funding for State priorities more than matched by State legislature appropriations and augmenting the majority of financial support to the arts that is provided through earned income and private charitable giving.

State arts agencies have a tremendous impact on the vitality of the communities within their jurisdiction by regranting NEA and State funds to local nonprofit institutions, artists, educational and community groups. These funds support individual artistic productions, in-and-after school instruction, arts organization management training and a host of other needs including general operating support to keep the "lights on" so resources can be focused on delivering access to arts programming. Each State arts council relies on Federal collaboration to ensure local arts organizations across their States have the resources to extend access to the arts, promote community economic growth and support creative sector jobs. Some examples of the types of work State councils support:

—The Arizona Commission on Arts supports the Chandler Children's Choir in Chandler, Arizona; the Symphony of the Southwest in Mesa; and the Gilbert Global Village Festival, a multicultural celebration for all ages to "celebrate, share and sustain the arts and the rich cultural traditions of countries from around the world."

—The California Arts Commission. The City of Corona was identified by the Riverside County District Attorney's Office as a community whose schools were in need of gang prevention programming. At least 233 separate criminal street gangs comprised of approximately 8,000 members have been identified by Riverside County law enforcement. The DA's Office partnered with the Riverside Arts Council (RAC) in developing Project Safe Neighborhoods to address this growing issue.

*Local Government Support*

Similarly at the local level, the NEA's original local arts agency program created an even higher 2 to 1 match that was welcomed by local governments. Since 1984, the NEA's Local Arts Agency program has supported more than 800 grants totaling $47 million. This program spurred unprecedented growth in local government support for the arts due in large part to higher matching requirements, sensitivity to local standards and tastes, and their proven track record of being trustworthy stewards of public funds.

Today, local governments invest more than $688.5 million of their own funds in direct support to artists and community-based nonprofit arts organizations, ranging from symphonies and operas to ethnically specific cultural programs and arts education initiatives. Through Arts Works and Challenge America Fast Track Grants, under the grant category of Grants to Projects, the NEA extends critical lifelines directly to local arts agencies as well as helping to preserve jobs in those communities they serve.

To give you an idea about the remarkable work that the NEA helps fund at the local level, it gives me enormous pleasure to tell you that Louisiana's City of Slidell's Department of Cultural & Public Affairs just celebrated their move from post-Katrina FEMA trailers into new office space. After nearly 6 years rebuilding and growing their flood-ravaged community, with budget cut after budget cut, at no point in time was it ever considered to terminate cultural funding from the city's services. Any Louisianan will tell you that their art and culture is the heartbeat of the State. The tremendous outpouring of support for the city's cultural events stood testament to the unshakeable strength of the people and their insistence that Katrina may have taken buildings but not their spirit. To quote Slidell's Cultural Director Kim Bergeron, "I can state with quite certainty that many of our nonprofit arts organizations would have ceased to exist were it not for the arts funding available through NEA and the Louisiana Division of Arts."

*Innovative Programming and Grants*

Under the leadership of Chairman Rocco Landesman, the NEA has made great strides in bringing new initiatives that confront modern urban problems by using the intersection of arts, culture, and design as a foundation for urban renewal. The Mayors' Institute on City Design 25th Anniversary Initiative (MICD25) "supported creative placemaking projects that contribute toward the livability of communities and help transform sites into lively, beautiful, and sustainable places with the arts at their core." Inspired by MICD25, a separate new initiative, Our Town, goes a step

further by establishing a permanent grant program proposing to take the very same principles and fund projects that transform towns, cities, and regions using the arts as an anchor for revitalization.

*Leveraging Private Contributed and Earned Income Support*

The NEA plays an important role in helping these arts organizations leverage both contributed income as well as earned income. Information from Giving USA demonstrates that during the largest cut to NEA funding in the late 1990s and subsequent years of underfunding, private giving to the arts fell dramatically as a percentage of total giving. Fewer NEA grants mean less endorsement of arts programming and institutions and, in turn, less assistance from charitable sources.

*Leveraging Other Federal Agency Support*

The NEA plays a very important role in developing partnerships with other Federal agencies—such as the Departments of Housing and Urban Development, Education, and Transportation—in order to open new channels for arts organizations to work with all aspects of government. For example, Community Development Block Grant funds can be used for restoring cultural facilities, transportation funds can be used for public art, and education funds to deliver quality arts education programs to kids in- and after-school. I know that Chairman Landesman has extensive connections with his fellow agency heads in furthering this dialogue.

So, my message here today is that arts and the NEA have been and are part of the solution to our ongoing recovery. If I could indulge in a historical anecdote, in past recessions the Congress has responded affirmatively that the arts matter. During the national recessions of 1969–1970, 1973–1975, early 1980, early 1990s and the most recent downturn, our congressional leaders responded by increasing funds for the NEA. It is my hope that this subcommittee embraces the idea that arts and culture are partners in making our country stronger.

I respectfully ask the subcommittee to continue its commitment to the creative sector by supporting a funding level of $167.5 million for the NEA in the fiscal year 2012 budget to save jobs, reshape our communities, and maintain America's cultural competitiveness.

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## PREPARED STATEMENT OF THE AMERICAN FOREST & PAPER ASSOCIATION

### INTRODUCTION

The American Forest & Paper Association (AF&PA) is the national trade association of the forest products industry, representing pulp, paper, packaging and wood products manufacturers, and forest landowners. Our companies make products essential for everyday life from renewable and recyclable resources that sustain the environment. The forest products industry accounts for approximately 5 percent of the total U.S. manufacturing GDP. Industry companies produce about $175 billion in products annually and employ nearly 900,000 men and women, exceeding employment levels in the automotive, chemicals, and plastics industries. The industry meets a payroll of approximately $50 billion annually and is among the top 10 manufacturing sector employers in 47 States.

Declining Federal timber harvests have adversely affected many rural communities, resulting in thousands of jobs lost. Actions are needed to restore and increase Federal timber harvest to help ensure adequate fiber supply and address forest health priorities. Within the jurisdiction of this subcommittee, we urge you to direct the U.S. Forest Service (USFS) to help sustain the forest products industry and the vital jobs it supports. Specific recommendations follow.

### NATIONAL FOREST SYSTEM (NFS)—FOREST PRODUCTS

The President's budget request for the NFS proposes an Integrated Resource Restoration (IRR) account, incorporating NFS programs previously funded under several line items into a single $864 million line item. The AF&PA understands the administration's desire to "accelerate the refocusing of national forest management to forest ecosystem restoration project work, including global climate change adaptation and mitigation"; however, combining these line items reduces the accountability of the USFS and makes it difficult for the Congress to perform its oversight duties. The AF&PA opposes the combination without further clarification by the USFS. Moreover, we do not feel that the $80 million specifically delineated within the IRR for priority watershed projects is appropriate without further explanation of how this fund would be used. We also question why the administration has designated $40 million for the Collaborative Forest Landscape Restoration Fund (CFLRF); the

CFLRF originally was intended to be funded with "new" money, not through diversion from other program funding.

To create forest industry jobs, more Federal timber should be made available for sale. At a time when most Americans are concerned about jobs and the economy, studies indicate that the USFS timber sale program could produce more than 6,000 direct and indirect jobs with an annual infusion of $57 million into the forest products line item while improving the health and reducing the fire risk of forest ecosystems.

NFS—HAZARDOUS FUELS REDUCTION

As we have testified in previous years, hazardous fuels reduction is essential to the Federal forest health restoration effort and the AF&PA supports maintaining the program at the fiscal year 2010 enacted level ($340 million) for this vital program. We also urge the subcommittee to instruct the USFS to implement these projects in forested stands, using mechanical treatments that produce merchantable wood fiber for utilization by local mills. Prescribed burns and debris removal will not solve the hazardous fuel overload by themselves. The forest products industry can and does play a key role in reducing hazardous fuels from Federal lands as evidenced by the fact that mechanical hazardous fuel reduction costs are frequently significantly lower in regions with a substantial forest products industry presence. The USFS must take advantage of these synergies.

We also continue to believe the USFS must move away from using "acres treated" as the sole metric of accomplishment in the hazardous fuels reduction program. Exclusive focus on this measure incentivizes the USFS to treat low-priority acres repeatedly and discourages the treatment of higher-priority forested acres in Condition Class 3. More aggressive pursuit of mechanical treatments, including more frequent use of Healthy Forest Restoration Act authorities, will result in treatments that produce usable wood fiber and—more importantly—longer-lasting and more meaningful positive impacts on the long-term fire problem.

FOREST AND RANGELAND RESEARCH

*Forest Inventory and Analysis*.—Targeted research and data collection is needed to support forest productivity, forest health, and economic utilization of fiber. The Forest Inventory and Analysis (FIA) Program within USFS Research and Development Program (R&D) is the backbone of our knowledge about the Nation's forests, and is a vital technical resource that allows assessment of the sustainability, health, and availability of the forest resource. The FIA is utilized by a large swath of stakeholders interested in the state of America's forests: forest resource managers at mills, land managers, conservation groups, and State and Federal agencies all look to the program for data about our Nation's forests. We are concerned that the administration is proposing to cut funding ($5 million) for this vital program. The administration has demonstrated an interest in a sustainable renewable biomass industry through actions in many agencies. With an increased focus on utilizing woody biomass for renewable energy and other products, we do not understand why the administration is proposing to cut funding for the very program that allows managers to determine sustainability of the forest resource. We oppose these harmful cuts to this valuable program.

The Forest Resources Information and Analysis (FRIA) Program under the cooperative forestry budget compliments the FIA by providing cost-share assistance through State contributions to the FIA Program. This assistance allows States to improve the ongoing FIA assessments offered through R&D by improving sampling resolution, increasing sampling frequency, and tailoring assessments to address State-specific forest resource needs. Completely cutting FRIA would hinder the abilities of States to implement renewable portfolio standards while ensuring the sustainability and productivity of forests.

The AF&PA requests funding levels of $67 million for the FIA Program and $5 million for the FRIA Program, which would allow the USFS to cover the majority of U.S. forest lands, expedite data availability and analysis, and support our growing data needs in the areas of bioenergy and climate mitigation.

We also recommend increased funding within the USFS R&D Program in support of the Agenda 2020 Technology Alliance. Working in partnership with universities and the private sector, the USFS funding for the Agenda 2020 Program supports research to develop and deploy wood production systems that are ecologically sustainable, socially acceptable, and economically viable to enhance forest conservation and the global competitiveness of forest product manufacturing and biorefinery operations in the United States. In particular, we encourage greater support for research on forest productivity and utilization at the forest products lab and research sta-

tions. Innovative wood and fiber utilization research, including nanotechnology research, contributes to conservation and productivity of the forest resource. The development of new forest products and important research on the efficient use of wood fiber directly address the forest health problem through exploration of small diameter wood use and bioenergy production.

STATE AND PRIVATE FORESTRY

The AF&PA applauds the subcommittee's sustained support for the USFS state and private forestry programs. With ongoing droughts, invasive species infestations, and significant forest health problems, private forest resources remain vulnerable to damage from threats that do not respect public/private boundary lines.

As you know, private forests provide the bulk of the Nation's wood fiber supply, while also sequestering huge amounts of carbon from the atmosphere, providing millions of acres of wildlife habitat, and supplying clean drinking water for millions of Americans. The USFS state and private forestry programs protect these resources from threats beyond the capability of small landowners to combat effectively. Therefore, we urge funding at no less than their fiscal year 2010 enacted levels of $49 million for cooperative forest health; $39 million for cooperative fire assistance; $29 million for forest stewardship; and $76 million for forest legacy.

INTERNATIONAL FORESTRY

The AF&PA's believes that full and effective implementation and enforcement of the 2008 Lacey Act amendments will reduce the destructive impacts of illegal logging on tropical forests, enable American forest product companies to compete on a level playing field, and contribute to cutting of global greenhouse gas emissions through reduced deforestation and sustainable forest management practices. A 2005 AF&PA report on illegal logging found that up to 10 percent of global timber production could be of suspicious origin and that illegal logging depresses world prices for legally harvested wood by 7 to 16 percent on average. The report also calculated that if there were no illegally harvested wood in the global market, the estimated value of U.S. wood exports could increase by more than $460 million each year.

The USFS International Forestry Program lends critical technical assistance for Lacey Act implementation and to improve sustainable forest management practices in developing countries, which helps reduce illegal logging overseas. The International Forestry Program has been completely cut from the administration's fiscal year 2012 budget. Although the administration claims the USFS will conduct its highest-priority international work under existing USFS authorities, it is unclear if funding for Lacey-related activities will continue to be available and from where it would be derived. Despite a budget allocation for the USDA's Animal and Plant Health Inspection Service Lacey Act account in the President's fiscal year 2012 for the first time ($1.5 million), the AF&PA believes cuts to the international forestry accounts could be detrimental to full Lacey Act compliance and enforcement efforts, and advocates funding the International Forestry Program at fiscal year 2010 levels ($10 million).

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PREPARED STATEMENT OF THE AMERICAN GEOLOGICAL INSTITUTE

Thank you for this opportunity to provide the American Geological Institute's (AGI) perspective on fiscal year 2012 appropriations for geoscience programs within the subcommittee's jurisdiction. The AGI is a nonprofit federation of 49 geoscientific and professional associations that represents more than 120,000 geologists, geophysicists, and other Earth scientists who work in industry, academia, and government. Founded in 1948, the AGI provides information services to geoscientists, serves as a voice of shared interests in our profession, plays a major role in strengthening geoscience education, and strives to increase public awareness of the vital role the geosciences play in society's use of resources, resilience to natural hazards, and the health of the environment. We ask the subcommittee to support and sustain the critical geoscience work in the United States Geological Survey (USGS), the National Park Service (NPS), and the Smithsonian Institution. Specifically we ask for at least $1.2 billion for the USGS, $356 million for the NPS's Resource Stewardship Program, and $861.5 million for the Smithsonian Institution.

As the U.S. economy improves, the Nation must continue to focus on intersecting needs for energy resources, water resources, mineral resources, soil resources, and healthy ecosystems. To speed up the recovery of our economy and workforce, we need to sustain and efficiently use our natural resources and cost-effectively improve our quality of life and the quality of the environment, while reducing risks from nat-

ural hazards. The USGS is the Nation's only natural resource science agency that can provide the objective data, observations, analyses, assessments, and scientific solutions to these intersecting critical needs.

The AGI supports the small, but vital increases for research at the Smithsonian Institution and for the Geologic Resources Division within the Resource Stewardship Program of the NPS. Both conduct research, assessments, and analysis of natural resources that are important for addressing national needs, while stimulating the economy and maintaining a skilled workforce.

USGS

Virtually every American citizen and every Federal, State, and local agency benefits either directly or indirectly from the USGS products and services. Furthermore, a wide variety of industries rely on the USGS for assessments and data to reduce their costs and risks and to help them develop their own products and services. As was made clear by the National Research Council report Future Roles and Opportunities for the USGS, the USGS's value to the Nation goes well beyond the Department of the Interior's stewardship mission for public lands.

The USGS addresses a wide range of important problems facing the Nation:

—natural hazards;
—global environmental change;
—water resources;
—waste disposal; and
—energy and mineral resources.

The AGI prepared a brief document entitled "Critical Needs for the Twenty First Century: The Role of the Geosciences" that lists seven critical needs followed by policy actions to help the Nation meet these needs (available online at www.agiweb.org/gap/criticalneeds/index.html). With a burgeoning human population, rising demand for natural resources and the ever-present threat of natural hazards, it is critical to more fully integrate Earth observations and Earth system understanding into actions for a sustainable world. The USGS plays a prominent role in meeting national needs, while growing the economy, building a skilled workforce and ensuring a natural resource-literate public.

The AGI strongly supports a modest additional investment of about $90 million in fiscal year 2012 for a total budget for the USGS of $1.2 billion to cover fixed costs, emergencies such as oil spills, water disputes, earthquakes and volcanic eruptions, the $48 million needed for Landsat, and to provide tens of millions of dollars to currently underfunded core programs. It is imperative that these missions be recognized and valued within the Department and by the administration. The AGI asks the subcommittee to continue to support the USGS.

*Mineral Resources Program (MRP)*.—The value of domestically processed nonfuel mineral resources is estimated to be about $578 billion in 2010 and growing. The USGS MRP is the only entity, public or private, that provides an analysis and assessment of the raw materials and processed minerals accessible from domestic and global markets. This highly regarded research program is the Nation's premier credible source for regional, national, and global mineral resource and mineral environmental assessments; statistics and research critical for sound economic, mineral-supply, land-use, and environmental analysis; and planning and decisionmaking. Not only does the program track global commodities, it also prepares assessments such as the recent report on rare Earth element deposits in the United States.

The data and analyses of the MRP are used by the Departments of the Interior, Defense, State, the Central Intelligence Agency, the Federal Reserve, other Federal, State and local government entities, foreign governments, private companies, and the general public. Analyses based on the MRP data are essential for guiding economic and environmental policy and for providing options for land-use decisions posed by industry, government, and private land owners. We urge the subcommittee to support the MRP at a level of $54 million so that it may perform its core missions. This level is the same as the fiscal year 2010 and fiscal year 2005 levels and more than the fiscal year 2012 request of $44 million.

*Water Program*.—The AGI is concerned with the decreased funding in the President's request for the USGS's Water Resources Programs. The USGS is the Nation's premier Federal water science agency and knowledge about water quality and quantity is necessary for economic growth and to avoid catastrophes. Going forward for fiscal year 2012, the AGI supports modest budgets to sustain many critical water programs at the USGS including:

—National Streamflow Information;
—Groundwater Resources;
—the National Water Quality Assessment;

—Hydrologic Research and Development;
—Toxic Substances Hydrology;
—Hydrologic Networks; and
—the Cooperative Water Program.

We respectfully ask that $18 million in proposed cuts for water programs in the fiscal year 2012 request be restored, so that water resource efforts remain stable at fiscal year 2010 levels.

*National Cooperative Geologic Mapping Program (NCGMP)*.—The AGI is very grateful to the Congress for passing the re-authorization of the NCGMP in the 2009 public lands omnibus (Public Law 111–11, section 11001). This important partnership between the USGS, State geological surveys, and universities provides the Nation with fundamental data for addressing natural hazard mitigation, water resource management, environmental remediation, land-use planning, and raw material resource development. The AGI supports at least the request of $25.4 million for the NCGMP and asks for consideration of returning the budget to its fiscal year 2010 level of $28 million.

*National Earthquake Hazards Reduction Program (NEHRP) and Other Natural Hazards*.—A key role for the USGS is providing the research, monitoring, and assessment that are critically needed to better prepare for and respond to natural hazards. The tragic earthquake/tsunami in Japan and the Indian Ocean, Hurricanes Katrina and Rita striking the gulf coast and the massive earthquakes in New Zealand, Chile, Haiti, Pakistan, and Wenchuan, remind us of the need for preparation, education, mitigation, and rapid response to natural hazards. Several National Academies' reports and studies by other hazard experts have shown that mitigation, and preparation reduces fatalities, injuries, and economic losses. With great forethought, the Earthquake Hazards Reduction Authorization Act of 2000 (Public Law 106–503) called for a significant Federal investment in expansion and modernization of existing seismic networks and for the development of the Advanced National Seismic System (ANSS)—a nationwide network of shaking measurement systems focused on urban areas. The ANSS can provide real-time earthquake information to emergency responders as well as building and ground shaking data for engineers and scientists seeking to understand earthquake processes and mitigate damage.

With only 886 of 7,100 stations in operation at the end of fiscal year 2009, the ANSS is far from achieving its goals. Stimulus funding in 2009 for the ANSS will help to reduce the gap, but robust and steady appropriations are a high-priority right now. Critical investments now will help to reduce earthquake risks; help to create jobs and grow the economy by improving and modernizing seismic networks and the built environment; help support external earthquake research and education efforts; and help to support other major earthquake science initiatives, such as the EarthScope Observatories run by the NSF. A major component of EarthScope is a seismic network that is moving across the country and is appropriately complemented and connected to the ANSS. Given all of these factors, now is really the time to increase investments in USGS–NEHRP through the NEHRP. The AGI strongly supports reauthorization of the NEHRP in 2011 and appropriations to meet the goals of the NEHRP in fiscal year 2012.

The AGI strongly supports returning the NEHRP, the Volcano Hazards Program, the Landslide Hazards Program, and the Global Seismographic Network Program back to their fiscal year 2010 enacted levels. We respectively ask the subcommittee to consider adding $6.3 million to avoid any cuts to these vital programs.

*National Geological and Geophysical Data Preservation Program*.—The data preservation program (Public Law 109–58, section 351) is administered by the USGS in partnership with State geological surveys and other stakeholders. Private and public entities collect geologic and geophysical data in the form of paper records, digital files, and physical samples. Often these data and samples are given to State geological surveys either voluntarily or because of regulatory statutes. These data are worth far more than the cost of preserving them because they provide information about natural resources and natural hazards that are used by others for business or safety. The program generates more value in terms of economic development, environmental stewardship, hazard mitigation, and fulfilling regulatory requirements than it costs to run. The AGI supports an appropriation of $1 million, the same as the fiscal year 2010 amount to sustain the program.

SMITHSONIAN INSTITUTION

The Smithsonian's National Museum of Natural History plays a dual role in communicating the excitement of the geosciences and enhancing knowledge through research and preservation of geoscience collections. The AGI asks the subcommittee to support Smithsonian research with steady funds that are a tiny fraction of the

overall budget, but will dramatically improve the facilities and their benefit to the country. We strongly support the President's request of $861.5 million for Smithsonian research in fiscal year 2012.

NPS

The national parks are very important to the geoscience community and the public as unique national treasures that showcase the geologic splendor of our country and offer unparalleled opportunities for research, education, and outdoor activities. The NPS' Geologic Resources Division was established in 1995 to provide park managers with geologic expertise. Working in conjunction with the USGS and other partners, the division helps ensure that geoscientists are becoming part of an integrated approach to science-based resource management in parks. The AGI supports the President's small increase for additional support for geological staff positions to adequately address the treasured geologic resources in the National Parks, especially as the National Parks approach their 100th anniversary.

Thank you for the opportunity to present this testimony to the subcommittee.

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PREPARED STATEMENT OF THE AMERICAN GEOPHYSICAL UNION

The American Geophysical Union (AGU), a nonprofit, nonpartisan scientific society, appreciates the opportunity to submit testimony regarding the President's fiscal year 2012 budget request for the United States Geological Survey (USGS). The AGU, on behalf of its more than 62,000 Earth and space scientist members, would like to respectfully request the Congress to appropriate at least $1.2 billion to accommodate the President's request, and to restore critical funding for the USGS programs that will enable implementation of natural hazards warning and monitoring systems that will reduce risks from floods, earthquakes, severe storms, volcanic eruptions, and other hazards.

*USGS Benefits Every State in the Union*.—The USGS is uniquely positioned to address many of the Nation's greatest challenges. The USGS plays a crucial role in reducing risks from earthquakes, tsunamis, floods, landslides, wildfires, and other natural hazards, assessing water quality and quantity, providing emergency responders with geospatial data to improve homeland security, assessing mineral and energy resources (including rare earth elements and unconventional natural gas resources), 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 and providing services for every State in the United States, 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.

Virtually every American citizen and every Federal, State, and local agency benefits either directly or indirectly from USGS products and services. Furthermore, a wide variety of industries rely on the USGS for assessments and data to reduce their costs and risks and to help them develop their own products and services. As was made clear by the National Research Council report "Future Roles and Opportunities for the U.S. Geological Survey", the USGS's value to the Nation goes well beyond the Department of the Interior's stewardship mission for public lands.

*National Earthquake Hazards Reduction Program (NEHRP) and Other Natural Hazards*.—Providing the information necessary to mitigate the impacts of natural hazards is a core function of the USGS. The USGS operates seismic networks and conducts seismic hazard analyses that are used to formulate earthquake probabilities and to establish building codes across the Nation. It monitors volcanoes and provides warnings about impending eruptions. Data from the USGS network of stream gages enable the National Weather Service to issue flood warnings. The USGS and its Federal partners monitor seasonal wildfires and 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.

A key role for the USGS is providing the research, monitoring, and assessments that are critically needed to better prepare for and respond to natural hazards. The tragic earthquake and tsunami events in both Japan and the Indian Ocean, Hurricanes Katrina and Rita striking the gulf coast, and the massive earthquakes in New Zealand, Chile, Haiti, Pakistan, and Wenchuan, remind us of the need for preparation, education, mitigation, and rapid response to natural hazards. Several National

Academies' reports and studies by other hazard experts have shown that mitigation and preparation reduces fatalities, injuries and economic losses.

With great forethought, the Earthquake Hazards Reduction Authorization Act of 2000 (Public Law 106–503) called for a significant Federal investment in expansion and modernization of existing seismic networks and for the development of the Advanced National Seismic System (ANSS)—a nationwide network of shaking measurement systems focused on urban areas. The ANSS can provide real-time earthquake information to emergency responders as well as building and ground-shaking data for engineers and scientists seeking to understand earthquake processes and mitigate damage.

As USGS Director Marcia McNutt noted in her March 17 testimony before the subcommittee, the reduction in fatalities in large earthquakes in Japan (140,000 fatalities in the 1923 Kanto earthquake, then 6,800 in the 1995 Kobe earthquake, and only about 200 in the 2011 Tohoku earthquake) has been due to increased understanding of earthquakes and subsequent improvement of engineering and early warning systems. The value of saving hundreds of thousands of lives is immeasurable, yet clearly depends on the priorities of our society and our leadership in the Congress.

With only 1,300 of 7,100 stations in operation as of October 2010, the ANSS is far from achieving its goals. Robust and steady appropriations are a high-priority right now. Critical investments now will help to reduce earthquake risks, help to create jobs, and grow the economy by improving and modernizing seismic networks and the built environment; help support external earthquake research and education efforts; and help to support other major earthquake science initiatives, such as the EarthScope Observatories run by the National Science Foundation. A major component of EarthScope is a seismic network that is moving across the country and is appropriately complemented and connected to ANSS. Given all of these factors, now is really the time to increase investments in USGS-National Earthquake Hazards Reduction Program through the Earthquake Hazards Program.

The AGU strongly supports robust appropriations of at least the request for the Earthquake Hazards Program ($52.3 million), the Volcano Hazards Program ($23.6 million), and Landslide Hazards Program ($3.3 million). We respectfully ask the subcommittee to consider adding $4.7 million to return the hazards programs to their fiscal year 2010 levels and avoid any cuts to these vital programs.

*National Cooperative Geologic Mapping Program (NCGMP)*.—The AGU is very grateful to the Congress for passing the re-authorization of the NCGMP in the 2009 public lands omnibus (Public Law 111–11, section 11001). This important partnership between the USGS, State geological surveys, and universities provides the Nation with fundamental data for addressing natural hazard mitigation, water resource management, environmental remediation, land-use planning, and raw material resource development. The AGU supports at least the request of $25.4 million for the NCGMP and asks for consideration of returning the budget to its fiscal year 2010 level of $28 million.

*National Geological and Geophysical Data Preservation Program (NGGDP)*.—The data preservation program (Public Law 109–58, section 351) is administered by the USGS in partnership with State geological surveys and other stakeholders. Private and public entities collect geologic and geophysical data in the form of paper records, digital files, and physical samples. Often these data and samples are given to State geological surveys either voluntarily or because of regulatory statutes. These data are worth far more than the cost of preserving them because they provide information about natural resources and natural hazards that are used by others for business or safety. The program generates more value in terms of economic development, environmental stewardship, hazard mitigation, and fulfilling regulatory requirements than it costs to run. The AGU supports an appropriation of $1 million, the same as the fiscal year 2010 amount to sustain the program.

*Mineral Resources Program (MRP)*.—The value of domestically processed nonfuel mineral resources is estimated to be about $578 billion in 2010 and growing. The USGS MRP is the only entity, public or private, that provides an analysis and assessment of the raw materials and processed minerals accessible from domestic and global markets. This highly regarded research program is the Nation's premier credible source for regional, national, and global mineral resource and mineral environmental assessments, statistics, and research critical for sound economic, mineral-supply, land-use and environmental analysis, planning, and decisionmaking. Not only does the program track global commodities, it also prepares assessments such as the recent report on rare earth element deposits in the United States.

The data and analyses of the MRP are used by the Departments of the Interior and Defense, the Central Intelligence Agency, the Department of State, the Federal Reserve, other Federal, State, and local government entities, foreign governments,

private companies, and the general public. Analyses based on the MRP data are essential for guiding economic and environmental policy and for providing options for land-use decisions posed by industry, government, and private land owners. We urge the subcommittee to support the MRP at a level of $54 million so that it may perform its core missions. This level is the same as the fiscal year 2010 and fiscal year 2005 levels and more than the fiscal year 2012 request of $44 million.

*Water Program*.—The AGU is concerned with the decreased funding in the President's request for the USGS's water resources programs. The USGS is the Nation's premier Federal water science agency and knowledge about water quality and quantity is necessary for economic growth and to avoid catastrophes. Going forward for fiscal year 2012, the AGU supports modest budgets to sustain many critical water programs at the USGS including national streamflow information; ground water resources; the National Water Quality Assessment (NAWQA); hydrologic research and development; toxic substances hydrology; and hydrologic networks and cooperative water program. We respectfully ask that $18 million in proposed cuts for water programs in the fiscal year 2012 request be restored, so that water resource efforts remain stable at fiscal year 2010 levels.

The AGU 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 appreciate the opportunity to submit this testimony to the subcommittee and thank you for your thoughtful consideration of our request.

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## PREPARED STATEMENT OF THE AMERICAN INSTITUTE OF BIOLOGICAL SCIENCES

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to provide testimony in support of appropriations for the United States Geological Survey (USGS) and Environmental Protection Agency (EPA) for fiscal year 2012. The AIBS encourages the Congress to provide the USGS with at least $1.2 billion in fiscal year 2012, with at least $171 million for the ecosystems activity. We further request that the Congress provide the EPA's Office of Research and Development (ORD) with at least $597 million, with at least $72 million for ecosystem research.

### USGS

The USGS provides unbiased, independent research, data, and assessments that are needed by public and private sector decisionmakers. Data generated by the USGS save taxpayers money by reducing economic losses from natural disasters, allowing more effective management of water and natural resources, and providing essential geospatial data that are needed for commercial activity and natural resource management. The data collected by the USGS are not available from other sources. Our Nation cannot afford to sacrifice this information. Funding for the USGS is a wise investment that produces real returns for the country.

The fiscal year 2012 budget request for the USGS is inadequate to sustain the USGS' critical work. The proposed budget would cut funding from programs that support the USGS' core missions, resulting in the termination of 230 full-time staff positions. These reductions would be especially destructive because, in constant dollars, the USGS has been flat funded for more than a decade. Given the USGS' critical role in informing the environmental and economic health of the Nation, more support is justified. We urge the Congress to fully fund the USGS by restoring administration-proposed reductions to core science programs.

One area that would be negatively impacted by the proposed budget is the ecosystems activity within the USGS. Three programs within this budget authority are slated for reductions. The Status and Trends, Fisheries, and Wildlife Programs would collectively lose $4.4 million. This budget would undercut the USGS' ability to fulfill its valuable programmatic missions in biology. The Status and Trends Program inventories populations of plants and animals, and monitors changes in these species and their habitats over time. The fisheries: Aquatic and Endangered Resources Program and Wildlife: Terrestrial and Endangered Resources Program conduct research that informs our understanding of biodiversity, and provide information to other Department of the Interior (DOI) bureaus that is used to manage endangered species. Collectively, the knowledge generated by these programs is used by Federal and State natural resource managers to maintain healthy and diverse ecosystems while balancing the needs of public use.

Another program inadequately funded in the administration's request is the National Biological Information Infrastructure (NBII). Under the fiscal year 2012 budget, all new data collection activities would be eliminated. This would halt efforts to make data on invasive species, wildlife disease, habitat loss, wetlands, and pollinators more accessible to resource managers, scientists, and the public. The budget

would also eliminate partnerships with more than 40 Federal and State agencies, 20 universities, and other networks. Moreover, this plan would have global consequences, as the NBII serves as the U.S. node for the Global Biodiversity Information Facility, an international collaboration of nearly 60 countries that enables public access to global biodiversity data.

Other external partnerships would be negatively impacted under the proposed budget. Through the Cooperative Research Units (CRUs), the USGS and their partners address pressing issues facing natural resource managers, such as invasive species and wildlife diseases. In addition to providing research expertise, these partnerships at 40 universities in 38 States serve as important training centers for America's next generation of scientists and resource managers. Although the CRUs are effective investments that leverage Federal funding, the program's budget would decline by $500,000 in fiscal year 2012.

The National Streamflow Information Program within the water resources activity also provides needed information for resource managers and scientists. Its national network of streamgages records changes in streamflow due to alterations in precipitation, land use, and water use. This information is vital to State and local governments, utilities, and resource managers who make decisions about water use.

In summary, the USGS is uniquely positioned to provide a scientific context for many of the Nation's biological and environmental challenges, including water quality, energy independence, and conservation of biological diversity. Biological science programs within the USGS gather long-term data not available from other sources. These data have contributed fundamentally to our understanding of the status and dynamics of biological populations and have improved our understanding of how ecosystems function, all of which is necessary for predicting the impacts of land management practices and other human activities on the natural environment. This array of research expertise not only serves the core missions of the DOI, but also contributes to management decisions made by other agencies and private sector organizations. In short, increased investments in these important research activities will yield dividends.

EPA

The ORD is the science division for the EPA. The ORD supports valuable extramural and intramural research that is used to understand, prevent, and mitigate environmental problems facing our Nation. The ORD research informs decisions made by public health and safety managers, natural resource managers, businesses, and other stakeholders concerned about air and water pollution, human health, and land management and restoration. In short, the ORD provides the scientific basis upon which the EPA monitoring and enforcement programs are built. Funding for the ORD, however, has declined since fiscal year 2004, when it peaked at $646.5 million. At $584.1 million, the budget request for fiscal year 2012 falls far short of addressing past budget deficits. We ask that the Congress restore funding for the ORD to at least the fiscal year 2010 level.

The Ecosystem Services Research Program within the ORD 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. "EPA's Ecosystem Services Research Program is bold, innovative, and necessary," wrote Dr. Judith Meyer, chair of the Ecological Processes and Effects Committee of the EPA's Science Advisory Board in a 2009 Committee consultation. However, "[t]he considerable potential of the program is unlikely to be achieved with its current level of funding and staff." The fiscal year 2012 budget request would do little to solve the problem, with a proposed $10.8 million cut in funding and a reduction of 16.7 full-time equivalents for ecosystem research. We ask that the Congress fully fund the program.

The Science to Achieve Results (STAR) Graduate Fellowship contributes to the training of the next generation of scientists by supporting graduate students pursuing an advanced degree in environmental science. The USGS' request of $6 million in new funding represents the first real increase for the program since fiscal year 2006 and would provide 105 new fellowships. Since its inception in 1995, this successful program has supported the education and training of 1,500 STAR Fellows who have gone on to pursue careers as scientists and educators.

In conclusion, we urge the Congress to restore funding for the ORD to the fiscal year 2010 enacted level and to proportionally increase funding for ecosystem research within the program. These appropriation levels would allow the ORD to address a backlog of research needs.

Thank you for your thoughtful consideration of this request.

## 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 2012 appropriations recommendations for the 29 colleges funded under the Tribally Controlled Colleges and Universities Assistance Act (Tribal College Act); the Bureau of Indian Education (BIE) postsecondary institutions; and the Institute of American Indian Arts. The BIE administers these programs, save for the Institute of American Indian Arts, which is congressionally chartered and funded directly through the Department.

In fiscal year 2012, TCUs seek $71 million for institutional operations and technical assistance grants under the Tribally Controlled Colleges and Universities Assistance Act of 1978 or Tribal College Act; of which, $63.7 million for titles I and II grants (27 TCUs); $6.7 million for title V; and $601,000 for technical assistance.

This request represents funding at the level appropriated since fiscal year 2010. AIHEC's membership also includes three other TCUs funded under separate authorities within Interior, environment, and related agencies appropriations, namely: Haskell Indian Nations University; Southwestern Indian Polytechnic Institute; and the Institute of American Indian Arts. The AIHEC supports the independently submitted requests for funding of the institutional operations budgets of these institutions.

### BRIEF BACKGROUND

Today, there are 36 TCUs operating 79 campuses in 14 States. These institutions were begun specifically to serve the higher education needs of American Indians. Annually, these institutions serve students from well 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. TCUs are young, geographically isolated, and poor. Our oldest institution, Diné College, was established in 1968. Most TCUs are located in areas of Indian country that the Federal Government defines as extremely remote. They serve their communities in ways that reach far beyond college level programming and are often called beacons of hope for American Indian people. Our institutions provide much needed high school completion (GED), basic remediation, job training, college preparatory courses, and adult education programs. They serve as community libraries and centers, tribal archives, career and business centers, economic development centers, public meeting places, and elder and child care centers. It is an underlying goal of all TCUs to improve the lives of students through higher education and to move American Indians toward self-sufficiency. This goal is fundamental because of the extreme poverty in which most American Indians live. In fact, 3 of the 5 poorest counties in America are home to TCUs, where unemployment rates are consistently well above 60 percent. By contrast, the current national unemployment rate, which is considered to be extremely high, is 8.8 percent.

TCUs remain the most poorly funded institutions of higher education in the Nation. Howard University, located in the District of Columbia, is the only other minority-serving institution, besides the tribal colleges, to receive its basic institutional operating funds from the Federal Government. The similarity ends there, as Howard University's Federal support for operations is approximately $19,000 per student. In contrast, the tribal colleges currently receive $5,523 per Indian student, with no Federal funding towards operations for the non-Indian students that attend TCUs, which account for approximately 21 percent of TCU enrollments.

### 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. While the latest Decennial Census data is not yet available, the 2000 Census reported the annual per capita income of the U.S. population as $21,587. However, the annual per capita income of American Indians was $12,923 or about 40 percent less. In addition to serving their students, TCUs serve their communities through a wide variety of community outreach programs.

TCUs are producing a new generation of highly trained American Indian 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; contributing to the achievement of the national graduation goal, and serving 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. All TCUs offer at least certificates and associate degrees with 10 offering bachelor's and two conferring master's degrees, making tribal colleges a critical component in achieving the national goal to once again lead the world in the percentage of the population with college degrees by 2020. Additionally, TCUs' transfer function from 2-year to 4-year degree institutions is significant. An independent survey of TCU graduates conducted 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 one-half of respondents dropped out of mainstream colleges and nearly 40 percent went on to earn a bachelor's degree. This clearly illustrates TCUs' positive impact on the persistence of American Indian students in pursuit of baccalaureate degrees. The overwhelming majority of respondents felt that their TCU experience had prepared them well for further education and noted that it had a very positive influence on their personal and professional achievements.

Despite a proven track record of success, TCUs still face serious disparities in institutional operations funding. 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. Distribution of funds under title I of the Tribal College Act is enrollment driven. The 25 institutions that are currently funded under title I are receiving $5,523 per Indian student toward their institutional operating budgets. If you factor in inflation, the buying power of the current appropriation is $1,437 less per Indian student than it was 30 years ago, when the program was initially funded at $2,831 per Indian student. Because they are located on Federal trust lands, States have no obligation to fund the TCUs. While TCUs do seek funding from their respective State legislatures for the non-Indian State-resident students sometimes called nonbeneficiary students, who as noted earlier, account for 21 percent of our enrollments, their successes have been at best inconsistent. TCUs are accredited by the same regional agencies that accredit mainstream institutions, yet they have to continually advocate for basic operating support for their non-Indian State students, within their respective State legislatures. If these nonbeneficiary students attended any other public institution in the State, the State would provide that institution with ongoing operations funding.

While the other TCUs' operating funds allocations are not enrollment driven and therefore the disparity is not as easily illustrated, they too suffer from a lack of stable operating revenue. 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.

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 more than 310 percent. Between fiscal year 2005 and fiscal year 2012, five additional TCUs have become eligible for funding under title I of the Tribal College Act. TCUs are in many ways victims of their own successes. The growing number of tribally chartered colleges and universities being established and increasing enrollments have caused an already inadequate annual funding pie to be sliced into even smaller pieces.

*Local Tax and Revenue Bases*.—TCUs cannot rely on a local tax base for 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. As noted earlier, on Indian reservations that are home to TCUs, the unemployment rate can well exceed 60 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. These institutions are simply and effectively providing access to quality higher education opportunities to all reservation community residents, both Indian and non-Indian.

PRESIDENT'S BUDGET AND APPROPRIATIONS REQUEST FOR FISCAL YEAR 2012

As noted earlier, it has been three decades since the Tribal College Act was first funded and the TCUs have yet to receive the congressionally authorized per Indian student funding level ($8,000), which is less than half that currently appropriated for Howard University, the only other media sales institute to receive institutional operating funds from the Federal Government. To fully fund the TCUs institutional operating grants at their authorized level would require an increase of $29 million more than the current funding level. However, we recognize the budget constraints the Nation is currently facing and consequently, we are not requesting an increase in fiscal year 2012, but rather seek to have our institutional operating and technical assistance grants programs maintained at the fiscal year 2010 appropriated level, as recommended in the President's fiscal year 2012 budget request, outlined in the request summary above.

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 2012 appropriations requests.

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## PREPARED STATEMENT OF THE AMERICAN LUNG ASSOCIATION

### ENVIRONMENTAL PROTECTION AGENCY'S PROGRAM TO IMPROVE THE NATION'S AIR

[In millions of dollars]

| Program | Amount |
|---|---|
| Taking action on climate change and improving air quality | 1,103.9 |
| Federal stationary source regulation | 34.1 |
| Federal support of air quality management | 141.4 |
| Clean air allowance trading program | 30.6 |
| Federal vehicle and fuels standards | 100.6 |
| Climate protection program | 127.8 |
| State and Local Air Quality Management (STAG) | 305.5 |
| Air monitoring | 15.0 |
| Diesel emission reductions | 50.0 |
| Human health risk assessment | 45.7 |
| Reducing risks from indoor air | 20.8 |
| Indoor air: Radon program | 5.8 |
| Research: Air, climate, and energy | 108.0 |

The American Lung Association is pleased to support the Environmental Protection Agency's (EPA) program to improve the Nation's air. The American Lung Association was founded in 1904 to fight tuberculosis and today, our mission is to save lives by improving lung health and preventing lung disease.

We urge the subcommittee to support ensuring that the EPA has the necessary resources to protect the public health from air pollution. Protecting the public from the health threats of pollution is a core mission of the EPA. In March, the EPA released a report that documents the tremendous health benefits of the Clean Air Act (CAA). According to the report, in 2010 alone the reductions in fine particle and ozone pollution from the 1990 CAA amendments prevented more than 160,000 premature deaths, 130,000 heart attacks, 13 million lost work days, and 1.7 million asthma attacks.[1] Despite this tremendous success, much work remains to ensure each American has air that is safe and healthy to breathe. Our 2011 State of the Air report showed that nearly more than one-half of the Nation—154.5 million people—live in areas where the air is unhealthy.[2]

The public expects the EPA to implement the CAA and strongly opposes congressional interference in the law's implementation. In February, we released a bipartisan public opinion poll that shows 69 percent of voters support the EPA updating the CAA standards on air pollution. The survey shows that 79 percent of voters support stricter limits on mercury; 77 percent support stricter limits on smog; 74 percent support stricter limits on carbon; and 74 percent support tougher fuel efficiency standards for heavy duty trucks.[3]

Implementing the CAA to protect health and save lives is a tremendous responsibility and the EPA workload is vast. In 2012, we expect the EPA to update health-based air-quality standards; implement rules to clean up toxic pollution from major sources such as power plants; clean up toxic pollution from automobile tailpipes; aggressively enforce the law to ensure compliance and protect the public; support State and local air pollution cleanup; continue research on the health impacts of air pollution; improve air pollution monitoring; and ensure that the CAA is implemented in a way that protects the most vulnerable. As a Nation, we need the EPA to be able to do all of these things.

The Congress must ensure that the EPA moves forward to implement the CAA. We urge the subcommittee to pass an fiscal year 2012 bill free from any policy riders.

The American Lung Association would like to highlight for you some key provisions of the President's fiscal year 2012 budget that provide additional focus on protecting vulnerable populations. The budget includes a $2 million increase in funding for Civil Enforcement to reduce toxic air pollution around schools and within at-risk communities. Since children are especially vulnerable to the health impacts of toxic pollution, we are heartened to see this budget increase.

We are pleased to see the President's budget increase support for the Air Quality Management Program to improve pollution monitoring and analysis at the fence lines of polluting facilities. People who live adjacent to and near major sources of pollution often face the greatest health risk. Increases of more than $3 million as part of the Air Toxics Initiative and almost $3 million as part of the Healthy Communities initiative will help improve the understanding of community-wide impacts of toxic air pollution and ultimately lead to better protection.

We support the President's budget increase of nearly $7 million to fund Federal Stationary Source Regulations. These funds will support the updating of air pollution health standards that tell local communities when the air is unhealthy to breathe, as well as the setting of air toxics standards that will clean up arsenic, lead, acid gases, formaldehyde, and other toxic pollutants currently emitted across the Nation. In March, the EPA proposed new mercury and air toxic standards for oil- and coal-fired power plants. This proposal will save an estimated 17,000 lives per year in 2016. It is vital that the EPA complete these lifesaving rules on time and begin their implementation.

We strongly support increased funding for State and local air pollution agencies. State and local air pollution control agencies are on the front lines in the effort to improve air quality across the Nation. These agencies will be called on to put in place the safeguards set under the CAA. These agencies will adopt and enforce a range of new emissions reduction programs designed to meet the needs of each area. State and local air pollution agencies need additional resources to protect the health of their communities. Key to this is the investment in air pollution monitoring. Im-

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[1] U.S. Environmental Protection Agency. *The Benefits and Costs of the Clean Air Act From 1990 to 2020.* Washington, DC., March 2011.

[2] American Lung Association. *State of the Air 2011.* Washington, DC. April 2011.

[3] American Lung Association. *Clean Air Survey.* Washington, DC. February 16, 2011.

proving the Nation's air pollution monitoring network will provide better information to enhance health protection.

We strongly support the EPA's planned work to update tailpipe standards. Light duty cars and trucks remain a significant source of air pollution. This work is vital to correct for any adverse air-quality impacts that may result from increased use of renewable fuels.

We also support the EPA's continued work under the CAA to control greenhouse gases. It is clear that the EPA is taking a careful and common-sense approach to addressing this global threat. Climate change will bring serious adverse health consequences. Scientists warn that the buildup of greenhouse gases and the climate changes caused by it will create conditions, including warmer temperatures, which will increase the risk of unhealthful ambient ozone levels. Higher temperatures can enhance the conditions for ozone formation. Even with the steps that are in place to reduce ozone, evidence warns that changes in climate are likely to increase ozone levels in the future in large parts of the United States.

We strongly support the EPA's air pollution research program. Research is essential to improve the understanding of the health effects of air pollution. Sound science underscores all of the EPA's work. Continued investment in research is vital to increase that level of knowledge and inform future agency action.

The American Lung Association opposes cuts in the President's budget to the widely supported Diesel Emission Reduction Act (DERA) that was reauthorized in late 2010. Twenty million old diesel engines are in use today that pollute communities and threaten workers. Immense opportunities remain to reduce diesel emissions through the DERA. Please restore funding to the $50 million level.

We also strongly oppose cuts to the EPA's successful indoor air program that works to reduce asthma attacks and lung cancer. Although this program is almost completely voluntary, the EPA has demonstrated that creative leadership and collaboration with nongovernmental partner organizations can yield big results in protecting the public in the places where they spend the vast majority of their time. In particular, the low-cost, voluntary Indoor Air Quality Tools For Schools Program must not be eliminated. Tools for Schools has succeeded in improving environmental conditions and reducing asthma triggers in schools across the country, but more schools need this help. Please fund this program at least $20.8 million.

For 40 years the CAA has charged the EPA to protect the public from air pollution and fulfill the promise of air that is clean and healthy for all to breathe. We urge the subcommittee to ensure that the EPA is meeting the required deadlines and updating standards to reflect the best science with the maximum health protection. Mr. Chairman, thank you for the opportunity to present the recommendations of the American Lung Association. Every day we are fighting for air—clean, healthy air for all Americans to breathe.

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## PREPARED STATEMENT OF THE ALASKA NATIVE TRIBAL HEALTH CONSORTIUM AND THE KODIAK AREA NATIVE ASSOCIATION

Good afternoon Chairman Reed, Ranking Member Murkowski and members of the subcommittee. My name is Andy Teuber, I am the chairman and president of the Alaska Native Tribal Health Consortium (ANTHC) and the president and CEO of the Kodiak Area Native Association (KANA). For the fiscal year 2011 Indian Health Service (IHS) budget we are requesting a $15 million increase for dental health, $10 million for a child abuse and neglect prevention initiative, an $81 million increase in contract support costs, and an $83 million increase for facility operational needs.

ANTHC is a statewide tribal health organization that serves all 229 tribes and more than 135,000 American Indian and Alaska Natives (AI/AN) in Alaska. ANTHC and Southcentral Foundation co-manage the Alaska Native Medical Center (ANMC), the tertiary care hospital for all AI/ANs in Alaska. ANTHC also carries out virtually all nonresidual Area Office functions of the IHS that were not already being carried out by tribal health programs as of 1997.

KANA is a nonprofit tribal organization formed in 1966 to provide health and social services to AI/ANs in the Kodiak Island area. KANA service area includes the city of Kodiak and six Alaska Native villages:

—Akhiok;
—Karluk;
—Old Harbor;
—Ouzinkie;
—Port Lions; and
—Larsen Bay.

ANTHC and KANA are both self-governance tribal organizations that compact with the IHS to provide health services to AI/ANs under the authority of the Indian Self-Determination and Education Assistance Act, Public Law 93–638.

My testimony addresses the areas of deficiency in the IHS budget. I extend an invitation to members of this subcommittee to visit Alaska to see first-hand, the many successes we have been able to achieve in providing high-quality health services throughout rural Alaska with its challenging environment. Such successes include our advanced, statewide telehealth network, community health aide program, numerous sanitation facilities construction projects, and the Alaska Native Medical Center, Alaska's only Level II Trauma Center.

All of the IHS budget items work together to achieve the objective of providing the best-quality care possible to AI/ANs. Increases in the clinical and preventive services portions of the IHS budget are necessary, but their full value cannot be realized if other portions of the budget that provide essential support for those services are not adequately funded. Before healthcare can be delivered, many things have to be in place. For example, there must first be safe, adequately maintained facilities, suitable medical equipment and supplies, telephones, trained support personnel, and so on.

ORAL HEALTH

Indian country faces considerable oral health problems. AI/ANs, especially children, continue to be plagued by oral health disparities. Alaska Native children suffer a dental caries rate of 2.5 times the national average. For AI/AN children ages 2–4 the rate of tooth decay is 5 times the U.S. average. An astounding 79 percent of AI/AN children ages 2–5 have tooth decay, 60 percent of which are severe caries. One-third of school-aged children have missed school because of dental pain. Far too many have needed surgery to remove many or all of their baby teeth.

Due to the high cost of travel in rural Alaska, just one operating room dental case for a child with early childhood dental caries can cost up to $7,000. An increase in appropriations for the IHS dental health aimed at oral health promotion and disease prevention activities is a sound investment for improving the oral health of AI/AN children, but is an even better investment in reducing future oral healthcare costs.

Increases for dental health in the IHS budget the past few years have barely been sufficient to maintain the current service levels, which are grossly inadequate to meet the needs of Indian country. A substantial program increase is warranted to address this issue and we request a 10 percent, or $15 million, increase for dental health to be used for community oral health promotion and disease prevention which is essential to long-term improvement of the oral health of AI/ANs.

CHILD ABUSE AND NEGLECT

Alaska has the highest reported, substantiated incidence of child abuse and neglect in the United States. The Alaska Department of Health and Social Services has reported that children in Alaska suffer abuse at six times the national average. Alaska Native children suffer disproportionately: Although less than 20 percent of the population, 45 percent of the reports to the Alaska Office of Children's Services and 51 percent of the incidents of abuse and neglect that Office substantiated in 2009 involved Alaska Native children. Approximately 75 percent of abused and neglected children are under 10 years of age.

The funding of the Domestic Violence Prevention initiative in fiscal year 2009 at $7.5 million and $10 million in fiscal year 2010 was a great step in addressing the pressing domestic violence prevention needs in Indian country. We would like to see a similar program instituted to address the equally important need for the prevention of child abuse and neglect and request that $10 million be provided for a Child Abuse and Neglect Prevention initiative.

CONTRACT SUPPORT COSTS (CSC)

In addition to the healthcare allocation, an essential element to the success of self-determination and self-governance is full funding for CSC. I would like to thank this subcommittee for its commitment to addressing this important issue and the $9 million increase for CSC that this subcommittee added to the President's budget request last year.

Indian tribes and tribal organizations are the only Federal contractors that do not receive full CSC. There is a clear obligation on the part of the Federal Government to fully fund CSC. But more importantly, lack of full funding for CSC has a very real and detrimental impact on our programs that are already substantially underfunded. CSC is used to pay for items that we are required to have but are not otherwise covered by the IHS budget either because another governmental department

is responsible or because the IHS is not subject to that particular requirement. Examples include federally required annual audits and telecommunication systems. We cannot operate without these things, so when CSC is underfunded we have to use other program funds to make up the shortfall which means fewer providers that we can hire and fewer types and quantity of health services that we can provide to our patients.

From 2002 to 2009, while there were virtually no increases for the IHS CSC appropriations, the level of tribal CSC need increased by more than $130 million. During that period, as our fixed costs increased every year, all major tribal health programs in Alaska were forced to layoff staff due to lack of funds.

With full funding of our CSC needs, ANTHC would be able to fill scores of support positions, such as enrollment technicians, financial analysts, medical billing staff, professional recruiters, maintenance technicians, security officers, information technology support, and professional support staff.

Thanks to this subcommittee there was a substantial increase for the IHS CSC in fiscal year 2010. However, even with that increase the IHS CSC is still only funded at 80 percent of the full funding our contracts require. We request an increase of $150 million for CSC in order meet the full IHS CSC requirement. If that is not possible given the current financial environment, we would like to see full funding for CSC within 3 years. To accomplish this, based on the latest data available, it would require an increase of approximately $81 million in each of the next 3 years.

FACILITY OPERATIONAL NEEDS

When addressing facility needs, it is important to look beyond new construction. In order for existing facilities to remain functional and provide maximum use, it is also important to adequately fund medical equipment replacement, facility and environmental support, maintenance and improvement, and the Village Built Clinic Lease program. Adequate funding for these programs will ensure that the facilities we build today will be available for continued use into the future. Thus, we recommend an increase of $83 million for these needs as more specifically described below.

*Medical Equipment Replacement*

In order to assure patient safety, the industry standard for the replacement of medical equipment is an average of every 6 years. Unfortunately, current IHS medical equipment funding levels cover only one-third of the level of need. Thus, equipment that should have been replaced after 6 years often continues to be used for 18 years or longer. Medical equipment maintenance and replacement presents obvious patient safety issues, and some tribes are forced to divert funds from direct patient care to make up this gap. This year medical equipment funding is $22.7 million, when the annual need is actually $68 million. We request a $45 million increase for medical equipment.

*Facility and Environmental Support (FES) Funding*

FES funding provides for the maintenance staff and basic operations of health facilities, including utilities. These funds also pay for area office programs, like core staffing for health facilities, environmental health, and sanitation construction.

The level of funding has stayed relatively flat or received small increases (less than 2 percent). Funding for FES has not kept up with the rising cost of salaries and double digit annual increases in energy costs. We recommend that an increase of $5 million annually for FES to meet the current national need.

*Maintenance and Improvement (M&I)*

M&I funds are used to maintain facilities so they can continue to be used in the future. Unfortunately, the level of M&I funding is substantially lower than what is needed. It is estimated that the base M&I funding needed to just sustain the facilities in their current condition should be $80 million annually. Because funds have not kept pace with the need, there is a tremendous backlog of maintenance needs. In October 2009, the IHS estimated $476 million was needed just to get caught up.

Failing to maintain existing facilities will only hasten the need for new construction. Health programs with existing facilities have tremendous and growing maintenance and improvement needs especially those with older facilities. We recommend that the M&I appropriation be increased by $26 million to sustain existing facilities and to address the more than $476 million backlog of maintenance and improvement issues.

*Village Built Clinic (VBC) Lease Program*

The VBC Lease Program funds rent, utilities, insurance, janitorial, and maintenance costs of healthcare facilities in villages in rural Alaska. Despite an increase in the number and size of clinics throughout Alaska as well as the rapidly increasing fuel costs, funding for the VBC Lease Program has barely increased since 1996. Current funding for leases covers less than 60 percent of the current operating costs and those costs are expected to continue to increase sharply as energy costs continue to skyrocket in rural Alaska.

Without additional funding for the VBC Lease Program, Alaska villages will be increasingly forced to reduce clinic operations and defer long-term maintenance and improvement projects. This situation reduces the healthcare available locally to village residents and threatens the nearly $200 million investment in these facilities by the Federal Government, Alaska villages, and the regional tribal health organizations in the Alaska Native healthcare system.

Thus, we recommend an increase of $7 million in funding for the VBC Lease Program to the current program base of the VBC Lease Program. These funds are required immediately to sustain the program, covering the expected operating costs in fiscal year 2011 as well as establishing funding for long-term maintenance and improvement. Without this funding, many of Alaska's villages will not be able to continue supporting local clinics, eventually leading to serious consequences for the health and safety of Alaska Native people.

On behalf of ANTHC, KANA and myself, I thank you for providing me the opportunity to testify today and highlight some of the most urgent needs for AI/ANs. I appreciate your consideration of our recommendations for additional funding to improve the level, quality, and accessibility of desperately needed health services for AI/ANs whose healthcare status continues to lag far behind other populations in Alaska and in this Nation, and for giving special consideration to addressing the tragedy of child abuse with a Child Abuse and Neglect Prevention initiative. I would be happy to provide any additional information the subcommittee may find helpful on these issues.

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## PREPARED STATEMENT OF THE AMERICAN PUBLIC POWER ASSOCIATION

The American Public Power Association (APPA) respectfully requests $75 million for the Environmental Protection Agency (EPA) ENERGY STAR program, robust funding for the Landfill Methane Outreach Program, and $3.4 million for the Council on Environmental Quality.

APPA is the national service organization representing the interests of more than 2,000 municipal and other State and locally owned electric utilities in 49 States (all but Hawaii). Collectively, public power utilities deliver electricity to 1 of every 7 electric consumers (approximately 46 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 understand that the Congress is operating in a tight fiscal environment. APPA's priority is to support programmatic requests that bring down costs, conserve resources, or benefit our public power customers in other ways. We appreciate the opportunity to submit this statement outlining our fiscal year 2012 funding priorities within the jurisdiction of the Interior, Environment, and Related Agencies Subcommittee.

### EPA: ENERGY STAR PROGRAMS

APPA is disappointed in the modest 6 percent increase in the EPA ENERGY STAR program. We request an additional $20 million in funding for the program to bring the total amount to $75 million.

ENERGY STAR is a voluntary partnership program pairing 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. APPA member systems across the country have been active participants in ENERGY STAR programs to reduce electricity consumption.

According to the EPA, ENERGY STAR is saving businesses, organizations, and consumers more than $18 billion a year, and has been instrumental in the more widespread use of technological innovations like LED traffic lights, efficient fluorescent lighting, power management systems for office equipment, and low standby energy use.

EPA: 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 EPA to provide adequate funding for the program. The Landfill Methane Outreach Program helps to partner utilities, energy organizations, States, tribes, the landfill gas industry, and trade associations to promote the recovery and use of landfill gas as an energy source. According to EPA, LMOP has more than 800 partners that have signed voluntary agreements to work with EPA to develop cost-effective landfill-gas-to-energy (LFG) projects. There are approximately 540 operational LFG projects in the United States. LMOP has also developed detailed profiles for more than 510 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

APPA supports the President's budget request of $3.4 million for fiscal year 2012 for the White House's Council on Environmental Quality (CEQ), and urges the subcommittee to maintain this funding level. 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.

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LETTER FROM APS FOUR CORNERS POWER PLANT; AURORA WATER; BHP NAVAJO COAL COMPANY; CENTRAL UTAH WATER CONSERVANCY DISTRICT; CITY OF FARMINGTON; COLORADO RIVER DISTRICT; COLORADO RIVER ENERGY DISTRIBUTERS ASSOCIATION; COLORADO RIVER WATER CONSERVATION DISTRICT; COLORADO SPRINGS UTILITITES; COLORADO WATER CONGRESS; DENVER WATER; DOLORES WATER CONSERVANCY DISTRICT; GRAND VALLEY WATER USERS ASSOCIATION; JICARILLA APACHE NATION; NORTHERN COLORADO WATER CONSERVANCY DISTRICT; ORCHARD MESA IRRIGATION DISTRICT; PNM RESOURCES, INC.; SAN JUAN WATER COMMISSION; SOUTHERN UTE INDIAN TRIBE; SOUTHWESTERN WATER CONSERVATION DISTRICT; STATE OF NEW MEXICO; STATE OF WYOMING; THE NATURE CONSERVANCY AND WESTERN RESOURCES ADVOCATES; THE NAVAJO NATION; TRI COUNTY WATER CONSERVANCY DISTRICT; UNCOMAHGRE VALLEY WATERS USERS ASSOCIATION; UTAH WATER USERS ASSOCIATION; AND WYOMING WATER ASSOCIATION

MARCH 28, 2011.

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: I am requesting your support for fiscal year 2012 appropriations to the Fish and Wildlife Service (FWS) for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River

Basin Recovery Implementation Program consistent with the President's recommended budget. I request that the subcommittee:

—Appropriate $706,300 in "Recovery" funds (Resource Management Appropriation; Ecological Services Activity; Endangered Species Subactivity; Recovery Element; within the $83,692,000 item entitled "Recovery") to the U.S. Fish and Wildlife Service (FWS) to allow FWS to continue its essential participation in the Upper Colorado River Endangered Fish Recovery Program.

—Appropriate $485,800 in operation and maintenance funds (Resource Management Appropriation; Fisheries and Aquatic Resource Conservation Activity; National Fish Hatchery Operations Subactivity; within the $42,761,000 item entitled "National Fish Hatchery System Operations") for endangered fish propagation and hatchery activities at the FWS' Ouray National Fish Hatchery. Operation of this facility is integral to the Upper Colorado Recovery Program's stocking program.

—Allocate $200,000 in "Recovery" funds for the San Juan River Basin Recovery Implementation Program to meet expenses incurred by F/VS's Region 2 in managing the San Juan Program's diverse recovery activities.

I request the subcommittee's assistance in assuring fiscal year 2012 funding to allow the FWS to continue its financial and personnel participation in these two vitally important recovery programs. I recognize and appreciate that the past support and assistance of your subcommittee has greatly facilitated the success of these ongoing efforts.

MARK T. PIFHER,
*Director,*
*Aurora Water.*

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PREPARED STATEMENT OF APS FOUR CORNERS POWER PLANT; AURORA WATER; BHP NAVAJO COAL COMPANY; CENTRAL UTAH WATER CONSERVANCY DISTRICT; CITY OF FARMINGTON; COLORADO RIVER ENERGY DISTRIBUTORS ASSOCIATION; COLORADO RIVER DISTRICT; COLORADO RIVER WATER CONSERVATION DISTRICT; COLORADO SPRINGS UTILITIES; COLORADO WATER CONGRESS; DENVER WATER; DOLORES WATER CONSERVANCY DISTRICT; GRAND VALLEY WATER USERS ASSOCIATION; JICARILLA APACHE NATION; NORTHERN COLORADO WATER CONSERVANCY DISTRICT; ORCHARD MESA IRRIGATION DISTRICT; PNM RESOURCES, INC.; SAN JUAN WATER COMMISSION; SOUTHERN UTE INDIAN TRIBE; SOUTHWESTERN WATER CONSERVATION DISTRICT; STATE OF NEW MEXICO; STATE OF WYOMING; THE NATURE CONSERVANCY AND WESTERN RESOURCES ADVOCATES; THE NAVAJO NATION; TRI COUNTY WATER CONSERVANCY DISTRICT; UNCOMAHGRE VALLEY WATERS USERS ASSOCIATION; UTAH WATER USERS ASSOCIATION; AND WYOMING WATER ASSOCIATION

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MARK T. PIFHER,
*Director,*
AURORA WATER.

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PREPARED STATEMENT OF THE AMERICAN SOCIETY OF CIVIL ENGINEERS

Mr. Chairman and members of the subcommittee: The American Society of Civil Engineers (ASCE) is pleased to present the ASCE's views on the proposed budgets for the Environmental Protection Agency (EPA) and the United States Geological Survey (USGS) for fiscal year 2012.

EPA

The President's proposed budget for the EPA in fiscal year 2012 represents a setback for the Nation because it reduces spending on critical infrastructure systems designed to protect public health.

Our 2009 Report Card for America's Infrastructure gave the Nation's wastewater and drinking-water systems identical grades of D−, marking them as systems in near total failure. We estimated then that the physical condition of many of the Nation's 16,000 wastewater treatment systems was poor due to a lack of investment in plants, equipment, and other capital improvements over the years, while Federal funding under the Clean Water Act State Revolving Loan Fund (SRF) Program had remained flat for more than a decade. Federal assistance has not kept pace with the needs, yet virtually every authority agrees that funding needs remain very high, a condition that has not improved in the last 2 years.

The EPA "Clean Water Needs Survey" for 2008, released last October, put the total wastewater and stormwater management needs for the Nation at $298.1 billion as of January 1, 2008. This amount includes $192.2 billion for wastewater treatment plants, pipe repairs, and buying and installing new pipes; $63.6 billion for combined sewer overflow correction; and $42.3 billion for stormwater management. Small communities have documented needs of $22.7 billion.

In addition to the $298.1 billion in wastewater and stormwater needs, the report documented needs of $22.8 billion for nonpoint source pollution prevention and $23.9 billion for decentralized wastewater (septic) systems. An estimated $334.5 billion and $81.5 billion in needs are potentially eligible for assistance from the EPA's Clean Water SRF and Nonpoint Source Control Grant Programs, respectively, the Agency reported.

Meanwhile, the Nation's drinking-water systems also face staggering public investment needs over the next 20 years. Although America spends billions on water infrastructure each year, drinking water systems face an annual shortfall of at least $11 billion in funding needed to replace aging facilities that are near the end of their useful life and to comply with existing and future Federal water regulations. The shortfall does not account for any growth in the demand for drinking water over the next 20 years. Nevertheless, the Agency's overall budget proposal for fiscal year 2012 represents about a 13 percent decrease from the fiscal year 2010 enacted budget of $10.3 billion for all the EPA programs.

The most serious cutback totals $2.5 billion—a decrease of $938 million—for the Clean Water SRF and Safe Drinking Water Act SRF. The wastewater treatment SRF is being reduced by $550 million and the drinking-water SRF by $388 million from the fiscal year 2010 enacted amounts.

On its Web site, the EPA states: "While this budget includes significant cuts, it is designed to ensure that the EPA can effectively carry out its core mission to protect public health and our environment, including the reductions of . . . water pollution." http://www.epa.gov/planandbudget/annualplan/fy2012.html.

We respectfully disagree. The EPA's own budget states the problem succinctly. "America's waters remain imperiled."

Federal funds contributed to the SRFs have ensured efficient systemwide planning and continuing management of sustainable water infrastructure since 1987. With the Nation facing a $400–$500 billion investment gap in its wastewater and

drinking-water infrastructure over the next 20 years, now is not the time to cut Federal investments in public health.

We recognize of course that the Congress is dealing with enormous deficits and a growing Federal debt, but the remedies for these problems must not come at the expense of programs aimed at protecting public health from the dangers of increased contamination in our rivers, lakes, and streams and our drinking-water supplies.

The ASCE recommends an appropriation of $2 billion for the Clean Water SRF and an appropriation of $1.5 billion for the Safe Drinking Water Act SRF in fiscal year 2012.

USGS

The USGS is one of the Nation's foremost science agencies. It produces the scientific data essential for the protection of the quality of economically vital water resources, for the prediction of earthquakes and volcanoes, for the cataloging of America's vast biological resources and for dozens of other critically important technical needs.

The administration's fiscal year 2012 budget request for the USGS is $1.118 billion, an overall decrease of $15 million or 1.3 percent below the USGS budget request for fiscal year 2011, but a small increase of $6 million or one-half of 1 percent above the fiscal year 2010 enacted level.

Although there is a $6 million increase in the total USGS budget request for fiscal year 2012 compared to the fiscal year 2010 enacted level, the fiscal year 2012 budget request contains significant cuts in many programs that are offset by increases in other areas, including a $59.6 million increase in a new account for national land imaging.

The USGS budget request for fiscal year 2012 includes $89.1 million in program reductions in longstanding programs. The proposed budget cuts would have significant impacts on the USGS programs. Proposed budget cuts in the fiscal year 2012 USGS budget request include decreases of $9.8 million for biological information management and delivery, $9.6 million for mineral resources, $8.9 million for national water quality assessment, $6.5 million for cooperative water program, and $4.7 million for earthquake hazards.

In fiscal year 2012 the administration seeks to cut the National Water Quality Assessment Program (NAWQA) by $6.7 million from fiscal year 2010. The NAWQA is one of the Nation's major sources of information on the flow and volume of rivers, streams and groundwater formations. The least harmful effect of these cuts would postpone the implementation of real-time technology for water-quality monitoring necessary to public health programs at the State and local levels. At their worst they would eliminate funding for monitoring and assessment of groundwater in 33 States. This information is used to identify contaminants in public drinking-water wells and manage groundwater to meet future needs for potable drinking-water and uncontaminated irrigation flows.

The USGS operates approximately 7,000 stream gages nationwide. These gages provide real-time data typically are recorded at 15- to 60-minute intervals, stored onsite, and then transmitted to the USGS offices every 1 to 4 hours, depending on the data relay technique used, through the stream-gauging program. These data are used to predict floods, allocate water supplies, provide water flow data for publicly owned treatment works, and assist in the design of flood-resistant bridges. National Stream Flow Information Program is being reduced by more than $800,000 from the fiscal year 2010 enacted appropriation for stream flow in the President's budget. We urge the Congress to reinstate this cut.

The administration also proposes to cut $3.5 million from the coastal and marine geology program. We support efforts to restore the entire amount of the reduction. This program supports the USGS' effort to understand the science of coastal and marine hazards, coastal groundwater studies and research into catastrophic storms, leaving funding only for the largest hurricanes to make landfall. These cuts are ill conceived and threaten the safety of Americans living along our coastlines.

We understand the challenges presented by the Federal budget deficit. But any failure to prevent natural hazards from becoming natural disasters will increase future expenditures for disaster response and recovery. Recent natural disasters provide unmistakable evidence that society is vulnerable to staggering losses. The magnitude 9.0 earthquake and tsunami that devastated Japan on March 11, 2011, the magnitude 7.0 earthquake that killed more than 200,000 people in Haiti on January 12, 2010, and the small volcanic eruptions in Iceland that disrupted global air traffic in April 2011, provide compelling evidence that the United States should take further actions to reduce risks from natural hazards.

The administration's fiscal year 2012 budget request includes $133.9 million for natural hazards, $5.1 million below the 2010 enacted level. The ASCE is concerned that this decrease could compromise public safety. The USGS, and other Federal agencies involved in hazards research and mitigation, have face many years of underfunding; the proposed budget request will continue this trend.

The recent earthquakes highlight the importance of such programs as the National Earthquake Hazards Reduction Program (NEHRP), of which the USGS is an important part. The NEHRP is one part of the USGS' contribution to the NEHRP. Earthquakes pose significant risk to 75 million Americans in 39 States. The EHP provides information and products for earthquake loss reduction, including hazard and risk assessment, and comprehensive real-time earthquake monitoring. The ASCE request that the Congress restore funding to fiscal year 2010 levels for natural hazards.

The Congress must increase the total appropriation for the USGS in fiscal year 2012. It must restore the $39 million in cuts proposed for biological information, mineral resources, water-quality assessment, and earthquake hazards programs in order to provide full funding for uncontrollable cost increases, and to provide new funds to enable the agency to address a growing backlog of needs for the USGS science and information, accelerate the timetable for deployment of critical projects, and undertake new initiatives that address new challenges.

The ASCE recommends an appropriation of $1.2 billion for the USGS in fiscal year 2012.

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## PREPARED STATEMENT OF THE ASSOCIATION OF STATE DRINKING WATER ADMINISTRATORS

### WHO WE ARE

James D. Taft, Executive Director, on behalf of the Association of State Drinking Water Administrators (ASDWA), is pleased to provide testimony to the Department of the Interior, Environment, and Related Agencies subcommittee on fiscal year 2012 appropriations for the Environmental Protection Agency (EPA). The ASDWA represents the State drinking water programs in each of the 50 States and territories and the Navajo Nation in their efforts to provide safe drinking water to more than 275 million consumers nationwide.

### SUMMARY OF REQUEST

The ASDWA respectfully requests that, for fiscal year 2012, the subcommittee appropriate funding for three State drinking water programs at levels commensurate with Federal expectations for performance and at levels that ensure appropriate public health protection. The ASDWA requests $200 million for the Public Water System Supervision (PWSS) Program; $1.287 billion or the Drinking Water State Revolving Loan Fund (DWSRF) Program; and $10 million for State Drinking Water Program security initiatives. A more complete explanation of the needs represented by these requested amounts and a further explanation of these requested levels follows.

### HOW STATES USE FEDERAL FUNDS

*States Need Increased Federal Support To Maintain Overall Public Health Protection.*—State drinking water programs strive to meet public health protection goals through two principal funding programs: the PWSS and the DWSRF programs. These two programs, with their attendant State match requirements, provide the means for States to work with drinking water systems to ensure that American citizens can turn on their taps with confidence that the water is both safe to drink and the supply is adequate. In recent years, State drinking water programs have accepted additional responsibilities to work with all public water systems to ensure that critical drinking water infrastructure is protected; that plans are in place to respond to both natural and manmade disasters; and that communities are better positioned to support both physical and economic resilience in time of crisis.

Vibrant and sustainable communities, their citizens, workforce, and businesses are dependent upon a safe and adequate supply of drinking water. Economies only grow and sustain themselves when they have reliable water supplies. More than 90 percent of the population receives water used for bathing, cooking, and drinking from a public water system. Even people who have their own private wells to meet their daily water needs will visit other homes or businesses served by a public water system. Children and the elderly are typically the most susceptible to illness and death from several of the contaminants regulated by Federal drinking water laws

including lead, mercury, nitrates, bacteria, and viruses. As important as public water systems are to the quality of water we drink and our health, the majority of water produced by public water systems is used by businesses for a variety of purposes. Businesses need adequate supplies of good quality water for processing, cooling, and product manufacturing. The availability of adequate supplies of water is often a critical factor in attracting new industries to communities. Public water systems—and the cities, villages, schools, and businesses they support—rely on State drinking water programs to ensure they are in compliance with all applicable Federal requirements.

*The PWSS Program*.—To meet the requirements of the Safe Drinking Water Act (SDWA), States have accepted primary enforcement responsibility for oversight of regulatory compliance and technical assistance efforts for more than 155,000 public water systems to ensure potential health-based violations do not occur or are remedied in a timely manner. Since 1996, State drinking water programs have participated in the development and implementation of more than 25 new Federal regulations and strategic initiatives designed to enhance the protection of public health. States are also implementing an array of proactive initiatives to protect public health from "the source to the tap". These include drinking source water assessments and protections; technical assistance with water treatment and distribution; and enhancement of overall water system performance capabilities. In recent years, States have taken on an increasingly prominent role in working with Federal and local partners to help ensure sufficient water quantity. In short, State activities go well beyond simply ensuring compliance at the tap.

*The DWSRF Program*.—Drinking water in the United States is among the safest and most reliable in the world, thanks to significant infrastructure investments made over the decades. The payback on this investment has been exceptional: in the core DWSRF Program, $12 billion in capitalization grants from the Congress since 1997 has been leveraged by States into nearly $21.2 billion in infrastructure loans to small and large communities across the country. As a recent indicator of States' extraordinary accomplishments through this program, all States met the February 17, 2010 deadline (1 year from enactment) for having $2 billion in American Reinvestment and Recovery Act (ARRA) funds under contract or construction. Such investments pay tremendous dividends—both in supporting our economy and in protecting our citizens' health. State drinking water programs have also used the DWSRF funds to support the technical assistance and training needs of small drinking water systems and to help these water systems obtain the technical, managerial, and financial proficiency needed to meet the requirements of the SDWA.

*State Drinking Water Security Responsibilities*.—Since the events of September 2001, as well as the more recent experiences of devastating hurricanes, wildfires, and floods, States have taken a variety of critical steps to meet the security and emergency response-related needs of the drinking water community. State drinking water programs have responded to requests for assistance, training, information, and financial support from the water systems under their purview as well as supported utility-based "mutual aid" networks. States continually work toward integrating security considerations throughout all aspects of their drinking water programs. Technological advances in contaminant detection and decontamination capabilities, new economic risk and impact analysis models, and enhancements in cyber security techniques also demand State program awareness, implementation, and outreach to the water community.

WHY INCREASED FUNDING IS URGENTLY NEEDED

*State Drinking Water Programs are Hard Pressed*.—States must accomplish all of the above-described activities, and take on new responsibilities, in the context of the current national economic downturn. This has meant further cutting State budgets, streamlining their workforces, and operating with less State-provided financial support. State drinking water programs have often been expected to do more with less and States have always responded with commitment and ingenuity. However, State drinking water programs are now in crisis. Insufficient Federal support for this critical program increases the likelihood of a contamination event that puts the public's health at risk.

*State Funding Gap Continues To Grow; States Cannot Keep Up*.—Although the 1996 SDWA amendments authorized the PWSS Program at $100 million per year, appropriated amounts have only recently reached that authorized level—a level that now, almost 15 years from the date of those amendments, falls far short of the need. An amount of $105.7 million was appropriated for the PWSS Program in fiscal year 2010. A proportionate amount of that level was also provided to States in fiscal year 2011, through a series of continuing resolutions, from October 1, 2010 until April

8, 2011. However, as explained below, due to the Congress' zeroing out of the State drinking water program security grant of $5 million, the net gain to States—from fiscal year 2009 to fiscal year 2010 and fiscal year 2011—was only $1 million. The President's fiscal year 2012 budget requested $109. 7 million for the PWSS grant—again, an amount that is woefully inadequate for the enormity of the task faced by State drinking water programs. A few years ago, State drinking water program administrators identified an annual shortfall nationally of approximately $360 million between available funds and those needed to administer their programs. That gap only continues to grow and has negative consequences. Many States are simply unable to implement major provisions of the newer regulations, leaving the work undone or ceding the responsibility back to the EPA where it is likely to languish because of their own resource constraints and lack of "on the ground" expertise. This situation could create a significant implementation crisis in several regions of the country and ultimately delay implementation of critically needed public health protections.

FISCAL YEAR 2012 REQUEST LEVELS AND SDWA PROGRAM OBLIGATIONS

*The PWSS Program*.—The number of regulations requiring State implementation and oversight as well as performance expectations continue to grow while at the same time, the Federal funding support necessary to maintain compliance levels and meet expectations has been essentially "flat-lined" or included only meager increases. Inflation has further eroded these inadequate funding levels. State drinking water programs are hard pressed to understand a justification for these funding levels since they are engaged in the critical phases of implementing the LT 2/Stage 2 Rule cluster (two sophisticated and complex initiatives to control disinfection byproducts and microbial contaminants), the recently promulgated Ground Water Rule, and changes to the Lead and Copper Rule. States want to offer the flexibilities allowed under these and other rules to local water systems; however, fewer State resources mean less opportunity to work one-on-one with water systems to meet their individual needs. Looking ahead, States expect that new rules for perchlorate and carcinogenic volatile organic carbon compounds will be forthcoming in the near future as well as revisions to the Total Coliform Rule.

The ASDWA respectfully requests that the fiscal year 2012 funding for the PWSS Program be appropriated at $200 million. This figure was calculated by starting with a baseline of $124.3 million (the fiscal year 2004 appropriated figure after adjustment for inflation); adding $50.7 million to implement recently promulgated rules (per the EPA's economic analyses for these rules); and adding $25 million for other new program requirements (e.g., emerging contaminants, modernizing data systems, and supporting small water systems).

*The DWSRF Program*.—States were very encouraged by the $1.387 billion appropriated for the DWSRF in fiscal year 2010 and the $1.287 billion requested in the President's fiscal year 2011 budget. We were, however, disappointed to see the administration request drop to $990 million for fiscal year 2012. States strongly support the higher levels. The primary purpose of the DWSRF is to improve public health protection by facilitating water system compliance with national primary drinking water regulations through the provision of loans to improve drinking water infrastructure. Water infrastructure is needed for public health protection as well as a sustainable economy, as explained above. States have very effectively and efficiently leveraged Federal dollars with State contributions by turning more than $12 billion in cumulative Federal capitalization grants (not counting ARRA funds) into almost $21.2 billion in water infrastructure loans since 1997. In so doing, States have provided assistance to more than 7,000 projects, improving health protection for millions of Americans. Approximately 72 percent of projects and 38 percent of assistance has been provided to small communities (serving less than 10,000 people). However, the EPA's most recent National Drinking Water Infrastructure Needs Survey (2007) indicated that water system needs total $334.8 billion over the next 20 years to comply with the SDWA mandates. States believe the $2 billion in ARRA funds and the fiscal year 2010 appropriated level were very substantial down payments on addressing those needs and filling the infrastructure gap. In light of these indicators of success and documented needs, we believe funding at the $1.287 billion level will better enable the DWSRF to meet the SDWA compliance and public health protection goals for which it was designed.

The ASDWA respectfully requests $1.287 billion in fiscal year 2012 funding for the DWSRF program.

*Security Responsibilities*.—After 7 years of supporting State security programs through a small grant of approximately $5 million in the EPA's appropriation, no funds were provided for this purpose in fiscal year 2010 and none were requested

for fiscal year 2011 or 2012. State drinking water programs need funds to continue to expand their security activities, particularly for small and medium water systems and to support utility-based mutual aid networks for all drinking water systems. It is very difficult to understand why this grant has been zeroed out of the EPA's proposed budget. Given the realities exemplified by ongoing Homeland Security initiatives, the goals of the National Infrastructure Protection Plan, and the lessons learned from Hurricanes Katrina, Rita, and Gustav, State drinking water programs are working more closely than ever with their water utilities to evaluate, assist, and support drinking water systems' preparedness, response, and resiliency capabilities. Beyond the mandates of the Bioterrorism Act of 2002, States are being directed to expand their efforts to reflect an "all hazards" approach to water security and to focus their efforts toward smaller water systems not covered by the act. These systems rely heavily on the States to help them meet their needs and identify potential funding sources.

The ASDWA respectfully requests $10 million in fiscal year 2012 funding for the State security initiatives. These funds would be commensurate with the security tasks State drinking water programs must take on.

CONCLUSION

In conclusion, the ASDWA respectfully recommends that Federal fiscal year 2012 budget needs for the provision of safe drinking water be adequately funded by the Congress. A strong drinking water program supported by the Federal-State partnership will ensure that the quality of drinking water in this country will not deteriorate and, in fact, will continue to improve—so that the public can be assured that a glass of water is safe to drink no matter where they travel or live. States are willing and committed partners. However, additional Federal financial assistance is needed to meet ongoing and ever growing regulatory and security needs. In 1996, the Congress provided the authority to ensure that the burden would not go unsupported. For fiscal year 2012, the ASDWA asks that the promise of that support be realized.

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LETTER FROM THE ALLIANCE TO SAVE ENERGY

*April 1, 2011.*

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: I am writing to express the strong support of the Alliance to Save Energy for the President's budget request of $55 million in fiscal year 2012 funding for the Environmental Protection Agency's (EPA) ENERGY STAR Program. For well more than a decade, the ENERGY STAR program has greatly helped businesses, governments, and consumers across the country to save money each year by investing in energy-efficient products.

The program currently has partnerships with more than 20,000 private and public sector organizations, who have invested a combined total of $80 billion to help to deliver technical information and tools that consumers need to choose energy-efficiency solutions and best management practices. 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 that amount to more than $200 million annually.

ENERGY STAR's track record of success and cost-effectiveness throughout the years has demonstrated the worth of the program. The EPA estimates that for every Federal $1 spent on ENERGY STAR, $75 or more in consumer energy bills are saved and about 3.7 tons of carbon dioxide emissions are avoided. In 2010 alone, Americans, with the help of the ENERGY STAR Program, saved nearly $18 billion on their utility bills. Further investment by the Government to break down market barriers that currently hamper the purchasing of energy efficient products will achieve even greater results, which is why we are asking for your support for the President's request for a 6 percent increase in the fiscal year 2012 budget for the EPA ENERGY STAR to $55 million. A modest increase in funding would be effectively directed at the following areas:

—*ENERGY STAR Product Labeling*.—Individual product choices are a significant driver of total national energy use. While the ENERGY STAR product labeling program already encompasses more than 60 product categories across 3,000 manufacturers, there remain a substantial number of new products that can be added in the future.

—*ENERGY STAR New Home Construction*.—Expanding the number of ENERGY STAR qualified new homes is an essential part of a comprehensive approach reducing energy demand in the country. More than 1 million ENERGY STAR qualified homes have been built in the United States, with more than 100,000 constructed in 2009 alone—representing more than 20 percent of the total U.S. housing starts.

—*ENERGY STAR Existing Home Improvements*.—In 2009, more than 23,000 existing homes were retrofitted from home performance with ENERGY STAR with more than 30 program sponsors across 28 States. Additional funding would expand the number of communities where these services are offered and the savings that result, helping to grow these energy efficiency services to be nationally available.

—*ENERGY STAR New Commercial Building Construction*.—Improving the efficiency of new commercial and institutional building construction is an essential part of a comprehensive approach to reducing energy demand and addressing climate change, due to the expected expansion in the commercial building industry. As part of ENERGY STAR, the EPA has developed a new construction program enabling more than 3,900 commercial buildings to earn the ENERGY STAR approval in 2009, and a cumulative total of almost 9,000 buildings.

—*ENERGY STAR Industrial*.—The EPA's ENERGY STAR Program recognizes the incredible potential of the U.S. industrial sector for energy savings. The EPA benchmarked energy performance in 2009 in the industrial sector, which indicated that fuel use has improved by 12 percent. Additional resources could be used to expand the program to represent the top 25 to 30 energy-using sectors across the country, and to develop streamlined assistance tools for smaller industry.

The ENERGY STAR program in the past year has taken a number of initiatives to improve the administration and accountability of the program. The EPA ENERGY STAR program helps consumers reduce high energy bills, promotes economic growth through investments in new technologies, reduces pollution in a cost-effective way, and enhances the reliability of our electric system by reducing peak demand. We strongly urge you to fund the President's request and provide $55 million for the EPA ENERGY STAR program in fiscal year 2012. Thank you for your time and I ask that this letter be submitted as part of the record of your subcommittee's hearing on the fiscal year 2012 EPA budget.

Sincerely,

BRAD PENNEY,
*Director of Government Relations.*

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PREPARED STATEMENT OF THE AMERICAN SOCIETY FOR MICROBIOLOGY

The American Society for Microbiology (ASM) wishes to submit the following statement on the fiscal year 2012 appropriation for the Environmental Protection Agency (EPA) science and technology (S&T) programs. The ASM is the largest single life science organization in the world with more than 38,000 members. The 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.

The ASM is concerned about the administration's fiscal year 2012 budget request of $826 million for the EPA's science and technology programs, a 2 percent decrease from fiscal year 2010 enacted levels. Within the S&T proposal, the $584 million set aside for research is a decrease of $13 million for the EPA's scientific efforts. The ASM urges the Congress to support increased funding for the EPA's S&T programs which are essential to the EPA's mission.

The EPA's mission to protect the environment and public health is dependent upon cutting-edge technologies and science-based risk assessments. The quality of the EPA science directly impacts food safety, industry, agriculture, the economy, local ecosystems, the Nation's natural resources, air quality and consequently, public well being. The EPA oversight requires the best scientific knowledge available to prevent pollution, enforce environmental standards, remediate contaminated sites, ensure the safety of chemicals and safeguard human health. When working with its partners in academia, industry, nonprofits and government, the EPA is

most effective when it can utilize the best science and technology tools to resolve complex challenges such as last year's devastating Gulf of Mexico oil spill.

In fiscal year 2012, the EPA is restructuring its scientific research efforts by shifting from problem-focused projects to system-oriented approaches, integrating related activities into multi-disciplinary projects. As a result, it has realigned its 12 base research programs into 4 new research programs with greater emphasis on sustainability:

—air, climate, and energy;
—safe and sustainable water resources;
—sustainable and healthy communities; and
—chemical safety and sustainability.

The administration's fiscal year 2012 proposed budget for the EPA recognizes the importance of innovative research. Support is increased for the Science To Achieve Results (STAR) extramural grant programs, studies of endocrine disruptors in water systems and computational toxicology. Other program budget increases would upgrade the EPA's e-reporting and monitoring tools, necessary to both expedite risk assessments and improve enforcement of environmental regulations.

EPA SCIENCE PROTECTS PUBLIC HEALTH AND THE ENVIRONMENT

The EPA oversight of the environment requires the most advanced tools to monitor, measure, and evaluate threats to environmental quality. The ASM supports the EPA S&T and is concerned about budget reductions for the EPA's Office of Research and Development (ORD). The ORD manages several laboratories and research centers across the country, distributes significant extramural funding to universities and other stakeholders and supports research across the environmental spectrum. The ORD programs address both risk assessment and management in the following focus areas:

—clean air;
—drinking water;
—ecosystem services research;
—endocrine disruptors;
—global climate change;
—human health;
—human health risk assessment;
—land;
—safe pesticides/safe products; and
—water quality.

Within the ORD, the Microbiological and Chemical Exposure Assessment Research Division is responsible for evaluating air, water, and soil samples for microbial and chemical contaminants. Collected during studies like the NEEAR Water Study, which investigates the human health effects of using recreational waters, these samples are an important tool in safeguarding human, plant, and animal health. Methods used by agency scientists to measure human risk factors range from state-of-the-art chemical assays to microbiological assays based on genomics, immunological techniques, and other technologies. The EPA laboratories provide reference standards, training, and other technical services such as incident investigations to other EPA and Federal entities and State laboratories.

The ORD supported studies of microbial pathogens and toxic chemicals in environments like indoor air and drinking water often use new analytical tools developed in house by the EPA scientists. These EPA innovations include molecular methods to compare the DNA of microbes isolated from the environment with DNA from human isolates as well as animal models to measure pathogen virulence. In the past year, the EPA scientists reported results from research on how arsenic is absorbed into the mammalian bloodstream, and others developed a new immunoassay for quantifying antibodies in saliva, a noninvasive test for human infections by waterborne pathogens. In 2010, the EPA researchers and collaborators from the Department of Energy received an R&D 100 Award for the CANARY software, which helps water system managers detect a wide variety of chemical and biological contaminants quickly. The free software tool is already monitoring drinking water operations in more than a dozen countries. The recent unveiling of a new high-speed robot screening system that can test the potential toxicity of 10,000 different chemicals, highlighted a successful investment in multi-year research and cross agency collaboration.

EPA SCIENCE RESPONDS TO CHANGING ENVIRONMENTS

The EPA mission to protect human health and the environment requires a rapid response to unforeseen situations like natural or human caused disasters and subse-

quent new threats. It also requires the ability to adjust the EPA enforcement activities within evolving circumstances like updated scientific information or new products entering the market. The most dramatic example from the past year was the Deepwater Horizon oil spill in the Gulf of Mexico. The EPA personnel quickly initiated assessments of air and water quality and outlined protocols to monitor long-term effects of the disaster. The EPA was vice chair of the National Response Team, mobilized its own headquarters and Regional Emergency Operations Center, and provided regular updates to the public and private sectors. Specific EPA activities included lab analysis of air, water, and soil samples; input on cleanup efforts along the shoreline; and collaboration with the National Oceanic Atmospheric Administration to design strategies for monitoring possible toxicity of the oil dispersants utilized. The EPA Administrator now chairs the Gulf Coast Ecosystem Restoration Task Force, created last September to coordinate remediation of the affected areas.

In the past year, the EPA S&T programs informed the agency's efforts to update regulations or propose new recommendations including:

—Proposed revisions to the Total Coliform Rule requiring all public water systems to investigate and correct any potential microbial contamination;

—A new EPA Drinking Water Strategy to improve drinking water technology that simultaneously detects groups of contaminants, continuing the EPA's progress toward ensuring water systems that meet standards for more than 90 contaminants;

—In March 2011 the EPA proposed adding 30 currently unregulated contaminants (two viruses and 28 chemicals) to those already monitored in drinking water;

—New air quality standards for sulfur dioxide and stronger standards for nitrous oxide (the first new $SO_2$ standard in almost 40 years and the first for $NO_2$ in 35 years); the $SO_2$ standard may help avoid 54,000 asthma attacks per year;

—New limits for mercury emissions from cement plants, aimed at a 92 percent reduction from projected 2013 levels, expected to save $7–$19 in health costs for every $1 spent; and

—New Federal rules, jointly established with the Department of Transportation, that set the first national greenhouse gas emissions standards, expected to conserve about 1.8 billion barrels of oil.

EPA GRANTS STIMULATE INNOVATION IN ENVIRONMENTAL SCIENCES

The EPA awards grants outside the agency to academic institutions, State programs, the private sector, nonprofit organizations and others to fund an impressive array of projects from laboratory research to local toxic spill cleanup. Within the ORD budget allocation, the National Center for Environmental Research (NCER) supports extramural research that complements the EPA's own research areas, through competitive grants, fellowships, and its Small Business Innovative Research (SBIR) program. The NCER's STAR grant program currently focuses on drinking water and water quality, pollution prevention using new technologies, the health effects of particulate matter, global change, children's health, ecosystem assessment and restoration, human health risk assessment, endocrine disrupting chemicals and societal implications.

The ASM commends the proposed fiscal year 2012 increase of $24.7 million for the STAR program which consistently generates innovative technologies and new scientific knowledge that strengthen the EPA mission. The EPA also contributes to the Nation's future technical workforce. Under the proposed fiscal year 2012 budget, the agency would distribute $14 million for STAR Fellowships including support for an estimated 243 continuing fellows and 105 new STAR fellows. In addition, the NCER supports tomorrow's scientists and engineers through its Greater Research Opportunities Fellowships for graduate and undergraduate students and its People, Prosperity, and the Planet Program sponsoring undergraduate design competitions that are focused on sustainability. The NCER receives approximately 2,000–2,500 proposals annually for its STAR grants and fellowships, of which only a small percentage can be funded.

S&T FUNDING IMPACTS EPA PROTECTION, PRESENT AND FUTURE

The EPA must be able to access the latest methods for risk assessment and monitoring to be effective. The EPA's New Chemicals Program relies on evolving technical tools to ascertain the potential risks of roughly 1,100 new chemicals, biotechnology products, and nanomaterials submitted each year for pre-market review. The Pesticide Program's three laboratories not only assess chemical residues, but have had to develop test methods for products from genetically modified organisms, biothreat agents like the anthrax bacterium, and the efficacy of antimicrobials in

controlling infectious pathogens in healthcare settings. The EPA scientists developed assays for measuring pharmaceuticals and personal care products in waters and biosolids, another example of emerging environmental threats that must be monitored using new or up-to-date methods.

The EPA's S&T programs are the crucial base for effective oversight of the environment. We recommend that the Congress increase the EPA S&T programs to protect both human health and the environment.

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## PREPARED STATEMENT OF THE ARCTIC SLOPE NATIVE ASSOCIATION

The Arctic Slope Native Association (ASNA) hereby joins the call of other tribal contractors across the country for full appropriations to cover the obligations of the Indian Health Service (IHS) and the Bureau of Indian Affairs (BIA) to pay full contract support costs (CSC) when tribes like ASNA contract to operate IHS and BIA facilities and services. The total requirements to meet these legal obligations are $615 million for IHS contract payments and $228 million for BIA contract payments. The fiscal year 2012 proposed budget should be adjusted to meet these required levels.

ASNA has long suffered from contract underpayments, dating back to when ASNA first began contracting with IHS.

In 1996, ASNA was awarded a contract to operate the IHS's Samuel Simmonds Hospital in Barrow, Alaska. That hospital serves all the tribes of the North Slope of Alaska. As soon as contracted hospital operations started, IHS refused to pay us the full amounts due under the law to operate the hospital. IHS said it did not have the money to pay us. As a result, over the years hospital operations suffered. We believed IHS and we made the cuts we had to make in hospital operations to cover IHS's shortfall, only to learn years later that IHS had the money all along (we learned this from the Supreme Court *Cherokee Nation* case).

Today, we are fighting to recover damages for the amounts that IHS should have paid us. We have several appeals pending before the Contract Appeals Board and the Federal Circuit Court of Appeals totaling $7,529,334.

But IHS continues to violate the law. In fiscal year 2010 we ended the year with more than $900,000 left unpaid by IHS, and we expect to suffer at least the same shortfall this year too. So once again, services will remain cut to make up for the IHS's failure, since these CSCs are all fixed costs like insurance and auditing costs that we have no choice but to pay. Our people will suffer again.

The same is true with the BIA, which this last year again failed to pay the ASNA's CSC requirement in full.

When IHS and BIA hire us under contract to operate their programs the agencies have a duty to pay us promptly and in full, just like any other contractor. But the two agencies keep underpaying us, year after year. We should not be treated like "second-class contractors" just because we are Native American contractors. If anything, the Government's trust responsibility to provide healthcare and social services to our people ought to compel these agencies to be more respectful of their contract obligations, not less. Instead, they have shifted the cost of the contracts to our people, forcing cuts in healthcare, educational assistance, child welfare assistance—the list goes on and on. That is unconscionable.

Fulfilling the contractual requirement to pay CSC also means vacant positions can be filled. Last year the administration and the Congress supported an unprecedented increase in CSC payments to partially offset the shortfalls we have suffered. ASNA's shortfall dropped by $466,204, and we used those funds to add six direct patient care positions, including a certified coding technician vital to billing the Medicare and Medicaid systems and other third-party payors, a patient case management assistant, a deputy director for our dental program, a Resource and Patient Management System site manager, a nurse, and a patient support coordinator. Even still, 16 positions remain unfilled.

ASNA asks that the Congress take the necessary final steps this year to at long last end the persistent shortfalls Indian country suffers in the payments of our contracts and self-governance compacts.

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## PREPARED STATEMENT OF THE ASSINIBOINE AND SIOUX TRIBES OF THE FORT PECK RESERVATION

On behalf of the Fort Peck Tribes, I am pleased to present testimony on the fiscal year 2012 Bureau of Indian Affairs (BIA), Indian Health Service (IHS), and Environmental Protection Agency (EPA) budget. We are a large, land-based tribe. The Fort Peck Reservation encompasses 2.09 million acres. The reservation population

is growing and our tribal enrollment is approximately 12,500 members. Our greatest need is healthcare, public safety, infrastructure, and education.

The tribes' unemployment rate on the reservation is 56 percent. Of our tribal members who are working, approximately 43 percent live below the poverty level. Given the enormous unemployment and poverty rates on the reservation, our needs for both the BIA and the IHS programs and services are substantial.

The United States has a continuing trust responsibility to assist tribes to address the basic governmental services such as safe drinking water, public safety, and 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." If the Federal Government could provide greater assistance to us with these core governmental services, our members would be so much better off.

To be clear, the appropriation of funds for tribal governments is not a discretionary act, rather these appropriations represent the United States' fulfillment of its mandatory obligation under the treaties and agreements entered into with tribal governments.

IHS

Indian country continues to suffer higher rates of infant mortality, suicide, accident, alcoholism, diabetes, and heart disease 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 to tribal communities. The Federal Government has a trust responsibility 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 are particularly concerned about the IHS mismanagement of the limited resources that are made available to the agency. We encourage the appropriators to examine the root of this mismanagement and to encourage the IHS to engage with tribes with regard to this investigation and to provide us with the information that we need to be assured that these limited resources are properly accounted for.

*Mental Health*.—During the 2009–2010 school year, 5 of our middle school children committed suicide, and 20 more of our children have tried. Since October 2010, two more teenagers committed suicide, including the 17-year-old son of our former vice-chairwoman, and several more throughout our reservation have reportedly tried. Further, between April 2009–April 2010, we had 153 suicide-related calls to the law enforcement agencies serving the reservation. According to recent testimony before the Senate Committee on Indian Affairs, the IHS reported that suicide is the second leading cause of death for Indian youth ages 15–24 and that suicides in this age group make up 64 percent of all suicides throughout Indian country.

A loss of a life is tragic in any circumstance, but when this loss happens because a young person cannot see the promise of tomorrow and the hope for a better future, it is not only tragic; it is catastrophic. It is catastrophic for not only the family involved, but the entire reservation. These young people are the Fort Peck Tribes' future. Addressing suicide requires a multi-prong effort that includes all aspects of health, including substance abuse, mental health, spiritual health, and physical health. We know that it requires quick intervention and involvement by all parts of our community from the health professionals, social service agencies, schools, tribal government, and the families. We don't need anymore reports to tell us this. We need the resources to carryout this work. We urge the subcommittee to continue to support mental health and suicide prevention programs to respond to this devastating crisis in Indian country.

*Fort Peck Dialysis Center*.—There is a desperate need for fully staffed and equipped health facilities 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, including the urgent expansion of the Fort Peck Tribal Dialysis Unit to 18 stations (from 10) or construction of a new dialysis unit. We are now at capacity, serving 33 patients 6 days a week. We have an additional 73–100 pre-renal patients. If we cannot expand our services, these patients will have to travel long distances for this life-sustaining care. The reauthorization of the Indian Health Care Improvement Act now allows the IHS to dedicate resources to dialysis, which is an important aspect of healthcare in Indian communities. I request that the subcommittee direct the IHS to report to the Congress on its efforts in the area of diabetes treatment and dialysis.

*Contract Health*.—We recognize the significance of the requested $169.3 million increase in Contract Health Care (CHC), but this increase is inadequate to address the growing healthcare crisis in Indian country. The Fort Peck Tribes alone need a near doubling of our inadequate CHC 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 CHC services that their primary healthcare professionals determine are medically necessary because we are at life or limb stage treatment.

Currently, the IHS does not refer people with insurance out for necessary medical care, because the IHS does not want to pay the minimal co-pays or deductible for these services. Thus, people do not get care until it reaches the critical "life or limb" stage of necessity at which this point the IHS would still only have to pay the minimal co-pay or deductible. It would seem that it would be a far better health policy decision to pay the co-pay or deductible long before the health situation has arisen to a life or limb crisis. Yet, the IHS will not reconsider its interpretation of the payor-of-last-resort policy to allow for these sound health policy decisions to be made.

BIA

*The Fort Peck Reservation Rural Water System*.—The health status of a community is directly related to the quality of water available, which is why the Fort Peck Tribes took the lead in building the Fort Peck Reservation Rural Water System, a system that will provide quality drinking water to the reservation and surrounding communities.

The Congress enacted the Fort Peck Reservation Rural Water System Act of 2000, Public Law 106–382, to ensure a safe and adequate drinking water supply to all of the residents of the Fort Peck Indian Reservation. The law directs that funding for the operation and maintenance of the water system is to be fully paid for by the BIA. The tribes and the Bureau of Reclamation have completed construction of many components of this $200 million project, including the raw water intake facility, and will soon complete the water treatment facility. This water treatment facility coming on-line this year is vital, as the EPA has determined that the wells that now provide water to the city of Poplar, the seat of tribal government, home to the BIA and IHS agency and the location of the Poplar schools, is contaminated by a brine plume.

While the BIA budget includes $200,000 for the Operation and Maintenance (O&M) of this important project, more funding is needed. The BIA is well aware that the O&M costs would rise as the water treatment plant came on line and the project begins to deliver water to most of the residents on the reservation. To date the Federal Government has invested $100 million, to construct this vitally needed project. We now need the Department of the Interior to provide adequate operational funds to ensure that this $100 million investment does not go to waste. Thus, an additional $800,000 is needed to fully operate the Fort Peck Reservation Rural Water System.

*Funding for Public Safety and Detention*.—The need for increased law enforcement and tribal courts remains a priority for the Fort Peck Tribes. We greatly appreciate the increases the Congress has recently provided for public safety programs. These increases, however, are insufficient to fulfill the United States' basic trust responsibility in the areas of health and safety. Our reservation needs more officers and the resources they require to patrol a large land base. This must be matched with additional resources for tribal courts. The Congress should ensure that the $20 million proposed increase in law enforcement funding for fiscal year 2012 translates into more officers on the Fort Peck Reservation.

For the period April, 2009–April 2010, there were 17,353 calls for service to the law enforcement agencies serving the Fort Peck Reservation. These calls include driving under the influence (852), aggravated assault (78), sexual assault (142), and domestic violence (462). The Fort Peck Police Department has 14 officers. This is more than 50 percent below what is considered necessary for adequate coverage for a community the size of Fort Peck. This means that in most instances when our officers respond to a call they are doing so alone. This places our officers in grave danger, as these circumstances are frequently scenes that involve violence, alcohol, or other substances. Thus, while we appreciate the requested increase in funding, emphasis must continue to be placed on ensuring that tribal law enforcement programs have the resources that they need to keep our communities safe.

I want to particularly support the $11.4 million requested to fund the operations of the newly constructed detention facilities. The Fort Peck Tribes received a $1 million grant from the Department of Justice to rebuild our detention facilities. We

have entered into a contract with the BIA for the operation of this newly expanded facility and are excited. We have broken ground and will be operational in fiscal year 2012. This new facility will allow us to better house and care for our prisoners close to their families and the community support that they need to become productive members of our society again.

CONTRACT SUPPORT COSTS (CSC)

The Fort Peck Tribes operate 14 programs through Indian Self-Determination Act Contracts and grants with the BIA and the IHS. The fundamental goal of the Indian Self-Determination Act is to empower tribal governments to operate Federal programs to better meet the needs of the people living on the reservation. After more than 30 years, it is well documented that tribes have taken up the challenge and are fulfilling the goals of the Indian Self-Determination and Assistance Act. The act requires that tribes must have at least as much money as the Federal Government had to operate these programs. Importantly, this includes the administrative costs, which are called CSC. Currently, however these costs are not fully funded. At Fort Peck alone we have a $627,000 shortfall in contract support funding, which means we are forced to use program funds to cover these necessary administrative costs. While we are pleased that the Congress and the administration have provided significant increases for CSC in the last 2 years, it is important that this trend continue.

ENVIRONMENT

Finally, I want to express the tribes' strong support for the increased funding for tribal environmental programs. Specifically, I urge the subcommittee to support the $71 million for the Tribal General Assistance Program and the $20 million for a new initiative to fund tribal multimedia programs to better implement environmental programs on tribal lands. The Fort Peck Tribes were one of the first tribes in the country to obtain Treatment as a State Status under the Clean Water Act and one of the first to obtain Class I air designation for our reservation. For the Fort Peck Tribes, protecting the land and resources that our ancestors fought so hard to preserve for us is our paramount mission. We work closely with our Federal and State partners to accomplish this goal and appreciate the continuing support of the Congress for these efforts.

Thank you for providing me the opportunity to present the views of the Fort Peck Tribes.

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PREPARED STATEMENT OF THE APPALACHIAN TRAIL CONSERVANCY

On behalf of the Appalachian Trail Conservancy (ATC), for reasons described below, I am requesting a fiscal year 2012 appropriation from the Land and Water Conservation Fund in the amounts of $1,750,000 for the National Park Service (NPS) and $9,200,000 for the USDA Forest Service (USFS) for the acquisition of lands and interests in lands surrounding or bordering the Appalachian National Scenic Trail in the States of Vermont, Tennessee (Cherokee NF), and North Carolina (Pisgah NF). In addition, we are requesting appropriations under the Forest Legacy program for the USFS totaling $8.73 million for two land-conservation projects in the State of Maine.

*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 Appalachian National Scenic Trail 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 193,000 acres, more than 3,378 parcels, in 14 States. Today, only approximately 5 miles of the 2,181-mile AT remain to be protected through public ownership.

*Resource Characteristics*.—The AT is a 2,181-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 administered as a unit of the National Park System, connects eight National Forests, six other units of the National Park System, and approximately 60 State parks, forests, and

game-management units. With an estimated 2 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 with more than 2,200 documented occurrences of federally and State-listed rare, threatened, or endangered species at more than 500 discrete sites.

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 Appalachian Trail Conservancy 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 2010, for example, 6,128 volunteers contributed more than 213,900 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. The ATC, through its network of 31 club affiliates, is now responsible for virtually all phases of "park" operations, ranging from trail and facility maintenance and construction to lands and resources management to visitor education and services. The 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 Appalachian National Scenic Trail 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 2012 LWCF appropriations to secure those properties. A brief description of each of those critical parcels follows.

*Chateauguay-No Town Project, Vermont*.—This project involves four parcels, totaling 1,000 acres, in the towns of Barnard and Bridgewater, Vermont, to be acquired in fee-simple and an additional 81.39-acre parcel in Pomfret, Vermont, to be placed under a conservation easement. Negotiations have been spearheaded for several years by The Conservation Fund. 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. The fifth, easement parcel is situated on a hillside adjacent to and above the trail in the Town of Pomfret that is under threat of residential subdivision. A partial appropriation for this project was included in the fiscal year 2010 Interior, environment, and related agencies appropriations bill and, in March 2011, the NPS acquired a portion (631 acres) of the affected properties. The ATC and The Conservation Fund are requesting second-installment funding for this project in fiscal year 2012 of $1.75 million for the NPS.

*Rocky Fork, Tennessee/Cherokee National Forest*.—In mid-December, 2008, the USDA Forest Service 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. The Conservation Fund 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 Appalachian National Scenic Trail and its acquisition will permit future construction of a 3-mile relocation to provide a much-improved alignment for the footpath. Total costs for the acquisition were approximately $43 million and the 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. Substantial portions of the property already have been acquired from previous year appropriations. ATC and The Conservation Fund are requesting an fiscal year 2012 LWCF appropriation of $5 million for the USFS as "final installment" funding to acquire the remaining approximately 1,190 acres of the property.

*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 above) 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 The Conservation Fund. 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. The ATC is requesting an fiscal year 2012 LWCF appropriation of $450,000 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. The ATC is requesting a fiscal year 2012 LWCF appropriation of $890,000 for the USFS to acquire the property at appraised value.

*Ripshin Tract, Tennessee/Cherokee National Forest*.—This 392-acre property is situated below the cliff-top viewpoints from the AT on Little Bald Knob, west of Ripshin Lake, in the Cherokee National Forest. The property encompasses the headwaters of Roaring Creek and is adjacent to the Moffett Laurel Botanical Area. It contains habitat and breeding grounds for the bog turtle—a State threatened species as well as six other State-listed plants and animals. The ATC is requesting an fiscal year 2012 LWCF appropriation in the amount of $1,710,000 for the USFS to acquire the property.

*Roan Mountain National Trails Tract, North Carolina/Pisgah National Forest*.—Acquisition of this 136-acre property will protect the viewshed of both the Appalachian Trail and the Overmountain Victory National Historic Trail (OVNHT) near their intersection in the Highlands of Roan. The property provides outstanding views of Yellow Mountain Gap and the Roaring Creek valley, contains numerous waterfalls, and supports nesting populations of both golden-winged warblers and native brook trout. The property also likely provided a campsite during the Revolutionary War when, in 1780, the Overmountain Boys marched to Kings Mountain to confront and defeat the British army. The ATC is requesting an fiscal year 2012 LWCF appropriation of $1.2 million for the USFS to acquire the property.

*High Peaks Conservation Project, Forest Legacy, Maine*.—ATC is supporting a request from the State of Maine and the Trust for Public Lands for funding through the fiscal year 2012 Forest Legacy program to support the acquisition of interests in lands affecting 17,000 acres in western (Franklin County) Maine in two separate projects-Crocker Mountain and Orbeton Stream. The Crocker Mountain project includes approximately 11,800 acres containing three of the highest peaks in the State. The property also is home to Eastern brook trout, lynx, marten, and snowshoe hare and contains 25 percent of the global population of the State-listed endangered Roaring Brook mayfly. The property borders a 10-mile section of the AT and also includes a 3-mile segment of Route 115—a prominent segment of the State's Interconnected (snowmobile) Trail System (ITS) and 4 miles of State-sanctioned ATV trails. The property also provides numerous opportunities for hunting, fishing, hiking, and cross-country skiing as well as a productive timber stand that the State's Bureau of Public Lands will manage on a sustainable basis. The 5,800-acre Orbeton Stream property includes a productive timber stand and a critical 6-mile link in the State's ITS snowmobile system. It is in the foreground viewshed of the AT and it also has been designated a high priority within the State's wildlife action plan. The entire parcel also has been identified by NOAA as a critical habitat for the federally listed Atlantic salmon. The ATC is requesting a total fiscal year 2012 appropriation of $8.73 million ($7 million for Crocker Mountain and $1.73 million for Orbeton Stream) through the Forest Legacy program.

Thank you for the opportunity to submit this testimony and for your consideration of our request.

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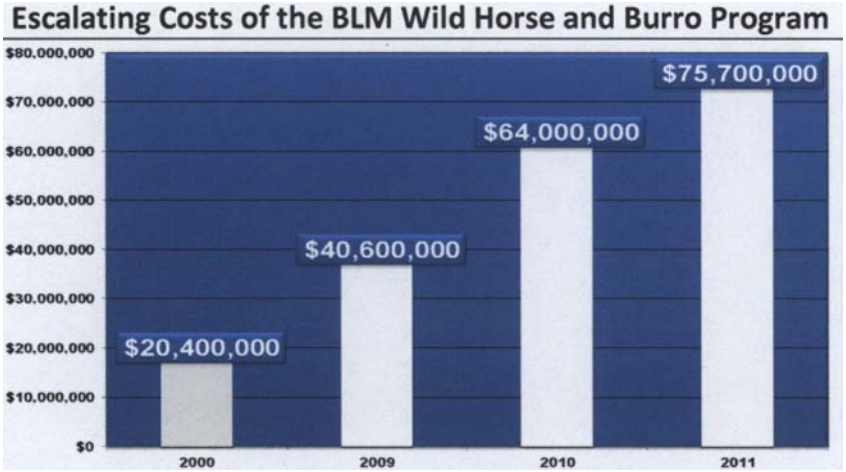
## PREPARED STATEMENT OF THE AMERICAN WILD HORSE PRESERVATION CAMPAIGN

Thank you for the opportunity to submit testimony on the Department of the Interior's Bureau of Land Management (BLM) Wild Horse and Burro (WHB) Program. The American Wild Horse Preservation Campaign (AWHPC) is dedicated to preserving the American wild horse in viable free-roaming herds for generations to come, as part of our national heritage. Our grassroots efforts are supported by a coalition of more than 40 historic preservation, conservation, horse advocacy, and animal welfare organizations.

### COSTS OF THE WILD HORSE PROGRAM ARE SPIRALING OUT OF CONTROL

Between fiscal year 2000 and fiscal year 2009, appropriations increased from $20.4 million to $40.6 million. In fiscal year 2010, the BLM's authorized budget for this program increased by 58 percent to $64 million. At that time, the Senate Ap-

propriations Committee warned that the costs of gathering and holding wild horses and burros "have risen beyond sustainable levels." In fiscal year 2011, the BLM's budget increased to $75.7 million.



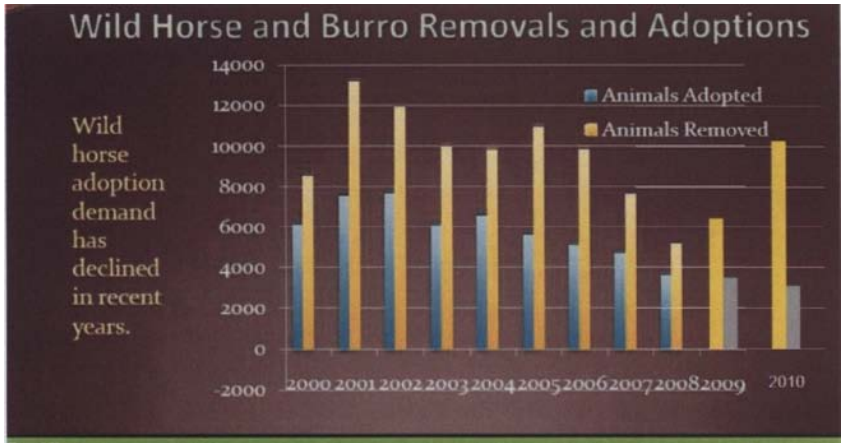

SOURCE.—Congressional Research Service report, May 2010; the BLM 2011 Budget Report.

For fiscal year 2012, the BLM is requesting another $12 million increase for its WHB Program budget. As long as the Congress continues to award the BLM's requested budget increases, the Bureau will not substantively change the course of this broken Federal program.

THE PROBLEM: REMOVALS EXCEED ADOPTION DEMAND

In 2000, the BLM's trend of removing large numbers of horses from the range in excess of adoption demand began to accelerate. The trend worsened as removals increased more than 2000 levels, yet adoption demand declined.

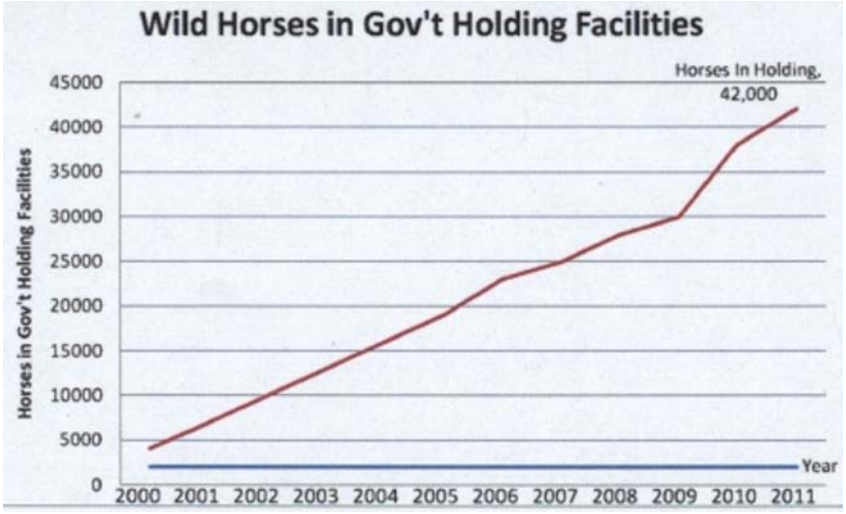
The result: a steady increase in the number of mustangs stockpiled in Government holding facilities.




| Fiscal Year | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|---|---|---|---|---|---|---|---|---|---|---|
| Adopted | 6202 | 7630 | 7746 | 6165 | 6644 | 5701 | 5172 | 4772 | 3706 | 3496 |
| Removed | 8631 | 13277 | 12029 | 10081 | 9899 | 11023 | 9926 | 7726 | 5275 | 6036 |

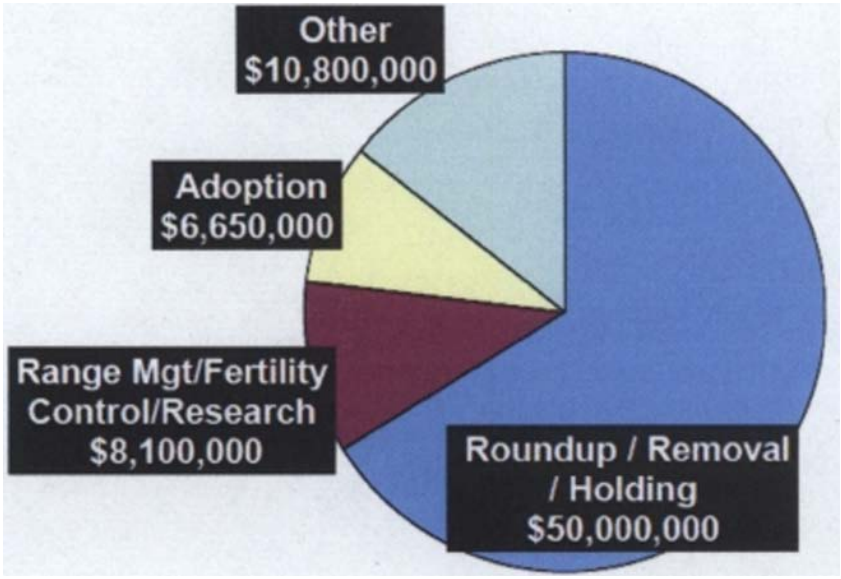
SOURCE.—Slide 19 of BLM Wild Horse and Burro Program Power Point presentation.

For the first time in history, there are more wild horses (42,000+) warehoused in taxpayer-funded pens and pastures than are left free on the range (<33,000).




BLM "NEW" STRATEGY, SAME OLD APPROACH

The majority of the BLM's budget continues to be consumed by roundup, removal, and warehousing costs. Cost-effective on-the-range management strategies, including fertility control, remain underfunded.




SOURCE.—BLM fiscal year 2011 updated spending plan.

Under "accelerated reform" strategy:
—Mass removals continue. (38,200 to be removed from range over next 4 years.)

—Fertility control underutilized (2,000 per year too few to impact reproductive rates); and
—Holding population increases to at least 52,000 by fiscal year 2014; burden to taxpayers grows.

Unless the Congress restricts funding for removals, the BLM will continue to add to its self-created fiscal crisis by sending thousands more mustangs annually to holding facilities.

The following chart highlights the BLM's continued focus on removals vs. fertility control.

COMPARISON OF THE BLM'S PROPOSED STRATEGY AND THE CURRENT MANAGEMENT APPROACH

[Dollars in millions]

| Item | Proposed strategy | | | | Current management approach | | | |
|---|---|---|---|---|---|---|---|---|
| | Fiscal year 2011 | Fiscal year 2012 | Fiscal year 2013 | Fiscal year 2014 | Fiscal year 2011 | Fiscal year 2012 | Fiscal year 2013 | Fiscal year 2014 |
| Funding needs | $75.6 | $75.9 | $75.6 | $75.4 | $75.7 | $81.8 | $89.4 | $94.6 |
| Total no. removed | 10,000 | 7,600 per year | | | 10,000 | 10,500 | 10,500 | 7,700 |
| Fertility control (treat no.) | 2,000 per year | | | | 850 | 2,000 | 2,250 | 2,500 |
| No. adopted | 3,715 | 4,200 per year | | | 3,715 | 3,500 per year | | |
| Total no. in holding | 43,999 | 46,786 | 49,323 | 51,753 | 44,581 | 50,968 | 57,102 | 60,330 |
| No. on the range (projected) | 35,472 | 33,979 | 33,175 | 32,210 | 35,472 | 32,279 | 28,235 | 25,882 |
| AML (West-wide) | 26,600 | | | | | | | |

SOURCE.—Details of the BLM's Proposed Strategy for Future Management of America's Wild Horses and Burros, p. 16.

Given the lack of crisis on the range and the real crisis to taxpayers, the Congress should suspend funds for all removals pending the outcome of the BLM-requested National Academy of Sciences review of the program, scheduled to begin this year and to be completed by 2014.

FERTILITY CONTROL SAVES TAX DOLLARS

In 1982, the National Academy of Sciences (NAS) called on the BLM to use immunocontraception to manage WHB populations, finding it an effective part of a pro-active management strategy. In the 1990 Government Accountability Office's (GAO) report on the BLM wild horse management program found that keeping excess animals in long-term holding was costly and recommended that the BLM examine alternatives, such as treating animals with reproductive controls and releasing them back on the range.

The BLM failed to address reproduction on the range with fertility control, resulting in the current unsustainable situation. The BLM now claims that utilizing fertility control on more than 2,000 horses per year is not cost-effective because they have to roundup the entire herd. However, the BLM's claims are contradicted by the economic model developed by an independent economist commissioned by the Humane Society of the United States (HSUS). That model demonstrates significant short- and long-term cost savings to the BLM through implementation of fertility control utilizing the PZP immunocontraception vaccine.

Common sense tells us that the BLM's claims are not based in reality:

—Every female vaccinated with fertility control will prevent two horses from being sent to holding given the BLM's estimate of a 50/50 male/female ratio mustangs on the range. (Applying PZP to mares allows stallions to remain on the range as well.)
—Treating mustangs with fertility control and releasing them back to the range eliminates all the backend costs of removal and warehousing:
  —$1,500 per horse for short-term holding (based on average 10-month stay, according to the GAO); or
  —$463 per horse per year for long-term holding; and
  —Lifespan of horses in holding 20–30 years; and
—Any increased costs associated with rounding up "the entire herd" for application of fertility control, are easily offset by the enormous short-term holding costs.

The Congress must mandate that no less than 20 percent of the BLM WHB budget be used for fertility control application to wild horses on the range.

ACCOUNTABILITY THROUGH APPROPRIATIONS

The Congress must ensure that the BLM is accountable for the expenditure of tax dollars and address the ever-increasing public interest in the Bureau's WHB Program. The safeguards listed below will not hinder the program and will only increase its accountability to the American taxpayer:

—Contracts with private companies for roundup services must be amended to eliminate the per-animal compensation scheme. The current contracts with independent companies for roundup services are inherently flawed. The per-head payment for captured horses provides incentive for contractors to roundup as many horses as fast as possible instead of placing priority on humane gather techniques.

—The BLM's 2012 appropriations request to amend its contracting authority and extend the maximum length of multi-year contracts to 10 years should be rejected. The current maximum 5-year contract period allows the Bureau more flexibility to adjust the program based on current need.

—Transparency improvements should be mandated:

  —Live-streaming cameras with global positioning system (GPS) on all helicopters, trap sites, and areas where horses are being processed.

  —All short- and long-term holding facilities open to the public in order to provide opportunity for meaningful observation and oversight.

RECOMMENDATIONS FOR APPROPRIATIONS COMMITTEE: RECAP

Suspend funding for all removals pending outcome of the NAS review of the WHB Program. At minimum, the Congress should prohibit funding for removals in excess of adoption demand.

Mandate that no less than 20 percent of the BLM WHB budget be used for fertility control application to wild horses on the range.

Require that contracts with private companies for roundup services be amended to eliminate the per-animal compensation scheme.

Deny the BLM request to extend maximum length of multi-year contracts to 10 years.

Require and authorize funding for transparency measures including:

—Live-streaming cameras with GPS on all helicopters, trap sites, and processing areas; and

—Meaningful public access to all short- and long-term holding facilities.

Thank you for your consideration of these requests.

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PREPARED STATEMENT OF THE ANIMAL WELFARE INSTITUTE

The Animal Welfare Institute (AWI) thanks you for your consideration of this testimony, and respectfully requests that the Senate Appropriations Subcommittee on the Interior, Environment, and Related Agencies appropriate a total of $84.5 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 (OLE), $26.2 million for special agents, $3.1 million for ports of entry, and $5 million for the Clark R. Bavin National Fish and Wildlife Forensics Laboratory, and $5.2 million to explore the potentially devastating effects of White Nose Syndrome (WNS) on bats. Other funds for the WNS are also requested. The administration's fiscal year 2012 proposed budget falls far short of providing the agencies within the Department of the Interior sufficient funding to protect, preserve, recover, and manage America's wildlife, including threatened and endangered species, as required by law and by their public trust obligations. The AWI also asks the Congress to maintain language preserving and protecting wild horses and wildlife.

*Office of Law Enforcement (OLE).*—The administration's fiscal year 2012 budget proposes a decrease in funding to one of the most important lines of defense for America's wildlife, the FWS OLE. Even those who may not concern themselves with wildlife are reaping benefits as the OLE protects against smuggling illegal substances from invasive species to contraband and even helps to thwart potentially devastating human health threats. Still, each year, the OLE is increasingly underfunded and understaffed, placing the public at greater danger unnecessarily. The AWI requests an additional $45 million be allocated to the FWS to increase and expand the activities of the OLE in its critical role combating wildlife crime. Currently, the OLE is tasked with enforcing and implementing more than a dozen Fed-

eral wildlife and conservation laws that frequently impact both domestic and global security.

It is disheartening that the new budget proposals have chosen to decrease funding to such an imperative office and its programs in the wake of success. Year after year, the OLE protects the public against the illegal trade in wildlife and wildlife products, which 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 Congress must act rapidly to make available those funds that are crucial to the OLE and to public safety.

*FWS Special Agents*.—Staff tasked with enforcement of U.S. wildlife laws risk their lives in an effort to protect our Nation's wildlife. In fiscal year 2010, the FWS agents pursued more than 13,490 investigations resulting in more than $3.4 million in fines, 76.7 years of jail time for the perpetrators, and 299.6 years of probation.[1] The FWS cases documented illegal trafficking in U.S. leopard sharks, coral reef organisms, live reptiles, and paddlefish. On the global front, the FWS agents, together with the Royal Thai Police, broke up an illegal ivory trading ring, spanning three continents. The case, to date, has secured the U.S. indictment of two individuals and four criminal arrests in Thailand, as well as seizures of elephant tusks and carved ivory in both countries. This case produced 23-plus indictments and had the potential of prison terms for both defendants totaling 78 years. This impressive record merits advancement and proper funding. The FWS Special Agents have proven time and time again their work deserves funding levels beyond the administration's fiscal year 2012 budget proposal, to aid in the reduction of illegal trade in wildlife and wildlife products, which continues to imperil wildlife species in the United States and around the world.

Currently, there are only 202 FWS agents responsible for the enforcement of Federal wildlife laws throughout the entire United States. This number is only 7 more than in fiscal year 2010, which was 6 fewer than existed in fiscal year 2009. There are 52 agent vacancies. The AWI respectfully requests an additional $14.2 million to fill these 52 agent vacancies and an additional $12 million to ensure sufficient operational funds for existing agents and for those hired in the future.

*Port Inspectors*.—Keeping our ports and boarders secure remains America's single best opportunity to prevent potential attacks. Whether intercepting bioterrorism agents or uncovering security threats, the FWS Port Security, along with the U.S. Coast Guard, Department of Homeland Security, and other agencies involved, holds the daunting task of keeping our Nation safe. The noble individuals employed by these agencies are charged with precluding a wide variety of potentially disastrous threats, including: minimizing illegal contraband shipments, often transported in body cavities of vicious species; uncovering smuggled goods and illegal trade rings at the border, which include products of severely endangered species; and thwarting national and global health risks by shielding the American public from the disease and safety risks associated with importing non-native species (e.g., avian flu, and foot and mouth disease).

The current lack of sufficient operational funds for the FWS port inspection program weakens the FWS efforts to promote the conservation of species of international concern, to protect all natural resources, and to sustain biological processes. Recently, the FWS port agents, together with the National Oceanic and Atmospheric Administration, Immigration and Customs Enforcement, and U.S. Customs and Border Protection, uncovered shipments originating from the Virgin Islands containing protected black coral (Convention for International Trade in Endangered Species (CITES Appendix II)). Black coral when removed, threatens the marine ecosystem and damages the habitats of several species. This case resulted in the arrest and conviction of two Taiwanese nationals on nine counts of conspiracy, including conspiracy, false statements, and violations of both the Endangered Species Act and the Lacey Act. It is critical that these programs remain fully funded to protect domestic and international wildlife, and to ensure our Nation's safety through hiring and training staff at each designated U.S. ports of entry. The AWI requests an additional $3.1 million for the ports of entry.

*The Clark R. Bavin National Fish and Wildlife Forensics Laboratory*.—The successful outcomes stated previously would not have been possible without the essential work of the FWS forensic laboratory, used by the FWS agents and inspectors to gather hard evidence in wildlife crime cases. The lab uses state-of-the-art science, along with years of institutional knowledge, to identify wildlife products by species, determine the 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

[1] *Law Enforcement at a Glance*. Office of Law Enforcement. U.S. Fish and Wildlife Service. February 2011.

court, thus increasing the cost of testing each sample. In 2009, the lab and its personnel cleared a nearly 7-month computer case backlog but remain challenged in tackling the 1- to 5-month hard case backlog. The Bavin Laboratory desperately needs to hire and train staff to alleviate some of the backlog, which has delayed investigations and potential prosecutions by the FWS investigators, inspectors, and Federal prosecutors.

All 50 States and the 175 CITES member countries depend on this facility to prosecute their wildlife crimes; however, this partnership is jeopardized by the lab's inability to churn out timely results. To reduce both staffing shortages and existing analytical workload and backlog, $5 million is requested for the lab, including $1 million to fill the eight essential vacancies. A timely hire is crucial to train second-generation forensic morphologists prior to the departure of current staff. Such funds would also allow for the construction of a new building to house the lab's comparison standards collection ($3.5 million).

*Wild Free-roaming Horses and Burros Act*.—The wild horse is as much a symbol of American heritage as the image of Uncle Sam and baseball. Currently, America's wild horses are subject to mistreatment by the Bureau of Land Management (BLM), which misuses most of its budget to round up and warehouse wild horses and burros without credible evidence supporting the need for such removals. Furthermore, the BLM has failed to consider wild horses and burros "comparably" with domestic livestock as required by law when making management decisions reflecting a bias within the BLM in favor of privately owned cattle. Wild horses have been removed from more than 20 million of the 52 million acres allocated to them by the Congress. Since 2004, wild horses have been at risk of being sold to killer-buyers who make a profit by sending horses to slaughter for human consumption. Forty years ago this year, the Congress acted on behalf of these wild animals to protect their natural habitat and lifestyle. It is now time for the Congress to act again to ensure these animals are neither sent into long-term holding facilities nor sentenced to slaughter. The AWI requests that

—"no-kill" language be maintained to ensure the BLM does not kill healthy wild horses and burros; and

—the Congress not provide any increase to the BLM budget and defund all but emergency round ups until a comprehensive review of the wild horse program is completed by the National Academy of Science.

*White Nose Syndrome (WNS) in Bats*.—Since the discovery of WNS in bats in a cave in Albany, New York, in 2006, more than 1 million hibernating bats throughout the Eastern United States have died—with some hibernacula (caves and mines where bats hibernate) experiencing 95–100 percent mortality—and the disease has been moving quickly across the country. With its spread to Ohio, Indiana, Kentucky, and North Carolina just this year, WNS or the fungus believed to cause it, Geomyces destructans, has been documented in 18 States and 4 Canadian provinces, and is appearing at new sites in States previously hit. Twenty-five of the 46 bat species in the United States hibernate, and scientists believe that because the WNS has so far affected every hibernating bat species in its path, any such bat species is at risk. Thus, States not yet affected are bracing for its arrival.

The WNS induces hibernating bats to wake more often, thus using up fat reserves needed to survive the winter. They go out in search of insect food sources that are not yet available, and freeze or starve to death. It also appears the fungus may disrupt critical physiological and chemical processes in the animals.

This die-off is unprecedented animal welfare and an environmental and economic disaster. Bats play a crucial role in the ecosystem, including pollinating crops and consuming insects that pose a threat to human health and agriculture. The million-plus bats already lost could have consumed nearly 700 tons of insects each year. The loss of bats as natural crop pest predators will necessitate more pesticide use, at greater cost to farmers, consumers, and the environment. A recent study estimates agricultural losses at between $3.7 billion and $53 billion.[2] A May 2009 consensus statement issued by a group of scientists and wildlife managers working on this problem calls WNS "the most precipitous decline of North American wildlife in recorded history." They fear it could wipe out some endangered bat species and cause others to be listed, a development that could have serious economic consequences for such industries as mining, energy development, and tourism.

Federal agencies are playing a central role in WNS response. As noted in the Green Budget, the FWS is the lead agency, providing funds to State wildlife agencies to assist with their WNS response and coordinating the nationwide effort to combat the disease. The FWS co-chairs an interagency committee whose task is to "provide oversight across participating State and Federal agencies and tribal gov-

[2] http://www.sciencemag.org/content/332/6025/41.full.

ernments to ensure consistency and coordination in management action, policy interpretation, communication, and collection of scientific information related to the WNS." Just this month it released its WNS National Plan. The U.S. Geological Survey (USGS), among other things, conducts research vital to understanding this previously unknown disease. For example, two scientists at USGS's National Wildlife Health Center recently published a breakthrough paper on the WNS, finding that "damage to bat wings from the fungus . . . may cause catastrophic imbalance in life-support processes. . . . Physiological problems caused by the novel fungus may, in fact, represent a completely new disease paradigm for mammals . . ." (USGS press release 12/15/10). The National Park Service (NPS), BLM, U.S. Forest Service (USFS), and Department of Defense (DOD) are monitoring and surveying bat populations on their lands, managing and closing caves, implementing decontamination measures with visitors, improving bat habitat, and educating the public about WNS, among other activities.

We recognize this is a difficult budget year. However, the urgency of the need to get this disease under control and avert an even bigger ecological and financial catastrophe later cannot be overstated. We respectfully ask the Congress to provide the following funding: FWS—$5.2 million; USGS—$2.4 million; DOD—$300,000; NPS—$200,000; USFS—$2 million; and BLM—$1 million, which should be redirected from the BLM's wild horse round-ups.

*NPS Lethal Management of Native Wildlife*.—In the past 5 years, the NPS has significantly expanded its lethal control of native ungulates in contravention of its own legal mandates. During this time, the NPS has initiated lethal control of ungulates in a number of national parks (e.g., Valley Forge, Catoctin) and is considering similar efforts in other parks (e.g., Indiana Dunes, Rock Creek). In each case, the NPS has misapplied its own statutes and policies and has failed to provide any credible site-specific data to justify its heavy-handed strategies. Though even the NPS concedes that ungulates are keystone herbivores, it is unwilling to allow ungulates to naturally influence ecosystem structure and function as its own statutes and policies require. Therefore, the AWI requests that the following language, which, if accepted, would save taxpayer dollars, into the Senate Interior, environment, and related agencies appropriations bill:

"No funds appropriated under this legislation shall be expended by the National Park Service to lethally control or kill native ungulates nor shall the National Park Service permit any entity, public or private, to kill said ungulates in Valley Forge National Historical Park in Pennsylvania and Catoctin Mountain Park in Maryland."

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## PREPARED STATEMENT OF BAT CONSERVATION INTERNATIONAL

Chairman Reed, Ranking Member Murkowski, and members of the subcommittee, thank you for the opportunity to submit testimony. The Bat Conservation International (BCI) is a nonprofit organization that conducts and supports science-based research, education, and conservation to ensure that bats will still be helping to maintain healthy environments and human economies far into the future. We are based in Austin, Texas, with a membership of more than 10,000 from all 50 of the United States. We respectfully request $11.1 million from the Congress in fiscal year 2012 to address White-nose Syndrome (WNS), a disease decimating North American bats. Numerous Federal agencies (most, but not all, in the Department of the Interior) are involved in WNS response:

—the U.S. Fish and Wildlife Service (FWS);
—the U.S. Geological Survey (USGS);
—the National Park Service (NPS);
—the Bureau of Land Management (BLM);
—the U.S. Forest Service (USFS); and
—the Department of Defense (DOD).

The WNS poses the gravest threat ever faced by U.S. bats. Since its discovery in 2006, the disease has killed well more than 1 million bats. It is named for the previously unknown, cold-loving white fungus found on faces and wings of infected bats that is believed to cause the disease. The WNS-infected bats awaken frequently during hibernation, burning the fat reserves they need to survive the winter. They often emerge early from hibernation, before the return of warm weather and insects, only to freeze or starve to death. The disease or its associated fungus has spread to 18 States and four Canadian provinces in the 5 years since the WNS was first observed in a cave near Albany, New York. The Northeast has borne the brunt of the WNS so far, but the disease or its fungus has spread as far south as North Carolina and Tennessee, and as far west as Oklahoma.

Biologists consider the WNS die-off to be North America's most precipitous wildlife decline in the past century. The disease strikes hibernating bats—those that sleep through the winter in caves and mines—and has affected every hibernating bat species in its geographic path. Of the Nation's 47 bat species, 25 hibernate, and all of these hibernating species are considered at risk of the disease. The WNS or the fungus currently affects nine species, including endangered Indiana and gray bats, which could well be even closer to extinction as a result. Some WNS-infected sites experience mortality rates of almost 100 percent. Losses are so severe that researchers are predicting regional extinctions of the little brown bat—previously one of America's most common mammals—in northeastern States within 16 years.

Bats provide many benefits to humankind. As primary predators of night-flying insects, bats are critical to maintaining the balance of nature. A bat can eat half to all of its body weight in insects per night, consuming pests that damage crops such as corn, cotton, soybeans, and potatoes. A recent article in the journal Science estimates the value of bats to U.S. agriculture ranges from $3.7 billion to $53 billion per year. Bats also eat insects that damage forests and spread disease. Some bat species pollinate crops and disperse seeds. Research of bat biology has yielded important chemical products, including a medication to prevent strokes. Bat droppings in caves support unique ecosystems, including microorganisms that could provide resources for detoxifying industrial wastes and producing pesticides and antibiotics.

The loss of bats would have serious ecological and economic consequences. The 1 million-plus bats killed by the WNS would have eaten about 700 tons of insects each year. With the bats gone, these insects are surviving to attack crops and forests. The authors of the "Science" article argue that, as a result of the WNS, North American agriculture will begin noting economic losses within 4 to 5 years, with especially severe impacts to the Midwest and Great Plains regions. In addition to crop losses, farmers will need to use more pesticides, increasing the financial strain on farming families, raising the price of food for consumers, and releasing more chemicals into our environment. Bats are important predators, so their disappearance could have broad, ripple effects on the environment that we cannot yet assess.

The population declines from the WNS could well lead to listing more bat species under the Federal Endangered Species Act, as well as State-level statutes, which would cause far-ranging economic costs. The Center for Biological Diversity has petitioned the FWS for listing of the northern long-eared bat and eastern small-footed bat because of the WNS and other factors, while BCI and other organizations have requested the FWS to review the status of the little brown bat and to file an emergency listing of the species in the interim. At the State level, Ohio has designated four bat species as species of concern; Wisconsin is in the process of listing three bat species as threatened; and other States, including New York and New Hampshire, are considering designations. According to the Government Accountability Office (GAO–06–463R), the average cost for recovery of an endangered species is $15.9 million. The highest estimate on record is $125 million to recover the whooping crane. Bat species affected by the WNS have broad geographic distributions and complex ecological patterns, which would likely require very high recovery costs. Finally, regulations stemming from listing more bat species would have economic impacts on industries such as mining, defense, energy, forestry, construction, transportation, tourism, and outdoor recreation.

The Federal Government recognizes how much is at stake from the WNS and, in conjunction with State, local, and tribal agencies, academic institutions, and nonprofits, has mounted an admirable response to the disease. WNS and its associated fungus were unknown to science until discovered in New York, but since then, Federal dollars have enabled researchers at the USGS and elsewhere to isolate, identify, and develop a test for the WNS fungus, to map its genome, and answer some basic questions about the nature, transmission, and diagnosis of the disease. FWS, the lead agency for the WNS response, coordinates government and other entities in order to maximize efficient use of resources, prevent redundancy, and facilitate an effective national response. In this role, FWS has funded scientific research and on-the-ground disease surveillance and management, developed recommendations to help prevent disease spread, and created the National Plan for Assisting States, Federal agencies, and tribes in Managing White Nose Syndrome in Bats in collaboration with all involved Federal agencies, as well as State and other entities. Land-management agencies have been at the forefront in developing disease-monitoring techniques, gathering bat-survey data, managing resources to increase bat survival, and producing materials to educate the public about the WNS. NPS's Mammoth Cave National Park has developed a site-based response plan that is being used as a model for public lands throughout the country; USFS is testing ways to improve bat habitat to boost postdisease survival rates; and DOD is refining acoustical bat-monitoring methods. All of these agencies provide technical support to, and collabo-

rate and pool resources with, State, local, and tribal agencies as well as academic institutions and nonprofits.

Despite this progress, the need for the WNS-response funding continues and, in fact, is increasing. As the disease spreads, the number of entities involved and the scale of the response grows. While scientists have learned much about the disease, they cannot yet stop its spread. Critical research topics aimed at finding solutions include the susceptibility of different bat species to the WNS, possible biological-control agents, and the disease-producing interface of the fungus, bats, and the cave environment. In fiscal year 2010, the FWS awarded $1.6 million for the WNS research through a granting process for which the agency received $10.5 million in proposals. On-the-ground monitoring and management is required in both previously and newly infected areas. Overall coordination and communication is needed to ensure efficiency and the sharing of information and resources. The westward spread of the WNS is sharply increasing the need for a Federal response. Western States have a higher proportion of public land than those in the East. Beyond that, much less is known about western bat populations than eastern ones, and the rugged western terrain makes data-gathering more difficult. To this point, fiscal year 2012 is the first year for which the BLM anticipates significant WNS expenses, many of which will go toward surveying approximately 400 western caves and abandoned mines for baseline data on bats.

Concluding from analysis of past WNS spending and disease-spread trends, we urge the subcommittee to ensure that Federal agencies engaged in the WNS response receive $11.1 million to address the WNS in fiscal year 2012. The cross-agency need is broken down as follows:

FISCAL YEAR 2012 WNS NEEDS

[Dollars in thousands]

| | Amount |
|---|---|
| FWS | 5,200 |
| USGS | 2,400 |
| NPS | 200 |
| BLM | 1,000 |
| USFS | 2,000 |
| DOD | 300 |
| Total | 11,100 |

One can compare this to the WNS spending from fiscal years 2007–2010 (we do not have reliable expenditure figures for fiscal year 2011):

ESTIMATED EXPENDITURES ON WHITE-NOSE SYNDROME

| | FWS | USGS | NPS | USFS | DOD | Amount |
|---|---|---|---|---|---|---|
| Fiscal year 2010 | $3,690,000 | $345,500 | $207,000 | $1,815,000 | $206,300 | $6,263,800 |
| Fiscal year 2009 | 1,790,000 | 334,000 | 162,500 | 890,000 | 5,000 | 3,181,500 |
| Fiscal year 2007–2008 | 3,200,000 | 575,000 | 162,500 | N/A | N/A | 3,937,500 |
| Total | 8,680,000 | 1,254,500 | 532,000 | 2,705,000 | 211,300 | 13,382,800 |

Note: BLM did not report the WNS expenditures in past years.

The increase for fiscal year 2012 more than fiscal year 2010 expenses is $4,836,200, or 77 percent. We believe this ask is conservative and in fact will barely keep pace with the disease's spread. From 2007–2010, the disease moved from one State to 14, and from five sites to at least 157. From 2009–2010 alone, the number of affected States increased by 56 percent, and the number of infected sites by 78 percent. Overall, the number of affected States and sites increased by 50–100+ percent each year. Already this year, the WNS has been confirmed in three new States, and confirmed or suspected in 15 new counties. A 77 percent increase in the WNS spending from fiscal year 2010–2012 is therefore clearly proportionate to the disease's expected expansion by the start of fiscal year 2012.

Congressional support is critical for addressing the WNS. Other funding sources are extremely limited. State budgets have been drastically reduced and, especially given the spread of the disease, Federal agencies' existing resources are not sufficient to meet the need. According to the President's fiscal year 2012 budget, there

is WNS funding in the FWS's Preventing Extinction Initiative and in the USGS's Ecosystems Program. The budget does not specify the amount of money in these accounts. We are grateful for these funds, and we urge the Congress to supplement them such that the cross-agency total designated for the WNS in fiscal year 2012 is $11.1 million.

The Congress is facing a difficult financial climate, so we underscore the fact that money spent on the WNS is a wise investment. First, preventing the spread of the WNS will spare businesses the regulatory and other impacts of bat die-offs. In 2008 and 2009, the threat of the WNS caused officials to cancel the yearly Crawlathon caving event in and around Carter Caves State Resort Park in eastern Kentucky. Normally held during the off-tourist season in a rural area with limited economic opportunities, the event's cancellation cost the park and local businesses revenue losses each year. After the WNS fungus was reported in Missouri in early 2010, officials decided to close the caves at Iowa's Maquoketa Caves State Park in order to protect the caves' bats. Park attendance, which in previous years had averaged around 250,000 visitors per year, dropped in 2010 to approximately 60,000. The loss in park revenues has hurt the Iowa Department of Natural Resources, which had already been suffering from the national economic downturn. Show caves—small businesses that provide jobs and contribute to local economies—could also be hurt by the WNS. States with many show caves include Missouri, Pennsylvania, Tennessee, and South Dakota. In addition, implementing the WNS response generates jobs. USFS management of forests for bat conservation includes thinning stands of trees. USFS contracts with local businesses to harvest, haul, and process the trees for timber. Finally, conducting the WNS research, management, and prevention now will reduce future expenses to the U.S. economy resulting from pest impacts to agriculture and forestry, businesses affected by additional bat listings, and the cost of listed-species recovery. In this case, an ounce of prevention truly is worth a pound of cure.

Unless additional funding is provided in fiscal year 2012, the WNS will continue to spread across the country unchecked, killing even more bats than have already died. The consequent ecological and economic impacts will affect all of us as consumers, taxpayers, and residents of a planet further impoverished of biological diversity. We desperately need designated support for the WNS response. BCI urges the Congress to ensure the FWS, USGS, NPS, BLM, USFS, and DOD receive a total of $11.1 million for the WNS in fiscal year 2012.

Thank you again for the opportunity to share BCI's position on this serious matter, and we respectfully ask you to consider our urgent request.

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## PREPARED STATEMENT OF THE BOTANICAL SOCIETY OF AMERICA

Federal and State publicly held lands make invaluable contributions to our national and individual welfare—flood prevention, soil formation, recreational opportunities, water purification, climate modulation, and many others. All of these contributions depend on healthy communities of native plants. The Botanical Society of America feels strongly that funding for programs focused on research, education, and management of rare plants and native plant communities is insufficient to meet national needs. Adequate funding for programs focused on research, education, and management of plants not only ensures that our ecosystems remain healthy and that local communities whose livelihoods depend on public lands continue to thrive, but also provides good jobs and supports economic development.

Meeting the grand challenges of economic development, climate change, and environmental protection require continuing investments in scientific research and scientifically based management of public lands.

### DEPARTMENT OF THE INTERIOR

*Bureau of Land Management (BLM).*—BLM manages land that is home to more than 1,300 imperiled species, and its Plant Conservation Program plays a vital role in conserving our Nation's plant biodiversity. Its Native Plant Materials Development Program is a unique, interagency program devoted to expanding the variety and quantity of native plant materials available for land restoration and rehabilitation, and its programs on invasive species eradication and native plant restoration are valuable components of a comprehensive national conservation strategy. We recommend that the subcommittee include language in its report expressing its strong support for these programs. Recommended report language:

"The Committee strongly supports the Bureau's existing plant conservation and native plant materials program activities and the Committee expects the Bureau to

continue to support a robust program through resources provided under land management, renewable energy, and the landscape conservation initiative."

*Fish and Wildlife Service (FWS)*.—Since it was enacted in the Nixon administration, the Endangered Species Act has been the primary Federal mechanism used to prevent the extinction of species in the United States. Only 9 of the 1,900 plant and animals species currently protected by the act have gone extinct. FWS, along with the National Oceanic and Atmospheric Administration, is responsible for administration of the act, but it has faced severe and chronic funding shortfalls, leading to recent court challenges to its listing procedures. We recommend that the committee return funding for the Endangered Species program of the FWS to fiscal year 2010 levels (ca. $180 million).

*U.S. Geological Survey*.—Until 2010, the core scientific expertise regarding fish, wildlife, and plants within the Department of the Interior was found in the Biological Resources Division of the Survey (BRD). As part of a new, integrated, multidisciplinary re-alignment within the survey, most BRD activities are now found within the new ecosystems activity, but several are found under other multidisciplinary budget activities. Demands on BRD scientists increased dramatically over the last decade while the number of Research Grade Scientists declined. We are especially concerned that the number of plant scientists may be inadequate to meet the national need. We recommend that the subcommittee include language in its report expressing its strong support for biological research at USGS and emphasize that expertise in plant science may be especially critical. Recommended report language:

"The Committee strongly supports the survey's existing scientific activities and expects the survey to continue to support a robust program of biological research and to ensure adequate representation of expertise in both plant and animal science through resources provided under its Ecosystems activity and other appropriate budget activities."

DEPARTMENT OF AGRICULTURE

*Forest Service (USFS)*.—USFS is responsible for managing more than 230 million acres of forestlands in the United States. Proper management of that land requires that trained scientists inventory the plants and animals found on that land and monitor changes in their distribution and abundance. Without such information, forest managers can neither make well-informed plans nor determine whether their plans are working, thus wasting taxpayer dollars. To avoid such waste and to sustain wildlife and water resources in our national forests and grasslands, it is important that the Inventory and Monitoring program provide robust support to the Watershed, Fish, Wildlife, Air, and Rare Plants program for the purposes of assessing and monitoring the condition of fish and wildlife populations and their habitats, yet the fiscal year 2010 allocation to this program was $3.7 million less than in fiscal year 2003, or more than $30 million less when adjusted for inflation. In addition, nearly 3,700 imperiled species are found on USFS lands, and the lands themselves encompass an astonishing array of habitats—from arctic tundra to tropical rainforest, from deciduous and evergreen forests to grasslands, lakes, and rivers. Nonetheless, funding for the Wildlife and Fisheries Habitat Management program has declined over the last decade. We recommend that the subcommittee increase funding for the Watershed, Fish, Wildlife, Air, and Rare Plants program and the Wildlife and Fisheries Habitat Management program from fiscal year 2010 levels, eventually restoring them to the equivalent of fiscal year 2003 levels or higher.

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PREPARED STATEMENT OF THE COOPERATIVE ALLIANCE FOR REFUGE ENHANCEMENT

Chairman Reed, Ranking Member Murkowski, and members of the subcommittee: Thank you for the opportunity to offer comments on the fiscal year 2012 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 NWRS 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, and forests. We respectfully request a funding level of $511 million for the operations and maintenance accounts of the NWRS for fiscal year 2012.

This testimony is submitted on behalf of CARE's 21 member organizations, which represent approximately 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 Wilderness Society
The Wildlife Society
Trout Unlimited
U.S. Sportsmen's Alliance
Wildlife Forever
Wildlife Management Institute

Although CARE strives to make steady progress toward funding the NWRS at $900 million annually, a budget that more accurately reflects demands on the ground, our request of $511 million for fiscal year 2012 essentially maintains the NWRS at a flat funding level from fiscal year 2010. The final fiscal year 2011 appropriation, an $11 million cut, is essentially a $19 million decrease when factoring in the costs associated with keeping fuel in the trucks, paying for rising utilities and building rent, and covering other fixed costs. The NWRS generally requires an annual increase of at least $15 million to offset these rising costs, but with the current salary freeze for Federal employees, this number is approximately $8 million.

An appropriation of $511 million in fiscal year 2012 would stabilize the workforce by keeping workforce downsizing plans securely on the shelf, thereby reducing pressure on the U.S. Fish and Wildlife Service (FWS) to cut refuge staff below already insufficient levels. It would enable the FWS staff to continue making progress toward protecting and restoring America's wildlife and habitat, and providing a positive experience for approximately 45 million annual visitors who use refuges for hunting, fishing, watching wildlife, and educational programs.

This funding would also allow the NWRS to continue its recently initiated inventory and monitoring program. The need for this program was made clear by the Deepwater Horizon oil spill, which forced the FWS staff to hastily survey gulf coast refuges in order to measure and recoup the cost of damaged resources owed to American taxpayers. Without adequate baseline data, most refuges are ill-prepared to assess or respond to such impacts, and a standardized inventory and monitoring program is needed to fill these widespread information gaps across the United States. Continuing the NWRS recently initiated inventory and monitoring program will require at least $20 million annually.

Many years of inadequate budgets have left the NWRS's operations and maintenance backlog at more than $3.3 billion. While budget increases in fiscal year 2008 through fiscal year 2010 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.

Today, more than 35 percent of America's wildlife refuges have no on-site staff, leaving no one there to unlock gates, teach schoolchildren, administer hunting programs, or carry out restoration projects. Refuges with only one or two staff lack the capacity to partner with interested stakeholders, and opportunities for volunteer involvement and leveraging of additional dollars are lost. Non-native, invasive plants have infested approximately 2.5 million acres (only 13 percent of this acreage was treated in 2010). Further, a crippling shortage of law enforcement officers has left refuges sorely underprotected from illegal activities such as drug production and trafficking, wildlife poaching, illegal border activity, assaults, and many types of natural resource violations. Currently, only 213 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.

National wildlife refuges are critically important on local and regional scales. Visitors in 2006 generated approximately $1.7 billion in sales to local economies, creating nearly 27,000 U.S. jobs and $543 million in employment income, and adding more than $185 million in tax revenue. Refuges also provide important environmental and health benefits, such as filtering storm water before it runs downstream to municipal water supplies and, in many areas, reducing flooding by capturing excess rainwater and attenuating coastal storm surges. While these benefits are undeniably significant, the NWRS's potential remains largely untapped and unquantified.

Funding increases in fiscal year 2008 through fiscal year 2010 allowed for meaningful progress toward properly patrolling and enforcing laws on 150 million acres,

maintaining recreation and education programs for the public, sustaining high-quality water, completing habitat restoration projects, and more. Cutting operations and maintenance funding back to fiscal year 2008 levels would result in the elimination of several hundred staff positions and loss of important wildlife management, education, and hunting and fishing programs. The way to keep from reversing recent progress is to fund the NWRS at $511 million in fiscal year 2012.

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 2012 Interior, environment, and related agencies appropriations bill, and we further urge the subcommittee to read our 2011 report, "Restoring America's Wildlife Refuges: Assets for All Americans", where we have much more detailed information.

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PREPARED STATEMENT OF THE CITIZENS COMMITTEE TO COMPLETE THE REFUGE

Mr. Chairman and members of the subcommittee, the Citizens Committee to Complete the Refuge is grateful for the opportunity to submit comments on fiscal year 2012 appropriations for National Wildlife Refuges.

Our organization, the first Friends group in the Nation, was formed in 1967 to work with Congressman Don Edwards to bring about the establishment of the San Francisco Bay National Wildlife Refuge. That was 1972, and with the Congressman's help once more, in 1988 the authorized size of the Refuge was doubled to 43,000 acres and was named the Don Edwards San Francisco Bay National Wildlife Refuge.

Our Refuge is the pride of the Bay Area, for it has prevented what would have been certain destruction of tens of thousands of acres of tidal marsh and surrounding habitats to development. These very marshes counter climate change through their extraordinary capacity for carbon exchange while providing flood protection from sea level rise.

It is our pleasure to echo the testimony of the National Wildlife Refuge Association because in the decades we have been in existence we have developed a great affinity to the entire Refuge System. Worldwide, our Refuges have become models to peoples intent on preserving their native wildlife and wild places. As chair of a Friends group, I have entertained a myriad of travelers, national and international, who hope to duplicate our splendid system.

Yet we know that loss of adequate funding is devastating many of our key Refuge lands. Precious and endangered species cannot be protected and nourished. Some Refuges are not staffed at all, hence they are left to fend for themselves against predation and vandalism and other illegal activities. Our Refuge has been the model for environmental protection and enhancement of refuges for 39 years. Effective advocacy by the public, and the very presence of the Refuge, have enabled the largest wetland restoration project on the west coast to be undertaken on retired salt ponds.

Maximum funding for Refuges is important now to the San Francisco Bay National Wildlife Refuge Complex, if it is to continue to fulfill its mission as climate change advances. It is critical to protect existing conditions and adjacent inboard communities, requiring $1 million of levee maintenance annually over and above general O&M expenses. The massive salt pond restoration, now well into phase 1, is dependent for its continuation on another $1 million to produce essential scientific data through applied studies. Phase 2 will require $500,000 to convert the science findings and knowledge acquired in phase 1 into a continuing implementation plan.

Elsewhere in the Complex and also on the San Francisco Bay, 3,000 wetland acres on newly acquired Skaggs Island await restoration, actions that must begin in upcoming years and will require total appropriations of as much as $10 million.

Economic realities and a strong public influence for preservation are likely to bring forth willing sellers of low-lying former tidal marshes. Our Refuge, still far short of its authorized acreage, is one that might benefit. That is why we urge the subcommittee to fully fund the Land and Water Conservation Fund. For decades, it has been the expectation of the American people that $900 million annually would be used to acquire America's natural lands, but they have not been used as designated.

The success of our Refuge is a striking demonstration of what can happen when many agencies work together. In our case, the California State Coastal Conservancy, the California Department of Fish and Game, the Santa Clara Valley Water District, and several foundations joined to bring to fruition a National Wildlife Refuge along the shores of San Francisco Bay, to the benefit of all people and particularly those 7–8 million residing locally.

Our National Wildlife Refuge is the jewel in the crown of lands we gift to the generations ahead—wonderful wildlife sanctuaries, nurseries for fish and waterfowl,

and wonderful places for fishing, hunting, and nature study. We ask that the subcommittee help us assure the great promise of that heritage.

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## PREPARED STATEMENT OF THE CENTRAL COUNCIL OF THE TLINGIT AND HAIDA INDIAN TRIBES

Greetings from Alaska. My name is Edward K. Thomas. I am the elected president of the Central Council of the Tlingit and Haida Indian Tribes of Alaska (Tlingit Haida), a federally recognized Indian tribe of 27,000 tribal citizens. Southeast Alaska is the ancestral homeland of the Tlingit and Haida people. I am honored to provide this testimony on this very important matter of contract support cost (CSC) funding within the fiscal year 2012 Federal appropriations legislation.

Let me begin by commending the Congress, and especially this subcommittee, for showing special interest in this very important issue and for holding this hearing. One of the most important legal principles in defining the relationship between Federal Government and the Indian and Alaska Native tribes is that of the fiduciary responsibility the United States has to tribal governments. This important trust relationship is seriously compromised by the year after year underfunding of CSC and setting CSC caps in some very important programs available to tribal governments.

### CSC FUNDING SHORTFALLS CHOKE OUR OPERATIONS

For the period between 2006 through 2009, the CSC shortfalls and underfunding have cost my tribe a total of $2,651,088; or an average of $662,772 per year. While our people are grateful for the programs designed to help our needy tribal citizens, we simply cannot afford to continue to pay this amount of money to manage these important contracts. My tribal government provided $84,689,247 (an average of $21,172,300 per year) in contractual services to our needy tribal citizens over that period of time.

Simply put, the way indirect costs are calculated and paid by the United States creates an ever-tightening chokehold on my tribe's ability to administer programs. If we follow the law and spend what we must, we receive less money to meet these expenditures. The more we spend, the less we get. The less we spend, the less we get. As I set out in greater detail below, both the Congress and the Federal agencies have caused this crisis. Together we can solve it.

### TLINGIT HAIDA FUNDS PAY FOR FEDERAL RESPONSIBILITY

Federal law specifically states that a tribe that contracts for the management of a Federal contract is entitled to the same administrative support as the Federal Government itself would have were it to retain the management of that contract. Appropriations legislation that underfunds CSC violate this provision of Federal law and severely undermines the concept of tribal self-determination.

Tlingit Haida tries desperately to abide by Federal laws that set our indirect cost rates and live within other Federal appropriations laws that provide us much less than their own audits say we should collect from each agency to manage contracts for them. We were forced to pull the $2,651,088 shortfall in CSC over the past 4 years out of our modest trust fund earnings in order to meet the costs we were stuck with by the United States. We cannot continue to afford to pay for these Federal responsibility costs going into the future. There are no gaming tribes in Alaska; the economy in rural Alaska is weak to nonexistent; and unemployment rates in some of our villages often exceed 50 percent.

Our trust fund is what remains of a judgment fund provided to us in exchange for land taken by the United States from our tribe. Tlingit Haida tribal government has a fiduciary responsibility to preserve the principal of this trust fund for future generations and earnings of this fund it critical to maintaining essential governmental function for our tribe. It is not the purpose of the trust fund to use the interest it has earned to make up for sudden losses created by the United States. The choice we face each and every year is to either shutdown all of the vital services we provide our membership, shutter our offices, layoff employees, and pay for early termination of contracts, or dip deeper and deeper into our trust fund earnings to maintain operations. We have chosen to continue but we need your help in order for us to continue in providing essential services to our needy tribal citizens.

In addition to the diversion of our trust fund earnings, the shortfall in the Bureau of Indian Affairs (BIA) CSC funding has been felt throughout Tlingit Haida. As an immediate result of this shortfall and CSC caps place on so many programs our tribe is eligible to apply for, we have had to abstain from applying for some very important programs that could be of tremendous help to mitigate the serious eco-

nomic challenges facing our tribal communities. While businesses, other governments and government agencies saw benefit from the American Recovery and Reinvestment Act (ARRA), my Tlingit Haida had to abstain from fully participating in available programs because of the 15 percent cap of administrative costs place on those programs. We accepted a $1.5 million award for childcare assistance to supplement our "welfare to work" initiatives and this cost Tlingit Haida $330,000 of our own money to manage that program.

INDIRECT COSTS ARE FIXED-COST REQUIREMENTS

If indirect costs were not primarily "fixed" costs, the recurring problem of a shortfall in the BIA CSC funding would, perhaps, be survivable. But most of our actual indirect costs are "fixed". For example, typically the most cost-effective way to acquire facility space or equipment is through a long-term lease with locked-in costs. Similarly, package deals for telephone and some forms of transportation offer significant cost savings over time. And obviously, the salary and benefit costs of accounting, administrative, and management staff must be treated as "fixed" or else we cannot hire or keep employees. When Federal agencies do not send us 100 percent of the funds required by our rate, we have a shortfall associated with our operation of BIA programs and something has to give.

We refer to tribal indirect cost funding as a "requirement", not a "need". They are requirements because they are derived from audits conducted by the National Business Center (NBC) on behalf of the Federal Government who sets rates that are used uniformly to all Federal agencies with whom Tlingit Haida manages a contract or grant with. The rates use actual expenditures from prior years to project costs in the future year. Once set, the rates must be applied uniformly to all our programs.

Another problem is that the Single Audit Act requires a tribal contractor's cognizant agency (e.g., Department of the Interior) to audit the indirect costs of the tribal contractor and establish an indirect cost rate that must be applied to all programs the tribal contractor administers. If that rate is 25 percent, and a program like Head Start caps administrative cost recovery from its funding at 15 percent, the law requires the tribal contractor to pay the difference from non-Federal funds or through a rate increase the following year that will obtain a higher recovery from BIA's contract support cost fund in future years.

Let me be clear about something. We would spiral into bankruptcy if we chose to not spend at the budgeted amounts. Failing to pay certain fixed costs would actually increase our costs (breaking leases, terminating employees, breaching contracts, etc.). Deferring certain costs to the following year aggravates the hardship of the shortfalls that cripple that year. Public Law 93–638 language supposedly protections tribal contractors against theoretical under-recovery do work with respect to BIA funds, historical underfunding of CSC has caused our tribe very serious difficulties of dealing with shortfalls in non-BIA programs for which we must, by law, use the same indirect cost rate. If in year one we don't spend uniformly on all programs, BIA and non-BIA alike, this will increase the approved rate for the following year because the amounts not collected from the agencies are available to add onto the CSC for the subsequent year. Tlingit Haida, in our efforts in keeping our CSC lower have chosen not to carry all of those costs forward and have, then, had to pay the shortfalls out of non-Federal sources.

PROPOSED AMENDMENT LANGUAGE

"Notwithstanding any other provision of law, including any otherwise applicable administrative cost limitations, any Federal funds made available under this or any other appropriations act for fiscal year 2012 to an Indian tribe may, at the option of the Indian tribe, be applied to pay for up to all of the approved indirect costs associated with the administration by the Indian tribe of those funds, provided that such costs are calculated in conformity with the federally-established indirect cost rate agreement of that Indian tribe and the relevant OMB circulars."

INTENT

The amendments are intended to apply a tribal contractor's uniform indirect cost rate established under the Single Audit Act to recover costs required by that uniform indirect cost rate from each federally funded award or agreement without regard to any otherwise applicable administrative cost cap limitations.

EFFECT OF AMENDMENT

The proposed amendment would expand existing authority to permit a tribal contractor an additional option—use any federally funded award to meet up to all of its approved indirect costs that are calculated in conformity with its federally established indirect cost rate agreement and the relevant OMB circulars without regard to any otherwise applicable administrative cost cap limitations.

Once again Mr. Chairman, I thank you for the opportunity to share my views with you on CSC for tribal contractors. I wish you well in your deliberations and I trust you will make the right decisions on the issues of grave concern to our people.

Gunalcheesh! Howa! Thank you!

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PREPARED STATEMENT OF THE CHILDREN'S ENVIRONMENTAL HEALTH NETWORK

On behalf of the Children's Environmental Health Network (CEHN), a national multidisciplinary organization whose mission is to protect the fetus and the child from environmental health hazards and promote a healthy environment, I thank you for the opportunity to present this written testimony in support of fiscal year 2012 appropriations for the U.S. Environmental Protection Agency (EPA).

Investments in programs that protect and promote children's health will be repaid by healthier children with brighter futures. Thus, to safeguard the health and the future of millions of children, the CEHN urges the subcommittee to provide full funding for the following EPA activities:

—Office of Children's Health Protection (OCHP);
—Children's Environmental Health Research Centers of Excellence;
—Office of Research & Development (ORD);
—School and Child Care Environmental Health;
—The Pediatric Environmental Health Specialty Units (PEHSUs); and
—The National Children's Study (NCS).

The CEHN also urges full funding of all activities that advance healthy school and child care environments for all children, such as the relevant components of the Healthy Communities initiative, including but not limited to the Clean, Green and Healthy Schools Initiative. And, the CEHN urges the subcommittee to support chemical policy reform by providing adequate resources for EPA oversight and regulation of these chemicals.

As a pediatric neonatologist, and the current Mary Gray Cobey Professor and Division Chief of Neonatology at the University of Maryland, I see first-hand how children have unique vulnerabilities and susceptibilities to toxic chemicals. In some cases, an exposure which may cause little or no harm to an adult may lead to irreparable damage to a child. Exposure to neurotoxicants in utero or early childhood can result in life-long learning and developmental delays.

The world in which today's children live has changed tremendously from that of previous generations, including a phenomenal increase in the substances to which children are exposed. 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 through skin, or via food, toys, and other children's products. Many of these chemicals are also ingested in food and water or through the lungs.

In order to best protect America's children from environmental health risks and hazards, the CEHN requests full funding of several critical EPA programs. These include:

*OCHP*.—The EPA's efforts to protect children from environmental hazards have been led by the OCHP since 1997. Despite an effective track record, funding for the OCHP has been level, at approximately $6 million, since its creation, while its responsibilities have been expanded to include new and unrelated missions. The CEHN strongly supports an increase in funding for the OCHP, as well as the restoration of the office's focus on children. We are especially supportive of the Clean, Green, and Healthy Schools Initiative, including the interagency effort to integrate existing school programs such as asthma, indoor air quality, chemical cleanout, green practices, and enhanced use of integrated pest management. The OCHP's program addressing the issue of PCB-laden caulk in schools is also a priority. The CEHN urges the subcommittee to provide funds above the proposed level for the OCHP so that the office can continue these vital programs.

*Children's Environmental Health Research Centers of Excellence*.—The Children's Environmental Health Research Centers, jointly funded by the EPA and the National Institute of Environmental Health Sciences, play a key role in pro-

viding the scientific basis for protecting children from environmental hazards. With their modest budgets, which have been unchanged over more than 10 years, these centers generate 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. The scientific output of these centers has been outstanding. For example, findings from four Centers clearly showed that prenatal exposure to a widely used pesticide affected developmental outcomes at birth and early childhood. This was important information to the EPA's decision-makers in their regulation of this pesticide.

Several centers have established longitudinal cohorts which have resulted in valuable research results. The CEHN is concerned that as a Center's multi-year grant ends and the Center is shuttered, these cohorts and the invaluable information they can provide are being lost. The CEHN urges the subcommittee to assure that the EPA has the funding and the direction to support centers in continuing these cohorts. The work of these centers has also shown us that, in addition to research regarding a specific pollutant or health outcome, research is desperately needed in understanding the totality of the child's environment—for example, all of the exposures the child experiences in the home, school, and child care environment—and how to evaluate those multiple factors. The CEHN urges you to support these Centers, to assure they receive full funding and are extended and expanded as described above.

*ORD*.—This office is critical in efforts to understand environmental impacts on children's health, both in the amount and type of research conducted as well as how the protection of children is given priority throughout the ORD.

Children's environmental health is a priority of the CEHN's strategic plan, yet the funding and research dedicated to this area is not specifically listed or identified. Children's environmental health is an issue that will cut across all of the ORD's programs. It is unclear how the ORD will measure and track its efforts in children's environmental health under this new structure. Experience has shown that if priorities—such as the hortatory language in the EPA's strategic plan stating that children's environmental health is a priority—are not accompanied by measurable goals that are tracked and reported—they are not really priorities and they are meaningless. We ask that your subcommittee direct the office to track and report on the funding and research across the office dedicated to children's environmental health.

This reorganization, and the decrease in the ORD funding for human health research, re-emphasizes the importance of the children's research centers described above. The work of these centers will assist in keeping a focus on children's health at the ORD.

While the Clean, Green, and Healthy Schools Initiative, led by the OCHP, was designed as an inter- and intra-agency effort, resources were not proposed for the ORD involvement. The CEHN urges the subcommittee to strengthen Clean, Green, and Healthy Schools Initiative by providing additional resources to the ORD so that the office can fund additional research to fulfill its role in this initiative. The CEHN also urges the subcommittee to fund additional research to better understand how the school and child care environments (both physical factors and potential exposures) impact children.

*School and Child Care Environmental Health*.—In America today, millions of infants, toddlers and preschoolers, often as young as 6 weeks to 4 years of age, spend 40–50 hours a week in child care. Yet, little is known about the environmental health status of the Nation's child care centers or how to assure that they are protecting this highly vulnerable group of children. Environmental health is rarely if ever considered in licensing centers or training child care professionals. At the same time, about 54 million children and nearly 7 million adults—20 percent of the total U.S. population—spend up to 40 hours per week inside school facilities every week. Unfortunately, many of these facilities contain unsafe environmental conditions that harm children's health and undermine attendance, achievement, and productivity. Thus, it is vital that the EPA's key programs in these areas be maintained and expanded:

—the Indoor Air Quality Tools for Schools Program;
—the Clean, Green and Healthy Schools Initiative (which should also be expanded to include the child care environment); and
—the healthy schools provisions of the High Performance Green Buildings Act.

*PEHSUs*.—Funded jointly by the EPA and the Agency for Toxic Substances and Disease Registry, the PEHSUs form a valuable resource network, with a

center in each of the U.S. Federal regions. PEHSU professionals provide medical consultation to healthcare professionals on a wide range of environmental health issues, from individual cases of exposure to advice regarding large-scale community issues. PEHSUs also provide information and resources to school, child care, health and medical, and community groups to help increase the public's understanding of children's environmental health, and help inform policymakers by providing data and background on local or regional environmental health issues and implications for specific populations or areas. For example, following the gulf oil spill in 2010, the PEHSUs quickly produced and released a series of factsheets and advisories in multiple languages for local patients and health professionals. We urge the subcommittee to fully fund the EPA's portion of this program in fiscal year 2012.

*NCS*.—The NCS 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. The year of 2012 will be a critical year for this study. While a study of this scope calls for the participation of multiple agencies, the EPA's involvement has been limited by the lack of dedicated resources. The CEHN urges the subcommittee to provide dedicated funds of $1 million or more in fiscal year 2012 to ensure that the EPA has sustained funding for the necessary infrastructure for data access and the ability to collaborate with its partners on the NCS. The EPA has specific expertise to offer and the NCS will benefit if the CEHN has the ability to contribute.

In addition to providing the necessary financial resources for the EPA programs and activities that help to protect children from environmental hazards, the CEHN urges the subcommittee to direct the EPA to assure that all of its activities and programs—including regulations, guidelines, assessments, and research—specifically consider children. Historically, the EPA has too often relied on a one-size-fits-all template when assessing environmental health risks and developing prevention and response plans. Unfortunately for children, that template typically represents a healthy adult male, meaning that children's smaller sizes and unique exposures routes are not considered. 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.

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 the CEHN asks you to give priority to these programs.

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LETTER FROM THE COALITION FOR HEALTHIER SCHOOLS AND PARTNERS

MAY 11, 2011.

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

SUPPORT EPA'S HEALTHY SCHOOLS INITIATIVE: BOOST ATTENDANCE, ACHIEVEMENT; REDUCE COSTS

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: As you consider the Environmental Protection Agency's (EPA) budget and its programs that positively affect the health of the most vulnerable Americans, the undersigned members of the national Coalition for Healthier Schools and partners, wish to highlight the work at the EPA to advance healthy learning places for children and to urge you to support the EPA-led interagency Healthy Schools Initiative at the President's budget fiscal year 2011 levels through fiscal year 2012. We also urge you to support EPA's voluntary, cost-effective Indoor Air Quality Tools for Schools program and ensure that it is not eliminated. As asthma is the leading cause of school absenteeism, we must do more, not less, to promote healthy indoor environments in schools.

Clear and convincing research[1] shows that improving specific school indoor environmental quality factors can improve health, attendance, and achievement, and reduce healthcare costs and district operating costs. Helping schools prevent environmental problems is a tough job, but one that results in savings for schools and tax payers, as well as many benefits for children and their educational outcomes—especially for children with disabilities who may be even more vulnerable[2]. This is a win for children, for families, for schools, and for taxpayers.

As you know, children are more vulnerable than adults to environmental hazards because they're smaller, have developing organs, and breathe more air per pound of body weight. They cannot identify hazards. Adverse exposures and injuries during childhood can result in lifetime of disability[3].

However, each school day, 56 million children and 7 million adults—that's 20 percent of the total U.S. population and 98 percent of all children—spend their workdays inside some 130,000 schools, too many of which are "unhealthy" buildings that erode health and learning. States have little capacity to deal with these problems and local schools even less. A 2010 survey of school nurses[4] revealed:

—40 percent know children and staff adversely affected by pollution in schools;
—only 17 percent say schools have cleaned up indoor asthma-triggers;
—more than 75 percent say their schools have no indoor air quality programs; and
—only 6 percent say an outside agency helped with environmental issues.

EPA, with a more than 10-year track record of success with States and school districts, is mandated by the Congress under the Energy Independence and Security Act of 2007 signed by President Bush to provide voluntary grants to State agencies and to help State agencies and school districts nationwide on how to advance children's health, attendance, and learning.

We urge that you fully support the EPA's Federal and State leadership on its Healthy Schools Initiative at PB fiscal year 2011 levels through fiscal year 2012; fully fund EPA's IAQ Tools for Schools program that has successfully worked with States and districts a dozen years; and restore resources to EPA's Office of Children's Health Protection.

Sincerely,

Alaska Community Action on Toxics; Alliance for Leadership & Interconnection (OH); American Federation of State, County and Municipal Employees; American School Health Association; Association of School Business Officials; Asthma and Allergy Foundation of America; Campaign for Environmental Literacy.

Capital Region Action Against Breast Cancer (NY); Children's Environmental Protection Alliance (AL); Clean Air Council (PA); Clean New York; Coalition for Environmentally Safe Schools (WA); Community Asthma Network, West Allis-West Milwaukee Asthma Coalition (WI); Connecticut Foundation for Environmentally Safe Schools.

Council of Educational Facility Planners International; Earth Day Network; Empire State Consumer Project (NY); Environmental Health and Safety Department of Charlotte-Mecklenburg Schools (NC); Green Schools (MA); Healthy Child Healthy World (CA); Healthy Schools Network; hellmuth + bicknese architects (MO).

Huntington Breast Cancer Action Coalition, Inc. (NY); Improving Kids' Environment (IN); Institute for Health and the Environment at University at Albany (NY); Kids for Saving the Earth (MN); LocalMotionGreen (MI); Maine PTA; Maryland Children's Environmental Health Coalition.

Massachusetts Committee on Occupational Safety and Health; Massachusetts Healthy Schools Network; National Association of Pediatric Nurse Practitioners; National Association of School Nurses; National Center for Environmental Health Strategies; National Clearinghouse

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[1] *Green Schools: Attributes for Health and Learning, National Research Council of the National Academy of Science*, 2006. http://books.nap.edu/catalog.php?record_id=11756. Also see Greening America's Schools: Costs and Benefits, Gregory Kats, Capital E, October 2006. http://www.cape.com/ewebeditpro/items/O59F9819.pdf.

[2] *Children's Environmental Health: The School Environment*, Trousdale, et al, Intellectual and Development Disabilities, vol. 48, No. 7, 135–144, April 2010, American Association on Intellectual and Development Disabilities.

[3] U.S. EPA Office of Children's Health Protection www.epa.gov/children. Also Federal Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks, Federal Register: April 23, 1997 (Volume 62, Number 78), http://www.epa.gov/fedrgstr/eo/eo13045.htm.

[4] National Association of School Nurses survey: http://www.nasn.org/portals/0/releases/2011_01_11_NASN_HSN.pdf.

for Educational Facilities at the National Institute of Building Sciences; National Education Association—Healthy Schools Caucus.

Natural Resources Defense Council; New York Committee for Occupational Safety and Health; Occupational Health Clinical Centers of Central New York, North Country, and Southern Tier (NY); Oregon Environmental Council; PCBs in Schools; Preventing Harm Minnesota; Prevention Is The Cure, Inc. (NY).

Safer Living Space (CA); Sonoma County Asthma Coalition (CA); Toxics Information Project (RI); West Harlem Environmental Action (NY); Women's Voices for the Earth.

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## PREPARED STATEMENT OF THE CHOCTAW NATION OF OKLAHOMA

On behalf of Chief Gregory E. Pyle, of the Great Choctaw Nation of Oklahoma, I bring greetings to the distinguished members of the subcommittee. I am Mickey Peercy, the Executive Director of Health Services for the Choctaw Nation of Oklahoma. I appreciate this opportunity to provide written and verbal testimony to the subcommittee on our top budget priorities for fiscal year 2012 highlighting:

*Tribal-specific priority*

Support for the Jones Academy.

*National priorities*

Provide $50 million increase to the Bureau of Indian Affairs (BIA) contract support costs (CSC).

A $153 million increase for Indian Health Service (IHS) CSC.

Provide $200 million increase for the IHS contract health services.

### JONES ACADEMY

First, I am here to express our sincere appreciation to the Committee, this subcommittee, and all of the Members and staff—past and present—who supported us in our efforts to re-establish the Federal trust relationship for Jones Academy education through the Bureau of Indian Education (BIE). We worked together on this correction for decades, since the Federal Government unilaterally closed the academic programs at Jones Academy and Wheelock Academy and created the Jones Academy Boarding facility which required students to go to the local public school. The statutory language to rectify this wrong is included in the President's fiscal year 2012 budget request. It was also in the fiscal year 2011 House Committee passed Interior, Environment, and Related Agencies appropriations bill written by this subcommittee. If enacted, it finally brings Jones Academy into compliance with the self-determination policy of the last three decades, strongly supported by this subcommittee. Most importantly to all of us, it enhances future educational opportunities for our students.

There are so many to thank for their efforts that no list here would be sufficient. Chairman Simpson and Ranking Member Moran provided seamless continuation for the work begun by former subcommittee Chairman Norm Dicks and Representative Tom Cole, of our own Oklahoma delegation. I must also warmly thank our Congressman, Representative Dan Boren. Though not a member of the subcommittee, he provided extensive guidance and support. Finally, I want to thank the representatives of the administration, particularly Assistant Secretary of Indian Affairs Larry Echo-Hawk. He considered our situation with an open mind and an open heart; looked at the results of the subcommittee directed report on the history of Jones Academy; and recommended the budget neutral language under consideration in this bill.

This is a prime example of the ancient Choctaw philosophy that issues should be resolved openly and fairly by people of good will working together. With a new Jones Academy, built with tribal funds, and the dedication of our staff, the Choctaw Nation will work tirelessly to affirm your faith in us and especially in our students. With your support, we look forward to continuing the unprecedented achievement record of our extraordinary students at Jones Academy.

### FULL FUNDING OF THE BIA AND THE IHS CSC

The Indian Self-Determination and Education Assistance Act (ISDEAA) has made it possible for tribes to administer large portions of the BIA and the IHS budgets, including operating programs previously provided by the Federal Government functions in healthcare, education, law enforcement, and land and natural resource pro-

tection. Today, under the ISDEAA, tribes collectively administer more than $2.82 billion in essential Federal Government functions, and support a workforce of approximately 35,000 people. The ISDEAA carries out its goal of transferring essential Government functions from Federal administration to tribal administration through a contracting mechanism. To meet these contract requirements, the act requires that both the IHS and the BIA fully reimburse every tribal contractor for the "contract support costs" that are necessary to carry out the contracted Federal functions. When the CSC are not funded, off-setting reductions must be made in direct health program funding, job vacancies go unfilled, and services are reduced, effectively making a program cut to desperately needed health services.

The IHS projects a shortfall in the CSC of $153 million for fiscal year 2012. This means a $153 million cut in tribally contracted programs—not IHS-administered programs, but tribally administered health programs alone. The BIA reports its own shortfall exceeded $62 million in 2010, indicating that total CSC requirements totaled $228 million. Yet, the fiscal year 2012 proposed President's budget request only $195.5 million, resulting in a required cut in tribally operated BIA programs of another $33 million next year.

And, as the CSC needs continue to escalate in this uncertain fiscal climate, for fiscal year 2013, the National Contract Support Cost Coalition project recommendations that the IHS contract support cost line will be increased to $615 million and the BIA contract support cost line will be increased to $228 million.

The current status quo is just not acceptable. Without the requested increases, the CSC shortfall for both agencies will exceed $186 million in fiscal year 2012. That means a $186 million cut in tribal health, education, law enforcement and other contracted programs, and could affect as many as 3,600 jobs.

Tribes are being penalized for their self-determination contracting. Because of the CSC shortfall, tribal facilities have substantially less dollars to provide services to their communities than does an IHS-operated facility. Nor can the Congress's Policy of Self-Determination move forward—new contracting activities have slowed drastically, and both the IHS and the BIA are stuck at no more than 60 percent of their budget operated by tribes.

Finally, fully paying the CSC is legally required. The United States Supreme Court so held in the 2005 *Cherokee Nation* case. It is not necessary to write a better law; just honor the law that the Congress has already written. The United States Government honors, to the penny, all Government contracts even when doing so requires supplemental appropriations, with the exception of contracts with tribes. This standard should apply to all Indian tribes as well. Law, policy, fairness, and honor require this.

PROVIDE INCREASED FUNDING FOR CONTRACT HEALTH SERVICE (CHS)

The CHS is the most complex and dysfunctional service provided by the IHS, tribally operated healthcare delivery program. The CHS is designed to refer patients and reimburse providers outside of the IT system for medical services provided to American Indian/Alaska Native patients. The CHS supplements services that are not provided by the IHS hospitals and clinics. The Congress is aware of what the CHS is designed to do. However, the underlying issue to be addressed is how the CHS can be improved.

The most logical way to fix the contract health problem is to provide adequate funding for the IT system. The Congress is also aware of the marginal funding level for IT overall, and specifically in this line item. The fiscal year 2010 appropriations level for the CHS was a positive step and needs to be continued, with similar increases for the next 5 years. At this point, we know that some tribal health programs receive assistance in their health programs budget, specific to CHS, from their tribal governments. Not all tribes have the economic development base that allows this support. Also, in most cases, these tribal funds are not recurring and cannot be counted on long term. Significant Federal funding over the next several years is critical.

It is difficult to define the unmet need for the CHS throughout Indian country. However, IHS Director, Dr. Roubideaux, has implemented a CHS workgroup in an effort to define the parameters of unmet need and to arrive at an approximate cost. This again, is a critical area that we must define so our requests to the Congress are valid.

In closing, on behalf of the Choctaw Nation of Oklahoma, and Chief Gregory E. Pyle, we are honored to provide our tribe's views on these priorities and respectfully urge your consideration and support of these program funding requests in the fiscal year 2012 budgets for the BIA and IHS.

LETTER FROM THE CITY OF FARMINGTON

APRIL 7, 2011.

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: I am writing to request your support for continued funding in fiscal year 2012 for the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program as authorized by Public Law 106–392. These two successful ongoing cooperative partnership programs involve the States of Colorado, New Mexico, Utah and Wyoming, Indian tribes, Federal agencies and water, power, and environmental interests. I request your support for an appropriation for fiscal year 2012 of $6,248,000 to the Bureau of Reclamation (BOR) within the budget line item entitled "Endangered Species Recovery Implementation Program" for the Upper Colorado Region, consistent with the President's recommended budget. Substantial non-Federal cost-sharing funding is occurring pursuant to Public Law 106–392, as amended.

The requested Federal appropriations are critically important to these efforts moving forward. The past support of your subcommittee has greatly facilitated the success of these multi-State, multi-agency programs. I thank you for the subcommittee's past support and request the subcommittee's assistance for fiscal year 2012 funding to ensure the BOR's continuing financial participation in these vitally important programs.

Sincerely,

ROBERT G. CAMPBELL,
*Assistant City Manager.*

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PREPARED STATEMENT OF THE CENTER FOR PLANT CONSERVATION

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 to prevent their extinction. 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.

We work diligently with the private sector and Federal partners. Public lands are instrumental in maintaining healthy environmental systems and serve as a primary source of plant diversity for the Nation. We work cooperatively with the Bureau of Land Management, U.S. Forest Service (USFS), Department of Defense, U.S. Department of Agriculture ARS, and National Park Service in plant recovery research and restoration work with a total annual value of about $14 million.

These species are not only invaluable for ecological reasons, supporting healthy air and water, mediating global climate change, and providing wildlife habitat. Our wild plants are priceless natural resources for emerging biotechnology and traditional economic benefits which are vital for our economic future. We have shown that 87 percent of federally listed plant species are very closely related to agronomically important species. They are the raw material for plant breeding in support of sustainable agriculture, and potential medical and other economically significant products. The long-standing imbalance in recovery funding for plants risks the tragic loss of resources important to the future economic well-being of our Nation. Natural resource management activities provide good stable jobs across the Nation in the public and private sector, often in our less populated areas with less resilient economies. Providing adequate funding for biodiversity management not only maintains good jobs, these natural resources provide an economic multiplier in communities supported by ecotourism, and provide affordable outdoor activities for families in economically challenging times while reconnecting youth to outdoor activity, volunteerism, and science literacy.

Public private partnerships are key strategies to provide for long-term security of these species across our landscapes. Federal partnerships and leadership are critical. More botanists and funding for recovery action are needed. Plant conservation activities have suffered disproportionately in agency funding in the past 20 years. As a result, considerable restoration work has become critical to prevent the near-term loss of species.

While we recognize the need for good fiscal management and support the goals of deficit reduction, this should be implemented in a reasonable manner, balanced across agency programs. Fee structure revision for products from our taxpayer owned public lands should also be examined to meet fiscal targets while providing for essential activities.

The large-scale challenges of climate change require continued progress developing scientific information and strategies to combat potential devastation of our forests and native vegetation. Funding for partnership and cost-sharing programs such as the State Wildlife Grant Program and the U.S. Fish and Wildlife Service (FWS) section 6 program is the most cost effective way to make progress for many species. The disproportionate cuts to these programs in the continuing resolution for 2011 funding must not be allowed to stand in the 2012 budget, as hard won progress would be set back, productive partnerships would be impaired or lost, and costs of addressing critical problems later will rise.

*Land and Water Conservation Fund (LWCF).*—A critical strategy in meeting the challenges of climate change is to build resilience within our wild species populations. This will ensure habitat connections to provide avenues for responses in species and community ranges over the landscape. LWCF is a critical resource for the Nation to maintain habitat continuity and address fragmentation obstacles. We request an allocation of $600 million for this year. This funding is needed quickly, given the timeframe needed to complete transactions and implement landscape activities in time to be available as needed.

*FWS Endangered Species Program.*—FWS Endangered Species program is seriously understaffed and underfunded, denying assistance to the Nation's species that can least afford to wait. We request the above appropriation in the FWS listing budget to help clear the listing backlog of candidate species in the next few years, and provide interim funding in the Candidate Conservation program for proactive recovery work which often reduces costs overall.

The backlog of work needed to properly respond to recovery needs for all federally listed species has been estimated to be more than $300 million. The situation is especially precarious for our listed plant species. While more than 50 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 surviving in the majority of remaining sites, and are at a high risk of extinction unless intervention is initiated.

An increase in the FWS Recovery Program budget is needed to begin to address the most critically imperiled plant and animal species. We are requesting an appropriation of at least $95 million for the FWS Recovery Program budget. Further, we believe that within the recovery program $5 million in additional funding should be dedicated to priority listed plant species for implementation of long-neglected recovery activities, including funding designated for Hawaiian plant species. Hawaii is our national hotspot for plant biodiversity.

*BLM Plant Conservation Program.*—Energy projects will disturb large areas of BLM lands. Other activities also aggravate invasive species, and threaten imperiled species, increasing restoration needs. Emerging climate change also presents increased threats and management challenges to our largest agency landholder. BLM has more than 1,300 imperiled species, and is a significant agency in conserving plant biodiversity. BLM has exhibited great leadership in establishing a Plant Conservation program taking an integrated approach to significant issues. The program is extremely effective and deserving of establishing a discrete subactivity, with $5 million of dedicated funding. Within the existing BLM programs, to support effective cross-program work for imperiled species, we request the funding outlined above for threatened and endangered species management, wildlife and fisheries management, adapting to climate change, challenge cost share, resource management planning, and landscape-scale habitat conservation programs.

*BLM Native Plant Materials Development Program.*—The interagency Native Plant Materials Development Program (NPMD) is one of the most significant public works projects of our time, and CPC has been an active partner since its inception. Expanding the variety and quantity of native plant materials will be critical in a reasoned response to climate change, more native plant materials will be needed to address landscape restoration needs. The program supports rural jobs and economic growth by creating new business opportunities for the private sector, and reducing cost for Federal land restoration. Consistent funding is vital to collect, increase, and distribute native plant seed to public and agency partners and private industry for use in restoration efforts. Award winning 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. The next few years of funding are critical to realizing the potential benefits of funds invested to date. We request $21 million for the BLM Native Plant Materials Program appropriation, including $6 million for seed storage facilities.

*USGS*.—The Biological Research Division has a vital role in supporting information needs for adaptation to climate change and landscape conservation efforts, yet has almost no botanical staff. Providing sufficient funding as noted above will help them address this deficiency.

*USFS*.—Chronically underfunded for plant diversity monitoring and management, USFS has been losing botanical positions for years, just when they are needed most. Forests are among the first habitats showing climate change impacts in increased disease, invasive species, fire, etc. These impacts cost millions of dollars to address, threatening timber values and biodiversity values. An investment now is needed to avoid further loss of economic and natural resource values. Funding requested for wildlife and fisheries management, range inventory and monitoring, forest and rangeland research, forest inventory and analysis, and land management planning programs, will help support action to address this critical deficiency.

*The National Park Service (NPS)*.—NPS has 175 federally listed plant species and scores of plants of conservation concern. We work cooperatively, investing considerable in-kind match funds to help address imperiled plant needs, and have seen first hand the overstretched staff and lack of resources. We request an additional $5 million for the Endangered Species program of the Biological Resources Management Division to address urgent needs. In addition, NPS is on the forefront of Federal leadership in developing public/private partnerships, and we request $50 million to maintain that cost-effective model for progress and engaging the public.

*The State Wildlife Grant Program*.—The State Wildlife Grant Program is a proactive effort to address biodiversity needs at the State level while conservation actions are most cost effective, initiating action earlier to preclude the need to list new species under ESA. It is truly a landmark program, and we support full funding.

Unfortunately, the current definition of wildlife included in the authorizing legislation in the appropriations language does not include plants. Current guidance does not allow State Wildlife Grant program funds to be used for projects whose primary objective is declining plants. Please relieve this restriction in a permissive manner by adding ESA to the authorizing legislation in appropriations language for the State Wildlife Grant program. This will permit, not require, funding projects to benefit imperiled plant species.

Thank you for the opportunity to present testimony regarding proposed Department of the Interior, environment, and related agencies appropriations. Thank you for your service for national natural resources.

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LETTER FROM THE CENTER FOR PLANT CONSERVATION; AMERICAN PUBLIC GARDENS ASSOCIATION; BOTANIC GARDENS CONSERVATION INTERNATIONAL; CHICAGO BOTANIC GARDEN; LYON ARBORETUM; NATIONAL TROPICAL BOTANICAL GARDEN; NORTH CAROLINA BOTANICAL GARDEN; AND SANTA BARBARA BOTANIC GARDEN

MAY 20, 2011.

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: Our public lands are instrumental in maintaining healthy environmental systems and serve as a primary repository of priceless plant diversity for the Nation. These species and the plant communities of which they are a part support critical ecological functions, including clean air and water, mediating global climate change, and providing wildlife habitat. The U.S. Forest Service (USFS) has estimated that for every plant species lost from a community; as many as 30 other species may be adversely impacted.

The long-standing imbalance in funding for plant conservation risks the tragic loss of resources important to the future economic well-being of our Nation. Our wild plants are priceless natural resources for emerging biotechnology and traditional economic benefits for agriculture, forestry, industrial products, fuels, fibers, oils, flavors, fragrances, horticulture, potential pharmaceutical compounds, and countless other uses. The Center for Plant Conservation has shown that 87 percent

of federally listed plant species are very closely related to agronomically important species. They are the raw material for plant breeding in support of sustainable agriculture. Natural resource research and management activities provide good stable jobs across the Nation in the public and private sector, often in our less-populated areas with less-resilient economies. Providing adequate funding for biodiversity management not only maintains good jobs, these natural resources provide an economic multiplier in communities supported by ecotourism, and provide affordable outdoor activities for families in economically challenging times while reconnecting youth to outdoor activity, volunteerism, and science literacy.

Public/private partnerships are key strategies to provide for long-term security of these species across our landscapes. Federal partnerships and leadership are critical. More botanists and funding for restoration action are needed. Plant conservation activities have suffered disproportionately in agency funding in the past 20 years. As a result, considerable restoration work has become critical to prevent the near-term loss of species.

While we recognize the need for good fiscal management and support the goals of deficit reduction, this should be implemented in a reasonable manner, balanced across USFS programs. Fee structure revision for products from our taxpayer-owned public lands should also be examined to meet fiscal targets while providing for essential resource management activities.

The large-scale challenges of climate change require continued progress developing scientific information and strategies to combat potential devastation of our forests and native vegetation. Funding for partnership and cost-sharing programs such as the State Wildlife Grant Program and the U.S. Fish and Wildlife Service (FWS) section 6 program is the most cost effective way to make progress for many species. The disproportionate cuts to these programs in the continuing resolution for 2011 funding must not be allowed to stand in the 2012 budget, as hard won progress would be set back, productive partnerships would be impaired or lost, and costs of addressing critical problems later will rise.

*Land and Water Conservation Fund (LWCF)*.—A critical strategy in meeting the challenges of climate change is to build resilience and connectivity for our wild species populations. This will ensure habitat connections to provide avenues for responses in species and community ranges over the landscape. The LWCF is a critical resource for the Nation to maintain habitat continuity and address fragmentation obstacles. We request an allocation of $600 million for this year. This funding is needed quickly, given the timeframe needed to complete transactions and implement landscape activities in time to be available as needed.

*FWS Endangered Species Program*.—The FWS Endangered Species Program is seriously understaffed and underfunded, denying assistance to the Nation's species that can least afford to wait. We request the above appropriation in the FWS listing budget to help clear the listing backlog of candidate species in the next few years, and provide interim funding in the Candidate Conservation Program for proactive recovery work which often reduces costs overall.

The backlog of work needed to properly respond to recovery needs for all federally listed species has been estimated to be more than $300 million. The situation is especially precarious for our listed plant species. While more than 50 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. The Center for Plant Conservation has demonstrated that nearly 70 percent of our federally listed plant species have fewer than 100 individuals surviving in the majority of remaining sites, and are at a high risk of extinction unless intervention is initiated.

An increase in the FWS Recovery Program budget is needed to begin to address the most critically imperiled plant and animal species. We are requesting an appropriation of at least $95 million for the FWS Recovery Program budget. Further, we believe that within the recovery program $5 million in funding should be dedicated to priority listed plant species for implementation of long-neglected recovery activities, including funding for Hawaiian plant species. Hawaii is our national hotspot for plant biodiversity.

*Bureau of Land Management (BLM) Plant Conservation Program*.—Priority Energy projects will disturb large areas of the BLM lands. Other activities also aggravate invasive species, and threaten imperiled species, increasing restoration needs. Emerging climate change presents significant increased threats and management challenges to our largest agency landholder. The BLM has more than 1,300 imperiled species, and has a vital role in conserving the Nation's plant biodiversity. The BLM has exhibited great leadership in establishing a plant conservation program taking an integrated approach to significant issues. The program is extremely effective and deserving of an established discrete subactivity, with $5 million of dedi-

cated funding. Within the existing BLM programs, to support effective cross-program work for imperiled species, we request the funding outlined above for threatened and endangered species management, wildlife and fisheries management, adapting to climate change, challenge cost share, resource management planning and landscape-scale habitat conservation programs.

*The BLM Native Plant Materials Development (NPMD) Program*.—The interagency NPMD is a program of national significance for land managers both public and private. Expanding the variety and quantity of native plant materials will be critical in a reasoned response to climate change, and more native plant materials will be needed to address landscape restoration needs. The program supports rural jobs and economic growth by creating new business opportunities for the private sector, and reducing cost for Federal land restoration. Consistent funding is vital to collect, increase and distribute native plant seed to public and agency partners and private industry for use in restoration efforts. Award winning collaborative partnerships for public lands have been fostered nationwide, and partners have invested millions of dollars in non-Federal match, making the program cost effective. The next few years of funding are critical to realizing the potential benefits of funds invested to date. We request $21 million for the BLM NPMD Program appropriation, including $6 million for seed storage facilities.

*United States Geological Survey (USGS)*.—The Biological Research Division has a vital role in supporting information needs for adaptation to climate change and landscape conservation efforts, yet has almost no botanical staff. Providing sufficient funding as noted above will help them address this deficiency.

*USFS*.—Chronically underfunded for plant diversity monitoring and management, the USFS has been losing botanical positions for years, just when they are needed most. Forests are among the first habitats showing climate change impacts in increased disease, invasive species, fire, etc. These impacts cost millions of dollars to address, threatening timber values and biodiversity values. An investment now is needed to avoid further loss of economic and natural resource values. Funding requested for wildlife and fisheries management, range inventory and monitoring, forest and rangeland research, forest inventory and analysis, and land management planning programs, will help support action to address this critical deficiency.

*The National Park Service (NPS)*.—The NPS has 175 federally listed plant species and scores of plants of conservation concern, and has a need for more conservation and botanical staff and expertise. We request an additional $5 million for the Endangered Species Program of the Biological Resources Management Division to address urgent needs. In addition, the NPS is on the forefront of Federal leadership in developing public/private partnerships, and we request $50 million to maintain that cost-effective model for progress and engaging the public.

*The State Wildlife Grant Program*.—The State Wildlife Grant Program is a proactive effort to address biodiversity needs at the State level while conservation actions are most cost effective, initiating action earlier to preclude the need to list new species under the Endangered Species Act (ESA). It is truly a landmark program, and we support full funding.

Unfortunately, the current definition of wildlife included in the authorizing legislation in the appropriations language does not include plants, even though more than 50 percent of imperiled species in the United States are plants. Current guidance does not allow State Wildlife Grant Program funds to be used for projects whose primary objective is declining plants. Please relieve this restriction in a permissive manner by adding the ESA to the authorizing legislation in appropriations language for the State Wildlife Grant Program. This will permit, not require, funding projects to benefit imperiled plant species.

Thank you for the opportunity to present testimony regarding proposed Subcommittee on the Interior, Environment, and Related Agencies appropriations. Thank you for your service for national natural resources.

Sincerely,

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PREPARED STATEMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL FORUM

In support of $5,200,000 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.

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 (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 2012 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 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 BLM has selected a salinity control coordinator for this basinwide effort. This person now serves with the two full-time coordinators in place for USBR and 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. This document requests $26 million for the soil, water, and air management subactivity. The Forum supports the funding request by the administration. As one of the five principal soil, water, and air program priorities, the Forum believes that the BLM needs to specifically target $5,200,000 to activities that help control salt contributions from BLM managed lands in the Colorado River Basin. In the past, BLM has used $800,000 of the soil, water and air program funding for proposals submitted by BLM staff to 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 2012 could use $1.5 million. For years, BLM has dedicated $800,000 on the effort and now the Forum believes $1.5 million should be so designated.

The success of 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 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 USDA and to 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 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. 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; and

—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

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 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 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 USBR and by 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 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 BLM's portion of the Colorado River Salinity Control Program as set forth in the Forum's adopted Plan of Implementation.

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PREPARED STATEMENT OF THE COLUMBIA RIVER INTER-TRIBAL FISH COMMISSION

Mr. Chairman and members of the subcommittee, the Columbia River Inter-Tribal Fish Commission (CRITFC) is pleased to share its view on the Department of the Interior, Bureau of Indian Affairs' (BIA) fiscal year 2012 budget and has specifically identified two funding needs:

—$7,712,000, an increase of $3,139,000 more than the President's request, for Columbia River Fisheries Management under other recurring programs, wildlife and parks, and rights protection implementation to meet the base program funding needs of the Commission and the fisheries programs of its member tribes, specifically, to implement Federal court-ordered management obligations, including efforts for species listed under the Endangered Species Act (ESA); and

—$4.8 million, an increase of $694,000 more than the President's request, for U.S./Canada Pacific Salmon Treaty under the other recurring programs, wildlife and parks, rights protection implementation areas to achieve base program funding adequacy and to implement new obligations under the recent agreement adopted by the United States and Canada under the treaty.

The 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.

The CRITFC provides coordination and technical assistance to these 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 ESA.

Today, the CRITFC tribes are leaders in fisheries restoration and management working with State, Federal, and private entities. The CRITFC's member tribes are principals 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 "gravel-to-gravel" management including 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.

COLUMBIA RIVER FISHERIES MANAGEMENT PROGRAM NEEDS UNDER THE OTHER RECURRING PROGRAMS, WILDLIFE AND PARKS, RIGHTS PROTECTION IMPLEMENTATION

We are succeeding. The salmon, returning in greater numbers, tell us so. But along with success, management issues increase in complexity, requiring greater data collection and more sophisticated analyses. Funding shortfalls prohibit the achievement of tribal self-determination goals for fisheries management, the ESA recovery efforts, protecting nonlisted species, conservation enforcement, and treaty fishing access site maintenance. Since fiscal year 2003, our purchasing power has decreased under the weight of inflation and rising operation costs. We are seeking an increase of $3,232,000 more than fiscal year 2011 for a new program base of $7,712,000 for Columbia River Fisheries Management explained below:

*Enhance Tribal Base Programs 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 the 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. The increase will be directed to support the core functions of the fisheries management programs of the Commission's member tribes.

In 2008, the CRITFC and its member tribes successfully concluded lengthy negotiations resulting in three landmark agreements:

—the Columbia Basin Fish Accords[2] with Federal action agencies overseeing the Federal hydro system in the Columbia Basin;

—a Ten-Year Fisheries Management Plan with Federal, tribal, and State parties under *United States* v. *Oregon*; and

—a new Chinook Chapter of the Pacific Salmon Treaty.[3] 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 through these agreements the tribes have committed to substantial on-the-ground projects with some additional resources from the Bonneville Power Administration, the overall management responsibilities of the tribal programs have grown exponentially without commensurate increases in the BIA base funding capacity. For example, the tribes' leadership in addressing Pacific Lamprey declines is this species' best hope for survival and recovery. The tribes are taking the lead in developing needed lamprey management plans. The tribes are also addressing unmet mitigation obligations, such as fish losses associated with the construction of the John Day and The Dalles dams.

Public safety continues to be a high priority for the CRITFC and the four tribes. Tribal law enforcement infrastructure is a necessary component of fisheries management. Tribal infrastructure needs include additional conservation officers, tribal code improvements, courts and prosecutorial capacity increases, and modern deten-

[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.

[2] The Nez Perce Tribe is not a Columbia Basin Fish Accord signatory.

[3] *See* "Salmon Win A Triple Crown" at http://www.critfc.org/text/wana__w09.pdf.

tion facilities. The CRITFC conservation officers are also 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 the 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 two more sites slated for completion in 2011 thereby fulfilling 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.

Compounding the challenges in implementing tribal fish management 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. The CRITFC and its member tribes currently have insufficient funds to do the technical work and allow policy-level participation in the co-management arena.

The funding provided through the BIA to support tribal fishery programs is crucial to the tribes' and the CRITFC's ability to successfully carry out tribal rights protection, including these agreements, by providing sound technical, scientific, and policy products to diverse public and private forums. Lost purchasing power through rising costs, inflation, and lack of pay-cost adjustments to tribal funding has further challenged us to deliver these essential services.

*U.S./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 $4.8 million for 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. The Congress increased funding in 2000 in order to implement the 1999 Agreement, but funding has significantly eroded since then. In 2008, the United States and Canada 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 $4.8 million provides for direct tribal participation with the PSC, panels and technical committees. The funding enables the tribes to assist in treaty implementation and facilitates management protecting trust resources. This funding maintains tribal resource assessment and research programs structured to fulfill required treaty implementation activities. The fiscal year 2012 recommended level for this program is an increase of $680,000 more than the fiscal year 2011 enacted level. The recommendation follows the U.S. section's recommendation, includes pay-cost adjustments and brings the program back in line with previous levels of participation.

The tribal management programs provide needed beneficial and technical support to the U.S. section. The PSC 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.

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.

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PREPARED STATEMENT OF THE COPPER RIVER NATIVE ASSOCIATION, INC.

Thank you for the opportunity to provide testimony towards the development of the Indian Health Service's (IHS) and Bureau of Indian Affairs' (BIA) fiscal year 2012 budget. I am submitting this testimony to address two specific issues relating to the fiscal year 2012 budget:

—Contract Support Costs (CSC); and

—staffing for joint venture (JV) facilities.

As I explain in my testimony, the Copper River Native Association, Inc. (CRNA) believes that CSC funding to the IHS should be increased to $615 million, and to the BIA should be increased to $228 million, in order to meet the two agencies' legal obligations under their contracts and compacts with the tribes. CRNA also applauds IHS for fully supporting the JV initiative in its fiscal year 2012 budget request, although here, too, CRNA is concerned that IHS has not requested CSC associated with operating those facilities.

CSC funds are a necessity and a legally required funding component which has been consistently underfunded. CSC shortfalls should be paid in full because they severely impact our ability to operate our contracts under which we provide Federal health and social service programs for the Government. While it may be the general belief that a shortfall in this contract funding impacts only administrative-type operations, the opposite is true: the CSC shortfall actually only reduces health services and education, child welfare, and other services. This is because all of our CSC are fixed costs that come off the top. If the Government underpays the contracts, we are forced to take the shortfall out of the program budgets in the contracts in order to make up for the difference. We simply have no choice.

The "indirect costs" that make up CSC are audited annually. They are also negotiated annually with a cost allocation department within the Federal Government. These costs are for absolute "must" items, not fluff, and they include the same costs incurred by the Federal Government when running the same facilities and programs—plus additional costs from which the Government is exempt such as the cost of annual audits, workers' compensation insurance, and other insurance costs. When agency funding for these fixed contract costs falls short, we have no choice but to divert program funds to "fill the gap." This, of course, reduces our ability to provide health and social services to an already greatly underfunded and underserved population. Our tribes and their members are the ultimate victims of the shortfall.

As you can see, funding the Government's CSC obligation does not inflate or add to the administration or infrastructure of an organization. What it does is restore funding that has been cut from our healthcare and other governmental services. If the shortfall is paid, we restore the pre-cut program funding levels, primarily through increased employment. That, of course, not only returns services levels back to what they should be, but it also expands and improves our local economy with new jobs; in other words, the result is a double bang for the dollar in two areas where the need is extreme.

Since most of these funds result in employment growth, there is also a mitigating benefit to the Federal Government in the form of income taxes. When this is combined with the other benefits of increased employment and the expanded and improved healthcare, housing and other services we provide, the benefits far outweigh the costs. Moreoever, it bears repeating that ultimately it is not a matter of cost and benefit; it's a matter of a contract obligation that must by law be paid.

IHS' Joint Venture Construction Project (JVCP) is a critically important initiative, because it provides a mechanism, through a tribal-Federal partnership, to build IHS facilities that would otherwise take years to get built though the ordinary construction appropriations cycle. We at the CRNA are very pleased to have received a JVCP award during this past year to build a desperately needed facility here in the Copper River Valley. The award recognizes our deep unmet needs and allows us and IHS to join hands on the project: us by constructing a new facility, IHS by funding the staffing package and facility operating costs. The process of negotiating the details is nearing completion and we are already moving forward with design and construction. Our doors should be open in mid-fiscal year 2013.

The success of our JVCP project depends upon IHS honoring the JVCP agreement by providing the necessary staffing package funds and associated CSCs in fiscal year 2013. We are taking on significant debt in reliance on the commitments in our contract with IHS that the agency will do just that. If IHS were to breach that agreement, the CRNA would be burdened with major debt service payments the

CRNA would have no means of paying back, at least not without diverting a large proportion of our existing healthcare budget. This would be a disaster.

All that said, CRNA is very encouraged that in fiscal year 2012 IHS budget justification states that IHS is requesting all of the funds necessary to fully meet its commitments to staff other JV facilities coming on line in fiscal year 2012. We support that appropriations request for other tribal JV projects and expect IHS to honor the same commitments made to us in its fiscal year 2013 budget. That said, we do remain concerned that in fiscal year 2012 IHS does not appear to have requested the CSC required to operate these new facilities. Without those funds, a facility that, to begin with under the IHS policy, will be staffed at only 85 percent of staffing capacity will be rolled back to little more than 60 percent of capacity, just to absorb the unpaid but fixed CSC that a given tribe will on average incur.

We respectfully plead and request that you set these two areas (CSC shortfall and JVCP funding) as top priorities for the IHS appropriation.

Thank you again for the opportunity to testify before this subcommittee.

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PREPARED STATEMENT OF THE CHUGACH REGIONAL RESOURCES COMMISSION

As Executive Director of the Chugach Regional Resources Commission (CRRC), located in Alaska, I am pleased to submit this testimony reflecting the needs, concerns, and requests of the CRRC regarding the proposed fiscal year 2012 budget. As is everyone, we are aware of the ongoing economic problems in the United States, and the growing concern over the Federal deficit. We are also aware that the budget for fiscal year 2012 will necessarily reflect these concerns by cutting funding for many programs and by disallowing directed spending for individual programs. However, while the Government is trimming its spending, the Federal Government must still fulfill its legal and contractual spending obligations. The Bureau of Indian Affairs (BIA) not only has a legal and contractual obligation to provide funding for the CRRC, but the CRRC is able to translate this funding into real economic opportunity for those living in the Prince William Sound region.

In this vein, the CRRC respectfully requests that the subcommittee restore $500,000 in recurring base funding in the BIA's trust-natural resources budget. Year after year, I request that the funding be returned to the BIA's base budget, due to the difficulties the CRRC continues to have receiving its legally and contractually bound funding from the BIA. Despite entering into a legally binding Self-Determination contract with the CRRC in 1993, a contract that was subsequently renewed, the BIA has, in recent years, failed to request funding for the CRRC in its budget. In 2008, we brought suit against the BIA, which resulted in the BIA agreeing to a contract and funding amount for the CRRC. Unfortunately, the BIA continues to fail to provide this funding, and we again had to threaten to sue to receive the funds due to us for fiscal year 2011.

*CRRC History*.—The CRRC is a nonprofit coalition of Alaska Native Villages, organized in 1987 by the seven Native Villages:

—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.

CRRC was created to address environmental and natural resources issues and to develop culturally sensitive economic projects at the community level to support the sustainable development of the region's natural resources. The Native Villages' action to create a separate entity demonstrates the level of concern and importance they held for environmental and natural resource management and protection—the creation of the CRRC ensured that natural resource and environmental issues received sufficient attention and focused funding.

In recognition of the level of concern the Villages of the Chugach region had, and the importance of the CRRC's work, the BIA awarded the CRRC a self-determination contract with the Department of the Interior through the Indian Self-Determination and Education Assistance Act, Public Law 93–638, in 1993, and received $350,000 as part of the BIA's base budget from fiscal year 1994 through fiscal year 2002. CRRC has been able to leverage this funding into almost $2 million annually to support its several community-based programs. While the base funding of $350,000 allowed the CRRC to maintain core administrative operations, specific projects have received funding from sources such as ANA Grants, the EVOS Trustee Council, the State of Alaska, the BIA, and the Forest Service. With these funds, the

CRRC has managed to develop and operate several important programs that provide vital services, valuable products, and necessary employment and commercial opportunities.

*Employment*.—Through its many important programs, the CRRC has provided employment for 35 Native people in the Chugach region—an area that faces high levels of unemployment—through programs that conserve and restore our natural resources.

An investment in the CRRC has been translated into real economic opportunities, savings, and community investments that have a great impact on the Chugach region. Our employees are able to earn a living to support their families, thereby removing them from the rolls of people needing State and Federal support. In turn, they are able to reinvest in the community, supporting the employment and opportunities of other families. Our programs, as well, support future economic and commercial opportunities for the region—protecting and developing our shellfish and other natural resources.

*Programs*.—CRRC has a history of successfully increasing its base funding by almost 20 percent and using those funds to operate several programs that invest in the future environmental and natural resource health as well as the economic viability of the region. These programs include:

*Alutiiq Pride Shellfish Hatchery*.—The Alutiiq Pride Shellfish Hatchery is the only shellfish hatchery in the State of Alaska. The 20,000 square foot shellfish hatchery is located in Seward, Alaska, and houses shellfish seed, brood stock, and algae production facilities. Alutiiq Pride is undertaking a hatchery nursery operation, as well as grow-out operation research to adapt mariculture techniques for the Alaskan shellfish industry. The Hatchery is also conducting scientific research on blue and red king crab as part of a larger federally sponsored program. Alutiiq Pride has already been successful in culturing geoduck, oyster, littleneck clam, and razor clam species. This research has the potential to dramatically increase commercial opportunities for the region in the future. The activities of Alutiiq Pride are especially important for this region considering it is the only shellfish hatchery in the State, and therefore 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. This curriculum integrates traditional knowledge with Western science. The goal of the program is to encourage more Native students to pursue careers in the sciences. In addition, we are working with the Native American Fish and Wildlife Society and tribes across the country (including Alaska) to develop a university level textbook to accompany these courses.

*Alaska Migratory Bird Co-Management Council*.—The CRRC is a member of the Council responsible for setting regulations governing the spring harvest of migratory birds for Alaska Natives.

*Statewide Subsistence Halibut Working Group*.—The CRRC participates in this working group, ensuring the halibut resources are secured for subsistence purposes, and to conduct harvest surveys in the Chugach region.

We appreciate the opportunity to submit this important testimony.

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## PREPARED STATEMENT OF THE COUNCIL OF WESTERN STATE FORESTERS

Please accept this testimony on behalf of the Council of Western State Foresters (CWSF). CWSF is comprised of the 17 State foresters and six territorial foresters in the Western United States. The mission of the CWSF is to promote science-based forest management that serves the values of society and ensures the health and sustainability of western forests.

### INTRODUCTION

Mr. Chairman and members of the subcommittee, CWSF appreciates the opportunity to submit written public testimony on the proposed fiscal year 2012 USDA Forest Service (USFS) budget related to funding for the State Fire Assistance (SFA) program and on the Department of the Interior (DOI) budget related to funding for the Rural Fire Assistance (RFA) program. Additionally, CWSF appreciates this opportunity to provide testimony in support of the Wildfire Suppression Reserve Funds established under the Federal Land Assistance, Management and Enhancement (FLAME) Act within the USFS and DOI budgets in fiscal year 2012. CWSF

recommends that the fiscal year 2012 budget fund these priority programs as follows:

*SFA*.—$110 million ($39 million within the State and private forestry appropriation and $71 million within the Wildland Fire Management appropriation).

*Rural Fire Assistance*.—$7 million.

*USFS FLAME Account*.—$413 million.

*DOI FLAME Account*.—$92 million.

CWSF supports the National Association of State Forester's fiscal year 2012 appropriations recommendation testimony that has been submitted to the Senate Committee on Appropriations Subcommittee on the Interior, Environment, and Related Agencies. Ensuring appropriate funding for the SFA, RFA, and the FLAME accounts is a priority in the West. These programs provide critically important resources needed to equip first responders and to address the growing threat of wildland fire in response to the heavy accumulation of fuels in many western forests and the large number of fire-prone communities and homes at high risk within the wildland-urban interface. Funding these programs provides necessary resources to equip local agencies to protect human life and property, enables local communities to better prepare for wildland fires and also ensures that other Federal, nonfire programs will not be negatively impacted by the cost of suppressing emergency wildland fires.

BACKGROUND

Because of the impact of wildland fire in the West to communities, forest resources and budgets, the CWSF has been an active participant in the Partner Caucus on Fire Suppression Spending Solutions (Partner Caucus). The Partner Caucus is comprised of a unique group of organizations, including leading industry, environmental, outdoor recreation, and forestry organizations that worked to find new and improved mechanisms to fund emergency fire suppression within the USFS and the DOI. This group was instrumental in building support for changing the way we fund fire suppression, which ultimately led to the passage of the FLAME Act by the Congress in 2009. The FLAME Act established two funds, one each for USFS and DOI, to cover emergency wildland fire suppression costs. The Congress was clear that the intent of the FLAME Act was to eliminate the need to transfer funds from nonfire accounts to fund emergency wildland fires, and further, that FLAME funding should not come at the expense of other DOI programs.

Programs like RFA within DOI and SFA within USFS provide critical resources to local communities to equip and train first responders and engage in wildland fire mitigation activities. For example, the SFA program supports the preparation of Community Wildfire Protection Plans, which serve as a guide to fuels mitigation work and help fire-prone communities protect life and property. These programs leverage Federal dollars to enhance the critically important wildland fire protection capabilities of communities and fire districts throughout the West. By assisting first responders with training, purchasing necessary suppression, communications and safety equipment, and conducting prevention activities, these programs help ensure a safe, quick and efficient response to wildland fires, which in turn helps reduce suppression costs by reducing the number of large wildland fires.

SUMMARY

We are grateful for the efforts and support of the Congress to address the many issues surrounding the increasing cost of suppressing wildland fires. For the reasons outlined above, CWSF supports whole and healthy FLAME accounts within DOI and USFS along with funding for SFA and RFA programs. These programs are all critically necessary components of a solution to our Nation's wildland fire suppression funding problem.

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## PREPARED STATEMENT OF THE CIVIL WAR 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 Trust. I am writing to respectfully request that the Senate Appropriations Subcommittee on the Interior, Environment, and Related Agencies fund the Civil War Battlefield Preservation Program (CWBPP), financed through the Land and Water Conservation Fund (LWCF) in the Department of the Interior (DOI), at its authorized amount of $10 million.

I would like to start by providing a little information about our organization. The Civil War Trust 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, the Trust has permanently protected more than 30,000 acres of hallowed ground in 20 States, most of it outside National Park Service (NPS) boundaries.

I write to you today regarding the highly effective Federal land conservation program that has made much of our success possible: the CWBPP. This authorized competitive matching grants program, operated through the NPS American Battlefield Protection Program (ABPP) office, requires a 1 to 1 Federal/non-Federal match, although on many occasions the Federal dollars are leveraged much more than 1 to 1. The Program has successfully promoted cooperative partnerships between State and local governments and the private sector to preserve targeted, high-priority Civil War battlegrounds outside the NPS boundaries. Since it was first funded in fiscal year 1999, the program has been used to protect more than 16,500 acres of our Nation's hallowed ground.

THE OPPORTUNE TIME

This year marks the beginning of the sesquicentennial commemoration of the Civil War. It is an opportune time to recommit our energies to the protection of these hallowed grounds. Few commemorations are expected to generate more excitement and interest among Americans than this anniversary. Millions are expected to learn about our Nation's unique history by visiting Civil War sites around the country in the next 4 years. This anniversary provides the perfect opportunity to promote preservation of Civil War battlefields. In late March, Secretary Salazar attended an event in Gettysburg to celebrate the preservation of some of the most blood-soaked ground still unprotected at Gettysburg. At that event, Secretary Salazar affirmed the DOI's commitment to promoting the 150th anniversary of the Civil War and the need to protect these hallowed grounds as legacies for future generations of Americans.

BATTLEFIELD LANDS ARE OUR SHARED AMERICAN HERITAGE

These battlefield lands are an irreplaceable part of our shared national heritage. These lands are consecrated with the blood of brave Americans who fought and died to create the country we are today. The private sector organizations engaged in battlefield preservation are competing with developers to acquire this land. Once these hallowed grounds are lost, they are lost forever.

We estimate that 30 acres of battlefield lands are lost every day. These lands, when preserved, serve as outdoor classrooms to educate current and future generations of Americans about this defining moment in our Nation's history. In addition, preserved battlefields are economic drivers for communities, bringing in tourism dollars that are extremely important to State and local economies.

ORIGINS OF THE PROGRAM

In 1990, the 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, the 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. Eighteen years later, this landmark report and a recent update conducted by the NPS remain our guide for targeting only the most historically significant remaining Civil War battlefields.

In addition to creating a prioritized list of battlefield preservation targets, the CWSAC also recommended that the Congress establish a Federal matching grant program to help the nonprofit sector save high-priority Civil War battlefields. CWSAC's proposal 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, the Congress acted upon the CWSAC's recommendation by setting aside $8 million from the LWCF 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 ABPP, an arm of the NPS. Funding was solely for acquisition of properties outside the 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. The Civil War Trust 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, the Congress appropriated an additional $11 million for the program in fiscal year 2002, this time with a 1 to 1 non-Federal/Federal match requirement.

AUTHORIZATION OF THE PROGRAM

After approval of the fiscal year 2002 appropriation, authorization of the CWBPP was the next logical step. Supporters on Capitol Hill felt that authorization of the program would convey to the DOI congressional intent regarding the CWBPP'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 the 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).

CWBPP'S CONTINUED SUCCESSES AND REAUTHORIZATION

Since CWBPP was first funded in fiscal year 1999, CWBPP grants have been used to protect 16,500 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.

The CWBPP was reauthorized as part of the Omnibus Public Land Management Act of 2009 (H.R. 146), which President Obama signed into law on March 30, 2009 (Public Law 111–11).

URGENT NEED FOR FUNDING

The CWBPP's entire fiscal year 2010 allocation has been obligated and spent to preserve more than 1,500 acres of sacred battlefield land. We thank the subcommittee and the full Appropriations Committee for the fiscal year 2011 allocation for the battlefield program as included in the final full-year continuing resolution. This allocation comes at a critical time, ensuring that highly significant Civil War battlefield lands will continue to be preserved in this the first year of the sesquicentennial anniversary of the Civil War.

However, much work remains to be done. We recognize that these are difficult economic times and appreciate the constraints on this subcommittee as you work to draft an appropriation bill that meets the needs of the agencies and programs under your jurisdiction. However, we believe that now is the opportune time to provide funding at the $10 million level for the CWBPP. Funding at this level will allow for the continued success of the program and the preservation of key battlefield lands that will serve as lasting, tangible legacies for the sesquicentennial anniversary. In addition, with time rapidly running out to forever protect these hallowed grounds, funding for this program will soon no longer be necessary. We estimate that in the next 5 to 10 years the remaining Civil War battlefield lands will be either paved over or protected. That is why we must act now in order to preserve as much key battlefield land as possible before time runs out.

For these reasons, we respectfully ask the Senate Appropriations Subcommittee on the Interior, Environment, and Related Agencies to fund the CWBPP at its authorized amount of $10 million. Recognizing the opportunity presented by the sesquicentennial, President Obama included a $10 million request for the program as part of his fiscal year 2012 budget.

CONCLUSION

Mr. Chairman, 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 came at a terrific price.

Mr. Chairman, I sincerely hope you and your subcommittee will consider our request to provide funding of the CWBPP at its authorized level of $10 million. As noted, this is especially important as the Nation begins the sesquicentennial commemoration of the Civil War. We look forward to working with you and other subcommittee members on battlefield protection and other historic preservation issues. Thank you for the opportunity to address the subcommittee.

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## PREPARED STATEMENT OF THE DZILTH-NA-O-DITH-HLE COMMUNITY GRANT SCHOOL

REQUEST SUMMARY

Mr. Chairman and members of the subcommittee: My name is Faye BlueEyes, and I serve as the program director for the Dzilth-Na-O-Dith-Hle Community School (DCGS) on the Navajo Reservation in Bloomfield, New Mexico. My testimony is submitted on behalf of the DCGS School Board and Mr. Ervin Chavez, president, and will focus on three areas of particular concern to our school in the fiscal year 2012 funding requests for the Bureau of Indian Education (BIE). Specifically, DCGS is requesting the following:

—For the BIE, funding for Tribal Grant Support Costs (TGSC) in the amount of $72.3 million to fully meet the indirect costs incurred by all tribally operated schools.

—For the BIE, to restore $60.9 million in reductions to the facilities construction and repair account.

—For the BIE, provide $109.8 million in facilities operations and $76 million in facilities maintenance as recommended by the National Congress of American Indians (NCAI) in its budget requests.

BACKGROUND

The DCGS is located in Bloomfield, New Mexico, approximately 170 miles northwest of Albuquerque within the boundaries of the Navajo Indian Reservation. Bloomfield has an estimated population of 7,210, with a per capita income of $14,420, and a median family income of $34,760. The DCGS is a tribally controlled grant school primarily funded through appropriations received from the BIE, and pass-through funding from the Department of Education. Our school, which has been in continuous service since 1968, operates a K–8 educational program, and a dormitory program for students in grades 1–12. Residential students in grades 9–12 attend the local public school. Currently, 200 students are enrolled in our academic program, and 51 students are housed in 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 the DCGS is to make a difference in the educational progress of our students and we believe that all of our students are capable of achieving academic success. The DCGS, however, has struggled with chronic underfunding of virtually each and every one of its educational and related programs: in the Indian School Equalization Formula (ISEF) which is the key budget account for the academic program; in our student transportation funding; in the administrative grants given to fund the expenses needed to operate our program, now known as TGSC; and in our facilities operation and maintenance accounts. In addition, our school facilities' conditions have consistently been rated as "poor" by the BIE. Though we operate with authorization from the Navajo Nation, we are a separate "tribal organization." Thus, when we do not receive adequate funding, we have nowhere to turn to make up the difference and our academic mission is jeopardized.

Quite illogically, spending for Indian education programs is considered a "discretionary" part of the Federal budget. To the contrary, adequate funding for these programs is absolutely critical, and must be considered a bipartisan priority. While we all recognize that the fiscal year 2012 budget is being considered in a time of great economic and fiscal challenges, please do not forget that the Indian school system

has been historically underfunded, the facilities within which it operates have long been neglected, and we simply cannot continue to absorb more and more draconian budget cuts. With all of these factors in mind, we address our funding priorities below.

SPECIFIC REQUESTS

*Request No. 1*: Funding for the TGSC in the amount of $72.3 million, in contrast to the $46.3 million in the fiscal year 2012 budget requests. This is the amount calculated by the NCAI and others as necessary to fully fund the indirect cost requirements of current tribally controlled schools plus provide $2 million in start-up funds for newly converting schools. The fiscal year 2012 budget requests no funding dedicated to costs incurred by new schools.

The TGSC, formerly known as Administrative Costs Grants, are funds provided to tribally operated schools by the Federal Government to cover the administrative or indirect costs associated with the operation of a school. This funding is applied to the costs of payroll, accounting, insurance, background checks, and other legal, reporting and record-keeping requirements, including the preparation of required annual audits. The TGSC are appropriated in a lump sum and then awarded to individual schools after application of a complex statutory formula that divides the available funding among eligible recipients. Currently, 124 of the 183 BIE-funded schools are operated by tribes or tribal school boards. In fiscal year 2010, the funding available for the TGSC met only 61 percent of the need of the schools, the lowest rate to date. The BIE estimates that the $3 million increase requested for the TGSC for fiscal year 2012 will fund 65 percent of need, but with the ever increasing number of reporting and other requirements placed on tribally operated schools, the ever-rising costs of personnel, and the likelihood that the pool of schools among which the funding is divided will increase in fiscal year 2012 by several schools, we believe that the 65 percent projection is highly optimistic.

The consequence of insufficient TGSC means that we constantly absorb more and more administrative expenses and scale back on prudent management activities. We have had to reduce our management staff to the point that our ability to maintain prudent internal controls and checks and balances is compromised, and money has to be diverted from important academic programs. In contrast to the grossly inadequate funding for the administrative costs incurred by school contractors, nonschool BIA and Indian Health Service contractors have been the recipients of significant increases in contract support funding. Tribally controlled schools have received no increases in funding since fiscal year 2004, yet the fiscal year 2012 budget requests an increase of $25.5 million to fund Contract Support Costs (CSC) for the BIA nonschool contractors (with an additional $2 million for new contractors) and a $50 million increase for the IHS contractors, in addition to generous increases received in the fiscal year 2010 enacted budget. This disparity in funding is unexplained and indefensible.

*Request No. 2.*—Restore $60.9 million to the education construction account. The fiscal year 2012 budget request would place a freeze on "new construction" and would defer replacement facilities construction to place more emphasis on repairing critical building deficiencies. This reduction in funding has been justified by the Department of the Interior (DOI) in light of the "substantial investment" made in Indian schools and detention centers under the Recovery Act, funding for which will be phased out in fiscal year 2012. Despite this so-called "substantial investment, the reality remains that 66 of the 181 schools for which the BIE is responsible are rated in "poor" condition on the Bureau's "Education Facility Condition Index for fiscal year 2011", an increase of two schools from December 2009, when the last listing was published. The NCAI, in its fiscal year 2012 budget requests estimated that it would take $263.4 million just to keep pace with the growing need for facility construction and repair, and yet the budget requests no funds for construction, and only $13.8 million to address critical repair needs. The DCGS's facilities are rated as "poor" by the BIE with an estimated $19,141,580 in estimated replacement cost, with a deferred maintenance backlog of $7.7 million. Our buildings are more than 40 years old, with serious deficiencies in our aging electrical, heating and cooling, and plumbing systems. We have to continually cope with major problems such as leaking sewer lines under the school; and in November 2009 we discovered a major leak in an underground gas line which threatened to cause an explosion at the school, which then had to be closed for 2 weeks so the gas company could perform the extensive excavation work needed to do repairs. Just recently, the electrical panel in our gymnasium caught fire and had to be disconnected. Because the gymnasium does not have a sprinkler system, we were fortunate to catch the fire as early as we did and avoid serious damage to the building.

The BIE has a process for evaluating school construction projects and placing them on a priority list for funding. No new projects, however, have been added to the list since 2004, and the DCGS has not had the opportunity to make its case for a replacement school. For these reasons, we urge the Congress to direct the BIE to reopen the process by which the BIE-funded schools can submit applications for replacement school construction projects. We also urge the Congress to restore the $60.9 million to the school construction account. While this is a far cry from the amount needed to fully address the needs of tribally operated schools, it will permit some progress in addressing the often dire conditions in which our students attend school. To be frank, no other parents across America would accept the conditions under which Indian children attend school every day.

*Request No. 3*.—Funding for facilities maintenance in the amount of $76 million and facilities operations in the amount of $109.8 million. As reported by the Government Accountability Office, more than 50 percent of the BIE school buildings are more than 30 years old, and 20 percent are more than 50 years old. It stands to reason that in order to extend the useful life of the BIE's education buildings adequate funding for ongoing and effective maintenance must be provided. This funding is needed to provide preventative, routine, and unscheduled maintenance for all school buildings, equipment, utility systems, and ground structures. The deferred maintenance backlog for the BIE's school buildings, as reported by the BIE for fiscal year 2011, however, is well more than $250 million; yet the BIE has requested only $50.7 million for facilities maintenance in the fiscal year 2012 budget, a mere fraction of what is required to make a significant dent in the maintenance backlog.

Facilities operation funding covers ongoing operational expenses such as payment for electricity, heating fuels, communications, ground maintenance, vehicle rental, refuse collection, water and sewer service, fire and intrusion monitoring, among other functions. The NCAI has calculated that facilities operation expenses are currently funded at only 46 percent of need. Yet, the BIE has requested only $58.7 million for fiscal year 2012, a decrease of $751,000 from the fiscal year 2010 enacted amount, despite the fact, as we are all aware, the cost of these essential services, particularly the cost of electricity and heating costs continues to escalate.

The decision to eliminate all funding for new or replacement school construction, while failing to otherwise address the very real health and safety risks that can be reduced by adequate facilities maintenance funding seems shortsighted to say the least. Further, the Congress must recognize that when the BIE fails to fund facilities operation costs at a realistic level, small, preventable problems become bigger and more expensive to address, and in emergency situations, school funding must be diverted from other programs to meet these needs. In light of these realities, the NCAI's proposal of $76 million for facilities maintenance and $109.8 million in facilities operation funding, is but a modest first step in addressing these long-neglected needs.

CONCLUSION

Lawmakers on both sides of the aisle have endorsed the education of our children as one of our highest national priorities, through the provision of better teachers, better instructional materials, appropriate facilities, and more innovative opportunities. Good education costs money, and it is our hope and expectation that the Congress will recognize the tremendous needs that exist in our BIE-funded schools, the potentially disastrous impact of budget reductions, and the need to address the historic underfunding of our school system. Please join us in supporting a quality educational program for all our students. We are grateful for any assistance you can provide.

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PREPARED STATEMENT OF THE DEFENDERS OF WILDLIFE

Mr. Chairman, Ranking Member and members of the subcommittee, thank you for the opportunity to submit testimony for the record. Founded in 1947, Defenders has more than 1 million members and supporters and is dedicated to the conservation of wild animals and plants in their natural communities.

Even in the face of dire fiscal realities, Defenders continues to believe that investments in the protection of wildlife and habitat are a wise choice for our Nation. To protect wildlife, its habitat must be protected, in turn, conserving healthy natural systems that provide clean air and water, food, medicines, and other products we need to live healthy lives. Federal programs that protect imperiled species, migratory birds, wildlife refuges, forests, parks, wilderness, and other lands essential to wildlife all are helping to ultimately ensure the health and well-being of the American people. The devastating Deepwater Horizon spill offered an unfortunate but

valuable lesson in the importance of a healthy and thriving gulf coast system for the people and communities dependent upon it.

Several damaging policy riders were included in the final fiscal year 2011 continuing resolution, including one that legislatively delisted most wolves in the Northern Rockies, a dangerous and damaging precedent for the Endangered Species Act (ESA). Defenders urges the subcommittee to keep the fiscal year 2012 appropriations bill free of any further such anti-environmental provisions.

We are pleased with several high-priority initiatives in the President's fiscal year 2012 budget, including:

—the continued emphasis on landscape level conservation and management efforts intended to build resilience to broad-scale ecological stressors that are harming wildlife and habitat, such as invasive species, wildfire, drought, and climate change—the most daunting conservation challenge of our time; and

—the proposal to fully fund the Land and Water Conservation Fund (LWCF) that includes a new joint effort by the Departments of the Interior and Agriculture to identify inter-departmental priorities for land acquisition.

We also are very supportive of the administration's effort to prioritize the development of renewable energy as part of a strategy to address climate change, produce jobs, and transition to a clean energy economy. The President's budget states that various initiatives to conduct scientific assessments, plan, and manage at the landscape level across agencies will be coordinated under Cooperative Landscape Conservation (CLC) and will help to support mission critical operating programs of the various agencies, something we believe is of the utmost importance if these initiatives are to realize their full potential. Moreover, the impacts of significant undertakings, such as the expansion of renewable energy development on Federal lands, must be adequately considered in the context of landscape level conservation with proper siting, management, and mitigation of these projects to avoid significant impacts on wildlife and other sensitive resources.

We urge the subcommittee to do as much as possible to protect the accounts of the Fish and Wildlife Service (FWS), our Nation's premier wildlife conservation agency. We strongly support the following modest increases:

—To continue progress in building resilience to landscape level ecological stressors, the administration's request for a total of $37.5 million for CLC and adaptive science capacity that will complete establishment of the 18 Landscape Conservation Cooperatives that will be led by FWS out of a total of 21. These funds also will be used to meet additional scientific information needs such as inventory and monitoring and species risk, vulnerability, population, and habitat assessments. In continuing this initiative, effective coordination of landscape level and scientific efforts across agencies and departments and with partners and stakeholders is absolutely crucial.

—To address the needs of our Nation's most vulnerable plants and animals, a total of $195.8 million for endangered species operating accounts, $13.2 million more than the request, allocated as follows: $12.6 million for candidate conservation, the fiscal year 2010 level, $1.2 million more than the request; $24.6 million for listing, equal to the request; $90.3 million for recovery, $6.6 million more than the request; and $68.3 million for consultation, $5.4 million more than the request. In particular, increases are needed in the recovery and consultation programs to implement conservation actions on the ground and to address more than 1,000 consultations related to renewable energy development, and a backlog of more than 1,100 pesticide re-registration and other water quality criteria consultations. We are extremely disappointed that funding was eliminated for the Wolf Livestock Loss Demonstration Program that assists livestock producers coexisting with wolves and for White Nose Syndrome that has decimated more than 1 million bats in the last several years, and we ask that both be restored. We support the request for a legislative sub-cap on petitions conditional on the FWS making progress with listing priority species.

—To maintain the National Wildlife Refuge System, a total of $511 million, a modest increase of approximately $8 million more than the request, as recommended by the diverse coalition of 21 organizations in the Cooperative Alliance for Refuge Enhancement. The increase is focused only on maintaining current management capability—such as keeping fuel in trucks and paying for rising utilities, building rent and other costs—normally at least $15 million, but reduced for fiscal year 2012 consistent with the Federal employee salary freeze. Flat budgets or cuts in fiscal year 2012 and the coming years would trigger a return to a massive downsizing plan that would lead to elimination of biological, education, hunting and fishing programs, and to other devastating impacts.

—To minimize harm to the mission critical Office of Law Enforcement, a total of $67.8 million, $5.2 million more than the request but only $2 million more than

the fiscal year 2010 level, focused on additional special agents and port inspectors. We are strongly opposed to the decrease in the request for funding that had specifically been added by the Congress in the fiscal year 2010 bill to boost numbers of special agents—the special agent force is still 23 percent below the authorized number of 261 and even 16 percent below its previous high water mark.

—To support the Migratory Bird Management Program, a total of $56.5 million, $2 million more than the request to address crucial needs including development of information on golden eagle populations which recently have been discovered to be vulnerable to impacts from wind turbines. Defenders also supports the $2 million increase in conservation planning assistance under habitat conservation that the request says will be used to coordinate and expedite renewable energy project review and development while minimizing impacts on fish and wildlife.

—To support the Environmental Contaminants Program, $16 million, $2.2 million more than the request. The program's budget has been basically flat since 2001, yet resources are needed to assist the ESA Consultation Program in its backlogged pesticide and water quality consultations and also to support readiness and response capabilities for oil spills or the release of other hazardous substances.

—To sustain the International Affairs Program, a total of $16.9 million, $3.9 million more than the request. Defenders is disappointed that the request included a nearly 10 percent decrease in this very modest program. Funding is needed to support at-risk wildlife in crucial regions through Wildlife Without Borders regional programs; for the Critically Endangered Animals Conservation Fund and Amphibians in Decline Program; for the growing permitting, research and monitoring workload for species subject to trade, and for other crucial priorities.

—For critical grant programs, $95 million for State and Tribal Wildlife Grants, same as the request; $100 million for the Cooperative Endangered Species Fund, same as the request; $6.5 million for the Neotropical Migratory Bird Conservation Fund, $1.5 million more than the request; and $13.5 million for the Multinational Species Conservation Fund, $3.75 million more than the request.

The multiple-use lands of the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) are increasingly crucial to the conservation of wildlife and habitat in the United States, yet their resources are not adequate to meet significant challenges. A top priority for Defenders is ensuring that any renewable energy development on our multiple-use lands proceeds in a balanced way that ensures no net loss to wildlife populations and a net benefit to the status of threatened and endangered species. We are extremely disappointed that the comprehensive review on siting and coordination of renewable energy projects by the Department of the Interior (DOI) and the USFS that was directed by the fiscal year 2010 conference report has yet to be submitted. We urge continued strong oversight to ensure that any energy development is done in an environmentally sensitive fashion. And given the large land ownerships of the two agencies, it is imperative that both participate fully in landscape level conservation and management efforts underway.

For the USFS, the budget proposes two new consolidated budget line items, Integrated Resource Restoration (IRR), as was proposed for fiscal year 2011, and land management planning, assessments, and monitoring. While Defenders supports the stated goals of these consolidations to move to a restoration and resiliency based approach to forest management and to better link planning, assessment and monitoring to advance adaptive management, we remain highly concerned about the adequacy of science-based management objectives and clear standards for conservation, in particular, given previous USFS accountability issues, the merging of wildlife and fisheries habitat management into IRR, and the proposed new National Forest Management Act planning regulations that eliminate longstanding wildlife viability standards. Defenders and other organizations have proposed that, rather than a complete consolidation, a responsible first step would be a program that uses portions of various program budgets until results and accountability can be demonstrated.

We recommend the following funding for the BLM and USFS programs:

—For crosscutting BLM cooperative landscape conservation, $29.5 million, $2.2 million more than the request. The increase is needed to help support the continued development of rapid ecoregional assessments that examine ecological conditions within large landscapes to ensure that initiated assessments are completed, that new ones are launched in priority landscapes, and that information contained in assessments is transferred into useful management direction.

—For BLM wildlife and fisheries management, a total of $53.3 million, $3 million more than the request and for BLM threatened and endangered species man-

agement, a total of $24.6 million, $2.9 million more than the request. Investments in inventory and monitoring are needed to help avoid and mitigate harmful impacts to golden eagles, bats, and other wildlife species from renewable energy development and to ascertain bat presence or absence in approximately 400 caves so that BLM can begin to address any occurrence of White-Nose Syndrome. We also are concerned by reports that plant conservation will be moved from the wildlife subactivity to rangeland management, which we fear will undermine the broader conservation focus of the program.

—For BLM challenge cost share, $9.5 million, same as the request. This program provides crucial resources for proactive wildlife and habitat conservation projects on the ground and the budget states that concerns raised in a 2009 Inspector General report have been addressed.

—For BLM resource management planning, $55 million, same as the fiscal year 2010 level and $9.4 million more than the request. We are quite concerned about the requested decrease which we believe will hinder needed plan revisions.

—For BLM's new renewable energy subactivity, $19.7 million, same as the request. Given the major effort to develop renewable energy on BLM lands, the establishment of this new subactivity to better focus resources is a responsible step and we applaud the requested $3 million increase that will support environmental reviews.

—For USFS land management planning, $50.9 million and for USFS inventory and monitoring, $172.5 million. The proposal to consolidate these two line items cuts the total by $10.8 million even though the fiscal year 2010 levels for both programs are far below the 2003 inflation-adjusted level. Robust funding for planning, supported by inventory and monitoring are crucial to move toward a restoration and sustainability agenda.

—Given the IRR proposal, it is not clear if the separate wildlife and fisheries habitat management line item will still exist, however regardless of whether there is a separate or combined line item, Defenders supports a total of at least $148 million for wildlife and fish output measures, just $5 million more than fiscal year 2010 that is still nearly $16 million below the fiscal year 2001 inflation-adjusted level. With 19 percent fewer botanists and fisheries and wildlife biologists than in 1995, Defenders is greatly troubled about the loss of biological capability in the agency.

—For USFS wildlife and fish R&D in forest and rangeland research, $32.5 million, $4.7 million more than the request allocated to the Climate Change and Water Management and Restoration Emerging Research Areas. Given the need for science-based management on National Forest System lands and the importance of wildlife as indicators of forest health, Defenders is extremely disappointed in the 9 percent decrease in the request for Wildlife and Fish R&D.

The U.S. Geological Survey supports the basic science necessary for conservation of fish, wildlife, and habitat. To provide adequate science support, we urge the following increases:

—For the National Climate Change and Wildlife Science Center, $25.6 million, same as the request. We thank the subcommittee for its past strong support and are pleased with progress being made to establish the regional science centers that will be expanded to include northeast, south central and Pacific Island Centers with the increase.

—For ecosystems, $171.3 million, $4.9 million more than the request, that will help to continue filling scientist vacancies in the all-important Cooperative Research Units; for science support for the DOI bureaus now in the Climate and Land-Use Change activity, $9 million, same as the request, that will assist the agencies in making scientifically based resource management decisions; and for Alternative Energy Studies on Wildlife now under the Energy and Minerals and Environmental Health activity, $3 million, same as the request, to assess impacts to wildlife from wind energy projects and to help inform siting to ensure minimal harm.

Finally, each day, 6,000 acres of open space in the United States is lost to habitat fragmentation and destruction. Once there lands are lost, they can never be recovered. We urge the subcommittee to fulfill the President's request for full-funding of the LWCF. Thank you for the opportunity to provide testimony.

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## PREPARED STATEMENT OF THE ENEWETAK/UJELANG LOCAL GOVERNMENT

Mr. Chairman and distinguished members of this subcommittee: Thank you for providing us this opportunity to the people of Enewetak to describe issues that re-

late 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 (EFAP). 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 2012 be increased by the amount of $500,000, the same amount of increase as provided by the Congress in fiscal year 2011. 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, Mr. 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 2011 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 United States 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 EFAP 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 EFAP was funded at a level of approximately $1.9 million in fiscal year 2011 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 2012 so that the components of the program will be funded in the total amount of $1.9 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 EFAP 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 EFAP: 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 2012 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 2011. 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.

We also 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.

Finally, we need to mention our just compensation claims which have yet to be addressed by the United States. As you can imagine, Enewetak was devastated by the 43 nuclear explosions. More than half the atoll requires radiological remediation. The entire atoll requires restoration. The Enjebi people need to be resettled on their home islands in the northern part of the atoll. The United States accepted responsibility for the damages it caused at Enewetak, and it agreed that the Nuclear Claims Tribunal was to determine just compensation for our people. That Tribunal has done so. Now the just compensation award must be addressed so that we have the resources to remediate our atoll and to provide our people with the compensation to which they are entitled for the loss of use of their land. We believe that the best way for the Congress to address the claims of the Enewetak people is to have the matter referred to the United States Court of Federal Claims pursuant to the congressional referral process. That process will enable a body familiar with the type of claims examined and addressed by the Tribunal to again examine those claims, and the resulting awards, and provide a recommendation to the Congress regarding disposition of the claims.

Again, Mr. Chairman, we thank you and members of this subcommittee for your support which makes life possible for us on our home atoll of Enewetak, and we thank you for your kind consideration of the requests made in this statement.

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PREPARED STATEMENT OF THE FOREST COUNTY POTAWATOMI COMMUNITY

My name is Harold Gus Frank, the tribal chairman of the Forest County Potawatomi Community. The Forest County Potawatomi Community is proud of its state-of-the-art health and wellness center located in the rural northwoods of Wisconsin. This testimony is offered on behalf[1] of the tribe to discuss the legal obligation and urgent need to fully fund the contract support costs (CSC) that are owed to the Forest County Potawatomi Community and other tribes performing contracts and compacts on behalf of the United States pursuant to the Indian Self-Determination Act (ISDA)—specifically $615 million for the Indian Health Service (IHS) CSC requirements and $228 million for the Bureau of Indian Affairs (BIA) CSC requirements.

No single enactment has had a more profound effect on more tribal communities than has ISDA. In just three decades tribes and inter-tribal organizations have taken over control of vast portions of BIA and IHS, including Federal Government functions in the areas of healthcare, education, law enforcement, and land and natural resource protection. Today, not a single tribe in the United States is without at least one self-determination contract with each agency, and collectively the tribes administer more than $2.82 billion in essential Federal Government functions, employing an estimated 35,000 people.

In the IHS Aberdeen area, more than 20 percent of the IHS budget is under contract to the tribes. The Forest County Potawatomi Community has demanded their self-determination rights and secured control over IHS and BIA programs. ISDA has been a success unprecedented in the history of America's relations with its tribes. As tribes exercise the primary role of controlling and administering essential governmental services, ISDA has been a useful means for them to address specific needs in key governmental areas and to engage in meaningful economic and resource development to improve the quality of life for members.

ISDA employs a contracting mechanism to carry out its goal of transferring essential governmental functions from Federal agency administration to tribal government administration. To carry out that goal and meet contract requirements, the act requires that IHS and BIA fully reimburse every tribal contractor for the CSCs that are necessary to carry out the contracted Federal activities. (Cost-reimbursable Government contracts similarly require reimbursement of "general and administra-

[1] The Forest County Potawatomi Community (WI) is a member of the National Tribal Contract Support Cost Coalition, comprised of 19 tribes and tribal organizations situated in 10 States and collectively operating contracts to administer more than $400 million in the IHS and the BIA facilities and services on behalf of more than 250 Native American tribes.

tive" costs.) Full payment of fixed CSCs is essential: without it, offsetting program reductions must be made, vacancies cannot be filled, and services are reduced, all to make up for the shortfall. In short, a CSC shortfall is equivalent to a program cut.

For years the administration failed to request full funding for its CSC obligations, and the resulting shortfalls grew. This has had the cascading effect of negatively impacting tribes. The shortfalls attack first those tribes with the smallest voice, tribes whose leadership has tribal constitutional obligations to fulfill.

The first major effort to address this deficiency in the past 10 years occurred in fiscal year 2010, when the Congress and the President supported a $116 million increase to reduce the IHS CSC shortfall by about one-half, and a $21 million increase to address BIA CSC shortfalls. The IHS increase, alone, will eventually restore 2,820 health sector jobs in Indian country. Even still, in fiscal year 2010 these increases left a severe CSC shortfall well in excess of $100 million.

Today, IHS projects an fiscal year 2012 shortfall in CSC payments of $153 million. That means a $153 million cut in tribally contracted programs next year—not IHS—administered programs, but tribally administered health programs alone—to cover the shortfall.

BIA reports that its CSC shortfall exceeded $62 million in fiscal year 2010, meaning full CSC requirements that year totaled $228 million. Yet, the fiscal year 2012 budget requests only $195.5 million, resulting in a required cut in tribally operated BIA programs of $33 million next year.

It is not acceptable for the administration to seek deficit reduction by singling out tribally administered health and law enforcement programs for such grave cuts in essential governmental services. Indeed, the Congress 23 years ago directed that the agencies "must cease the practice of requiring tribal contractors to take indirect costs from the direct program costs, which results in decreased amounts of funds for services," S. Rept. 100–274, p. 9 (1987), yet the practice continues.

Funding CSCs in full will permit the restoration of Indian country jobs that have been cut while the shortfalls continue. The recent fiscal year 2010 reduction in the CSC shortfall produced a stunning increase in Indian country jobs. Last year the Forest County Potawatomi Community received about $400,000 and added 13 positions. Fellow tribal leaders were also able to utilize the funds to create jobs or to restore vital positions.

The Forest County Potawatomi Community urges that for fiscal year 2012:

—IHS CSC line be increased to $615 million; and

—BIA CSC line be increased to $228 million.

The status quo is not acceptable. First, absent these increases the combined projected CSC shortfall in fiscal year 2012 for both agencies will exceed $186 million. That means a $186 million cut in tribal health, education, law enforcement and other contracted programs, representing more than 3,600 jobs.

Second, the status quo penalizes tribes for their self-determination contracting activities. Today, a $1 million IHS-operated clinic has $1 million to provide services. But a $1 million tribally operated clinic on average has only $800,000 to serve the same community. That is a cruel and unfair burden to impose on the very Tribes that seek greater tribal self-determination.

Third, the continuing shortfalls have all but brought to a halt forward progress under ISDA. For years, new contracting activities have slowed to a trickle, and each agency is stuck at no more than 60 percent of its budget operated by tribes. The Congress' Policy of Tribal Self-Determination will not move forward until the CSC shortfalls are addressed

Fourth, investing funds here is wise. No part of the IHS or BIA budgets is more highly scrutinized than are the funds awarded under these contracts. There is a transparency and accountability here that is unrivaled in other government contracting work.

Fifth, fully paying CSCs is legally required. The United States Supreme Court so held in the 2005 *Cherokee Nation* case. It is not a matter of writing a better law, but of honoring the law that the Congress has already written.

Finally, it is a stain on America when the Nation honors to the penny all other Government contracts, even when honoring those contracts demands supplemental appropriations, but does not live up to those legal responsibilities when it comes to contracts with Indian tribes. The Forest County Potawatomi Community and all tribes have wrongfully been in the untenable position of performing contractual obligations despite the shortfall. As much as law, policy, fairness and good sense, the Nation's honor demands that these contracts be paid in full for services duly rendered to the United States.

In addition to these recommended funding levels, it is recommended that the subcommittee require both agencies to consistently project and budget the additional

CSC requirements associated with new contracts and program expansions (on average, 13.5 cents for each new IHS program dollar, and 10.4 cents for each new BIA program dollar). IHS did this in its fiscal year 2012 budget, but the BIA did not. Further, the subcommittee should reconcile the different language used in IHS and BIA portions of the bill, eliminate the old section 314" language (a useless vestige after the *Cherokee* case), and assure that each agency has an Indian Self-Determination Fund inside the overall CSC appropriation to address new contracting initiatives.

Thank you for the opportunity to offer these recommendations.

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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. We appreciate having the opportunity to provide you with testimony on fiscal year 2012 appropriations for the Indian programs funded through the Department of the Interior and Indian Health Service (IHS). The Fond du Lac Band provides health, education, social, and other governmental services to approximately 6,700 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.

*Bureau of Indian Education (BIE): Education*.—We urge the Congress to increase funding for the BIE Elementary/Secondary School Programs. The Fond du Lac Band relies on BIE funding for the operation of the Band's pre-K through grade 12 Ojibwe School. The Ojibwe School serves approximately 320 students most of whom are tribal members or descendants of tribal members. Most of our students come from very-low-income households, illustrated by the fact that more than 90 percent of our students qualify for free or reduced-rate lunches. But although American Indian students are the most at-risk group of students in our Nation, the BIE Elementary/Secondary School Programs have been historically under-funded. We ask that the BIE Elementary/Secondary School Program funding be increased as follows:

*Indian School Equalization Program (ISEP) Funding*.—We do support the President's proposal to increase by $3.9 million the BIE funding for the ISEP Adjustments to assist tribal schools in implementing safety and security programs. However, we urge the Congress to also increase the ISEP Formula Funds above that requested in the President's budget. The ISEP Formula Funds are the primary means by which we pay the costs of school operations and education programs, but these funds have consistently fallen very far short of our need.

*Tribal Grant Support Costs (TGSC)*.—We also support the President's proposal to increase by $3 million the BIE funding for the TGSC. These help tribal schools, like the Fond du Lac Ojibwe School, cover administrative costs without using program funds. However, because these funds have seen no increase for many years even though costs have risen, we urge that these funds be increased above the amount requested by the President.

*School Facility Operations and School Facility Maintenance*.—We support the President's proposal not to reduce the funding for school facility maintenance, but urge the Congress do more by increasing funding for school facility operations and school facility maintenance from prior year's funding levels. This is important as past funding has not kept pace with the cost of school operations or the growing backlog of Indian schools and facilities needing repair.

*Bureau of Indian Affairs (BIA): Public Safety and Justice*.—We urge the Congress to increase BIA funding for law enforcement above the level proposed in the President's budget. While we support the President's proposal to increase law enforcement funding (through the Department of Justice) to increase the number of the Federal Bureau of Investigation (FBI) agents working in Indian country, because the FBI's work will be limited to targeting specific major crimes, this increased funding will not address the growing day-to-day law enforcement needs on our reservation. We also ask that the 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—a facility that is completely inadequate for that purpose.

We continue to face massive unmet needs for law enforcement on matters that are not addressed by the FBI. 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). Over the years, we have done this using a combination of tribal and Federal funds (made available through the Community Oriented Polic-

ing Services (COPS) program and the BIA), and by cooperative agreements with local law enforcement agencies. Currently, however, the Band receives no financial support for operations for its police department. At the same time, 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. We also respond to a wide range of other matters, including, for example, reports involving domestic disputes, disturbances, disorderly conduct, property damage, theft, medical emergencies, fire, neglected children, runaways, suicide threats, as well as numerous traffic-related matters. In 2010 alone, our law enforcement department responded to 5,057 incidents and requests for assistance. This is an average of 14 calls each day, and is an 8 percent increase more than the number of calls our law enforcement department received in 2009.

To address these problems, we need to increase our law enforcement staff and ensure effective law enforcement coverage 24/7. But we do not have sufficient funds to hire the number of officers we need. We currently employ 13 patrolmen, 1 investigator, 1 school resource officer (assigned to the Ojibwe School), a chief of police, and 3 administrative staff. To the extent possible we schedule three officers per shift, but we do not have sufficient funds to do this around the clock. In fact, to effectively patrol the reservation we should have 4 officers working each shift and a second investigator, for a total of 20 officers. Fewer officers on duty means serious safety issues for both officers and the people we need to protect. The increasing number of calls for police assistance also means that we need more than one investigator and, with our limited staff we cannot implement proactive measures, such as education and outreach programs.

Federal funding is also vital for law enforcement equipment. We have, in the past, depended on funding through the COPS program, but COPS funds are limited and not sufficient to meet our needs. Because our officers patrol a 170-square-mile area, squad cars regularly need to be updated and replaced. We also need to upgrade our communications equipment. We have mutual aid agreements and coordinate law enforcement with St. Louis and Cloquet Counties which are updating their communications systems to digital systems. We will need to do the same to ensure that our systems are integrated with the counties' system. This means replacing the portable radio equipment for each of our officers at an estimated cost of $40,000 ($2,500 per unit for each of 16 officers) and for each patrol car at an additional cost of $30,000–$40,000 ($3,000–$4,000 per unit for each of 10 vehicles).

Finally, we need a new facility for our law enforcement department. The department is still housed in a six-room building which we share with the Band's housing program. It 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 and, with the increased number of calls we are receiving, is becoming more inadequate each day. A new building with a garage, along with a larger evidence room, storage room for record keeping, and a training room for officers, is essential.

*BIA: Natural Resources.*—We very much appreciate the funding for the BIA Natural Resource Programs that the Congress has provided in past years and support the President's proposal to increase (by $5 million) the funding for these programs. We also support the President's proposal to include $1 million (with funding for BIA Public Safety and Justice) for Tribal Conservation Law Enforcement Officers. Natural resources are vitally important to our tribal members as they provide the foundation for our culture, meet subsistence needs, and provide employment. The Fond du Lac Band's right to access natural resources within and outside our reservation was reserved by treaties with the United States in 1837 and 1854, and reaffirmed by the courts. In connection with these treaty rights, the Band is responsible for managing natural resources and for enforcing Band conservation laws that protect those natural resources by regulating tribal members who hunt, fish, and gather those resources both within and outside the reservation. Funding is essential for that work. Fond du Lac routinely partners with State, Federal, and tribal organizations to conduct research and management activities. We request that $2 million be added to our base budget for Resource Management Programs, as funds for these programs have not been increased since 1991.

We are aware that the Congress intends to reduce spending in many areas of the current budget, but urge the Congress to at least maintain current funding levels for all Federal programs that support the conservation and restoration of natural resources. Specifically, we request that the Congress fund the U.S. Fish and Wildlife

Service State and Tribal Wildlife Grant Program, the Environmental Protection Agency Great Lakes Restoration Initiative, Tribal Historic Preservation Offices, and all the BIA programs related to natural resource and land management at the levels indicated in the President's budget request.

*BIA: Human Services*.—We support the President's proposed increase in funding for Human Services Programs, but urge the Congress to increase funding by more than the $831,000 proposed. A larger increase is 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 Indian Child Welfare Act Programs are essential if tribes are to have any realistic hope of protecting Indian children, preventing domestic violence, and fostering Indian families.

*IHS*.—We fully support the President's proposed increase in funding for the IHS and appreciate the commitment that the administration and the Congress have made to address the funding needs for healthcare in Indian country. The President's proposed 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 the IHS has never had comparable increases, and, as a result, the IHS programs have consistently fallen short of meeting the actual needs. All Indian tribes should receive 100 percent of the Level of Need Formula, which is absolutely critical for tribes to address the serious and persistent health issues that confront our communities. The Band serves approximately 6,700 Indian people at our clinics, but the current funding level meets only 38 percent of our healthcare funding needs.

As the epidemic of prescription drug abuse grows across the country, the IHS needs resources to expand its treatment and community education capacity. Additional funding for the Methamphetamine, Suicide Prevention Initiative should be made available to tribes and the IHS so that this "new sickness" can be addressed. Best practices in pharmacy inventory and prescription monitoring need to be modeled and replicated throughout Indian country. Related to this is the fact that more and more Government agencies are expecting local units of governments, including tribes, to address these problems and the increasing number of individuals who become homeless as a result of them, through the operation of supportive housing. But Fond du Lac, like most tribes, does not have the financial resources to establish new program initiatives, like supportive housing, without assistance from the Federal Government. We urge the Congress to support programs through the IHS or the BIA that would fund supportive housing for tribes in every area of the country.

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.

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PREPARED STATEMENT OF THE FRIENDS OF ALASKA NATIONAL WILDLIFE REFUGES

Honorable 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 2012 appropriations for the National Wildlife Refuge System (NWRS). The Alaska Friends is a 501(c)(3) nonprofit organization with 341 members who reside throughout the State of Alaska and the other 49 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. We urge adoption of a funding level of $511 million for fiscal year 2012 for the NWRS. The NWRS actually needs $900 million annually to adequately manage the 150 million acres in the NWRS, and $511 million is needed to merely maintain the status quo. Any reduction below this level will severely impair the ability of the FWS to manage and maintain the wildlife and habitats in this largest conservation system in the world. This is especially critical in light of the changes and challenges posed by global warming, rising sea levels, receding glaciers, invasive species, and oil spills such as the recent one in the Gulf of Mexico.

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 in-

flation rise, and global warming. 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 and clean up and repair damages from oil spills and other accidents; curtailment of environmental education programs; and reductions in law enforcement. An appropriation of $511 million is needed for fiscal year 2012 to prevent slipping into an undesirable future for our refuges, wildlife, and the people who enjoy and depend these recourses for their livelihoods.

The NWRS has substantial backlogs in two major areas:

*Deferred Maintenance*.—The deferred maintenance backlog has hovered around $2.5 billion for the past few years. These are needs associated with maintaining constructed assets, such as administrative and visitor buildings, roads, levees, water control structures, visitor facilities, underground water lines. This work is considered "deferred" because it is overdue and funding resources are not currently available to complete the work.

*Operations*.—For several years the operations backlog has hovered around $1 billion. These are needs associated with the annual operations of refuges in all respects. They include staffing needed to manage habitat, provide law enforcement, provide services to visitors, and maintain assets. They also include contracts or projects, such as controlling invasive species, monitoring habitat, restoring wetlands, and developing an environmental education curriculum.

The Alaska National Wildlife Refuges encompass more than 77 million acres and comprise more than 80 percent of the lands in the NWRS. In 2010, the Friends completed 15 volunteer projects on Alaska's refuges, but this national program will be jeopardized if adequate funding is not maintained. Nationally, volunteers perform 20 percent of the work in the NWRS, more than any other Federal land management agency. Invasive plant species are advancing northward and threatening the habitats of Alaska refuges. With 50 percent Challenge Cost-Share (CCS) funding for 5 years, Alaska Friends volunteers have worked to remove invasive species affecting seven Alaska refuges. In conjunction with these activities, we have 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 funds from the CCS Program, these volunteer programs could not continue this invaluable work to protect our valuable wildlife and habitats.

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 major contributions of refuges to local economies are illustrated by the example of the Kenai National Wildlife Refuge. Every $1 spent by the refuge produces almost $15 in local recreational expenditures and more than $12 million in local tax revenues.

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, polar bear and walrus populations, and local 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. The melting of permafrost is destroying homes, offices, and other structures, 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 increase the costs of refuge research, management, and maintenance. Given adequate budgetary support, the Alaska refuges can provide extremely valuable biological and climatological monitoring and studies to increase our understanding of these processes and enable us to design and implement mitigation projects to reduce the impacts of global climate change.

Failure to maintain current levels of funding for the NWRS 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 that assist in understanding global climate change; and
—overall degradation and decay of the NWRS and public use and enjoyment of its resources.

We urge you to adopt the recommended $511 million fiscal year 2012 appropriation for the NWRS, which is the minimal amount necessary to maintain our magnificent NWRS.

We also urge the leveraging of conservation efforts through the following actions:

*State Wildlife Grants (SWG)*.—The FWS works with States to maintain common species and restore declining species before they become endangered. A slight increase for the SWG Program to $95 million for fiscal year 2012 is essential to fulfill the shared Federal-State responsibility to keep our Nation's wildlife from becoming endangered.

*North American Wetlands Conservation Act (NAWCA)*.—NAWCA grants enable the acquisition and restoration of critical wetlands to implement the goals and objectives of the North American Waterfowl Plan, the Waterbird Plan, the U.S. Shorebird Plan, and Partners in Flight. A congressional allocation of $50 million in fiscal year 2012 will deliver multiple benefits that include habitat restoration, improved water quality, and carbon sequestration.

*Fully Fund the Land and Water Conservation Fund (LWCF) at $900 Million*.—Created in 1965 and authorized at $900 million per year (more than $3 billion today's dollars), the LWCF is our most important land acquisition tool. More than 8 million acres are unprotected within existing refuge boundaries, and there is an increasing need to establish key wildlife corridors and connections between protected areas. We urge the Congress to pass legislation to permanently fund the LWCF.

Adoption of the recommended $511 million appropriation for the NWRS will allow necessary biological and public programs to be maintained in ways that will benefit habitat, fish and wildlife, and public use and enjoyment of our magnificent 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.

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LETTER FROM THE FRIENDS OF BACK BAY

APRIL 1, 2011.

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: I am Molly Brown from Virginia Beach, Virginia. I am the president of Friends of Back Bay, a group of more than 150 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 the Congress for their continued support of this project. The Director of the U.S. Fish and Wildlife Service (FWS) approved a Refuge boundary expansion on May 7, 1990. The expansion area includes 6,340 acres of important wildlife habitat. To date the FWS has been able to acquire 4,996 acres.

In order to continue the Back Bay Refuge expansion project, we respectfully request $1 million for fiscal year 2012. 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 the Congress in 1990. With only a few remaining parcels to purchase, we hope the Congress will want to see this Back Bay project completed. Our project is not in the President's budget and we know there are no earmarks. So, how do we complete this project and what do we tell the willing sellers that have been waiting for years to sell their properties?

The enclosed map gives a visual description of the acquisitions through 2010 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.

FISCAL YEAR 2010

*Rice: Tract 249—$425,000—8 Acres*.—Closing this fiscal year (2010) with LWCF funds appropriated. This project uses most of the appropriated funds with the remainder ($120,000) to be "banked" in combination with future funds to complete acquisitions, as listed below. Project Description—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.

FISCAL YEAR 2012

*Brown: Tract 193—$216,000—18 Acres*.—Project description: Mostly forested wetlands on the west side of Back Bay with existing valuable habitat for migratory birds, especially neotropical migrants. This property is within the original Refuge acquisition boundary and is adjacent to existing Refuge property on three sides (north, east, and south). Option to purchase in effect.

*Johnson: Tract 173—$402,000—30 Acres*.—Project description: Emergent marsh habitat adjacent to Ashville Bridge Creek with existing valuable habitat for migratory birds, especially waterbirds. This property is within the original Refuge acquisition boundary and is adjacent to existing Refuge property on three sides (north, east, and west). Option to purchase in effect.

*Van Nostrand: Tract 250—$200,000—15 Acres*.—Project description: 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 Refuge has done with so many other parcels, will serve as quality habitat for a variety migratory birds, especially neotropical migrants. Option to purchase in effect.

*Griffith: Tract 100c, d, and e—$250,000—105 Acres*.—Project description: 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. The Refuge is currently partnering with The Conservation Fund to appraise and acquire this parcel.

Good things continue to happen at Back Bay. The Back Bay National Wildlife Refuge and its namesake, the Back Bay, harbor a rich array of aquatic life and vibrant bird populations that draw anglers and birders year round. The shallow brackish bay, averaging just 4 feet, is ruled by the wind making it a globally rare ecosystem. The bay is also designated an Aquatic Resource of National Importance by Federal agencies, but that doesn't automatically protect it from harm. The Refuge staff and volunteers continue to educate the public on the importance of protecting this beautiful resource. The educational project to enhance the wildlife viewing opportunities to the public is the "Windows on Wildlife." This one-way glass allows the public to watch migratory birds without being seen by and thus disturbing the waterfowl. 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 near by tree. This "national treasure" received 150,000 visitors in 2010.

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. They met their quotas early in the season. One hunter left a duck on the ice too long and an eagle swooped down and grabbed it. The hunter had fun telling this story to his friends. He said it was a "pretty one".

I wish to extend my appreciation for the funding that you appropriated through fiscal year 2009. The $545,000 that was appropriated in fiscal year 2009 has purchased 8 acres of a key parcel along Nanney's Creek. To date we have purchased 4,996 acres of the proposed 6,340-acre expansion. This means that this project is more than 78 percent completed in 18 years. Thank you for the opportunity to comment on this important project.

Respectfully submitted,

MOLLY P. BROWN,
*President.*

LETTER FROM THE FRIENDS OF BALCONES CANYONLANDS NATIONAL WILDLIFE REFUGE

MAY 18, 2011.

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: On behalf of the Friends of Balcones Canyonlands National Wildlife Refuge I would like to express my appreciation for this opportunity to submit our testimony. The Friends of Balcones urges you to complete the land acquisition for Balcones Canyonlands National Wildlife Refuge in Central Texas. As a first step toward that goal, we are requesting $5 million from the Land and Water Conservation Fund (LWCF) for 2012. Completing the Refuge is anticipated to cost approximately $87 million in today's dollars, so acting now is especially important for monetary reasons and because of the intense pressure from urban expansion that is occurring within the Refuge acquisition boundary.

Given the devastating impacts to wildlife from the Deep Water Horizon oil spill, it seems very timely for the Congress to pass legislation to permanently fund the LWCF at $900 million. Created in 1965 with monies from off-shore oil drilling receipts and authorized at $900 million per year, the LWCF is our most important land acquisition tool. More than 8 million acres are unprotected within existing refuge boundaries including approximately 22,000 acres within the Balcones Canyonlands Refuge acquisition boundary. This makes funding the LWCF more important than ever. The Friends of Balcones urges you to fully fund the LWCF and to appropriate $5 million of the $900 million for land acquisition at Balcones Canyonlands National Wildlife Refuge.

Balcones Canyonlands Refuge, although 19 years old, is only slightly more than 50 percent complete. It is important to act now as time is a critical consideration in completing the Refuge. Because of the proximity of the Refuge to the Austin metropolitan area, urban expansion is a serious threat to habitat needed by the Refuge. There are already four real estate developments within the acquisition boundary of the Refuge and more are expected.

An appropriation of $5 million will allow the Fish and Wildlife Service to acquire approximately 1,550 acres of prime habitat for Balcones Canyonlands Refuge. Two of the three tracts to be purchased are key Golden-cheeked Warbler habitat and the third is potential Black-capped Vireo habitat. Both of these birds are on the endangered species list, and habitat protection and management are critical to their survival. In addition, protection of the third tract will help preserve the ranching heritage of the Texas Hill country. The $5 million appropriation will fund purchase of the 350-acre 3 Creeks Ranch (second phase of this acquisition), the Penn property, and 1,000 acres of the Sunset Ranch, one of the last remaining large tracts of land with high-quality Golden-cheeked Warbler habitat left within the Refuge acquisition boundary. The rolling hills and steep canyons on this ranch provide nesting habitat for the Golden-cheeked Warbler and potential for Black-capped Vireo habitat management. The purchase of this large tract will also protect habitat for additional endemic species in the Hill Country as well as the unusual Karst topography of the Edwards Plateau. The ranch is situated near other Refuge property which makes it even more valuable as we attempt to protect large contiguous tracts of land. The properties have been appraised, and the sellers are willing. These acquisitions would be a significant step towards the long range goal of completing the Refuge. As mentioned earlier, acting now is particularly important, as the window of time is closing rapidly as a result of urban expansion, and the opportunity for protecting these species is at risk.

Balcones Canyonlands Refuge is located in the Texas Hill Country northwest of Austin, Texas and resides in Burnet, Travis, and Williamson counties. The Refuge was formed in 1992 to conserve habitat of the endangered Golden-cheeked Warbler as a step towards recovery and eventual delisting of the species. In addition to the Golden-cheeked Warbler, the Refuge serves to protect the habitat of the endangered Black-capped Vireo and numerous other wildlife species.

State-sponsored biological studies show that to stabilize and sustain these endangered songbirds, Balcones Canyonlands needs a total of 46,000 acres of habitat. It presently has some 23,000 acres. The Refuge augments a similarly named Preserve in Austin, comprised of nearly 30,000 acres and operated by the city and Travis

County. The two parts were established for the same purpose and together are intended to provide habitat needed to enable recovery of these species.

In addition to the recovery of these endangered species, Balcones Canyonlands Refuge is a source of eco-tourism for the surrounding area. Over the longer term, the Balcones Refuge is expected to become a major draw for birders interested in viewing the endangered Warbler and Vireo, for which this area provides unique habitat. The Refuge has been described as one of the Last Great Places by the Nature Conservancy and as an "Important Bird Area" by two national conservation groups based on its "global importance" to the endangered Warbler and Vireo.

Also, Balcones Canyonlands offers Central Texas a variety of recreational opportunities compatible with wildlife protection. Once completed, Balcones Canyonlands will be a step towards providing additional accessible public outdoor areas, identified as a critical need in a study by Texas Parks and Wildlife.

The Friends of Balcones Canyonlands National Wildlife Refuge is a nonprofit, volunteer organization. Our mission is to support, complete, and enhance Balcones Canyonlands Refuge and to promote the Refuge's use for recreational, educational, and scientific purposes. Our membership is drawn primarily from Central Texas communities situated near the Refuge. Our members care passionately about preserving our natural heritage and fulfilling our organization's mission of completing the Refuge. Because of all the reasons listed above, we strongly recommend that you set aside $5 million from the LWCF for Balcones Canyonlands Refuge for fiscal year 2012.

In closing, thank you for considering our request of $5 million. Your actions in support of our request will significantly improve our chances for creating a fully functioning Refuge. We very much appreciate your attention to this matter and thank you for the opportunity to present this statement to the subcommittee.

Respectfully submitted,

DUB LYON,
*President.*

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PREPARED STATEMENT OF THE FRIENDS OF THE CHASSAHOWITZKA NATIONAL WILDLIFE

Mr. Chairman and members of the subcommittee: On behalf of Friends of the Chassahowitzka National Wildlife Refuge Complex, Inc. (Friends) and its members, I want to thank you for your leadership and strong support of the National Wildlife Refuge System (NWRS) and the increase in funding over the past few years for the NWRS. I offer this testimony not only on behalf of our Friends' group, but also for the more than 191 Affiliate Friends groups nationwide, and thousands of private citizens across the country that support our Nation's wildlife refuges.

I further thank you for the opportunity to offer comments on the fiscal year 2012 Interior, environment, and related agencies appropriations bill. Specifically, we respectfully request that the subcommittee support the following:

—Maintain status quo funding for the NWRS. Request that the Congress maintain management capabilities for the NWRS, an $8 million increase more than fiscal year 2010 levels. The NWRS actually needs $900 million annually to adequately manage its 150 million acres; a funding allocation of $511 million in fiscal year 2012 will simply maintain the status quo.

—Leverage Federal Conservation Efforts through Partnerships. The NWRS works with States to keep common species common and restore declining species before they become endangered. A slight increase for the State Wildlife Grants program to $95 million for fiscal year 2012 is essential to fulfilling the shared Federal-State responsibility for keeping our Nation's wildlife from becoming endangered.

—Fully fund the Land and Water Conservation Fund (LWCF) at $900 million. Created in 1965 and authorized at $900 million per year (more than $3 billion today), the LWCF is our most important land acquisition tool. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas making the LWCF more important than ever. Urge the Congress to pass legislation to permanently fund the LWCF.

—Allocate $50 million to The North American Wetlands Conservation Act (NAWCA). NAWCA grants enable the acquisition and restoration of critical wetlands to implement the goals and objectives of the North American Waterfowl Plan, the Waterbird Plan, the U.S. Shorebird Plan and Partners in Flight. A Congressional allocation of $50 million in fiscal year 2012 will deliver multiple

benefits including habitat restoration, improved water quality and even carbon sequestration.

The Friends, a 501(c)3 organization, were established in September 1998, and is supported by dedicated volunteers with a membership base of 250 individuals. Our membership is diverse, including sportsmen, educators, business leaders, conservationists, and concerned citizens all across the State of Florida as well as the world.

Contributing thousands of hours of support each year, we help remove invasive plants, provide general maintenance of equipment and buildings on the refuges, and organize cleanups to ensure wildlife is safe from debris like monofilament line and plastic bags. We work closely with our Refuge manager to help meet objectives as outlined in each refuge's Comprehensive Conservation Plan.

The Cooperative Alliance for Refuge Enhancement (CARE) has determined that the NWRS needs $900 million annually to protect and care for the more than 550 wildlife refuges and monuments and thousands of prairie wetlands totaling approximately 150 million acres. These lands and waters provide essential habitat for migratory birds and other wildlife, safe havens for endangered species, and $1.7 billion annually to local economies in compatible recreational opportunities for more than 41 million visitors each year. Our request for $511 million in O&M for fiscal year 2012 will maintain status quo and prevent the NWRS from being subjected to the dramatic 20 percent staff reductions of prior years. We respectfully urge the Congress to incrementally increase funding to restore the NWRS by carefully considering our request for $511 million in the fiscal year 2012 budget.

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. The Friends encourages the subcommittee to allocate the full $900 million funding to assess and purchase high-priority lands and conservation easements through the LWCF. The NWRS is mandated to be strategically grown, but years of inadequate funding for land acquisition has resulted in the loss of many important habitats. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas. The Obama administration has made full funding for LWCF by fiscal year 2014 a top priority and we request the Congress to make this a priority also. We urge the subcommittee to allocate the full $900 million funding in fiscal year 2012 to allow the NWRS to acquire lands and easements while they are available and affordable.

Our refuge has benefited from the funding of both the LWCF and NAWCA. We received $1.5 million in fiscal year 2009 and another $1.5 million fiscal year 2010 from LWCF and $75,000 and from the NAWCA grant allowing us to purchase the Three Sisters Springs property in Crystal River, Florida. The property consists of 57 acres of critical habitat for the endangered West Indian Manatee—one of the most charismatic species our country has. We invite the subcommittee and staff to come for a visit and see first hand the value of funding both the LWCF and NAWCA and how those funds are being used. See too the challenges we face to raise funds to support our plans to educate the public about manatees. In the meantime, please visit www.friendsofchazz.org to learn more about our wonderful refuges.

In conclusion, the Friends of the Chassahowitzka National Wildlife Refuges believes the NWRS can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge staff and volunteers. We extend our appreciation to the subcommittee for its ongoing commitment to our NWRS and encourage you to approve $511 million for the fiscal year 12 NWRS O&M budget managed by FWS and to approve $900 million for fiscal year 2012 for the LWCF land acquisition budget as well as funding the Department of the Interior's Challenge-Cost Share Program.

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## PREPARED STATEMENT OF THE FRIENDS OF THE DESERT MOUNTAINS

Mr. Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of the LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds

from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As the LWCF is funded from Outer Continental Shelf revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to the LWCF in fiscal year 2012, the U.S. Forest Service (USFS) included $1.5 million for the acquisition of land in San Bernardino National Forest in California in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for the LWCF so that this important project can receive this needed funding.

The Friends of the Desert Mountains is a nonprofit conservation organization based in the Coachella Valley area of southern California. Our mission is to protect important resource lands in this area and to provide support for the Santa Rosa and San Jacinto Mountains National Monument, established by the Congress through a bipartisan effort in 2000, the House legislation authored by Congresswoman Mary Bono Mack and the Senate legislation by Senator Dianne Feinstein. The Friends has acquired or facilitated the acquisition of more than 40,000 acres over the last 20 years. We train and provide volunteers for the National Monument Visitor Center, sponsor the annual Wildflower Festival, provided guided hikes in the Monument, and support it in many other ways. While Fleming Ranch is just outside the National Monument boundary, it is part of the same ecosystem and part of the same national forest, a portion of which is in the National Monument. Thus, we strongly support its permanent conservation through acquisition by the USFS.

The national forests in southern California protect a vast treasure of biological diversity as well as critically important water resources. From the coastline of the Pacific Ocean to the inland desert, the forested mountains provide wildlife habitat, water quality protection, and abundant recreational opportunities for burgeoning population.

The San Bernardino National Forest encompasses the wild lands of the San Bernardino and San Jacinto mountain ranges in Riverside and San Bernardino counties. With the discovery of gold in the area in the mid-19th century, the lands began to suffer from the effects of mining as well as timbering and overgrazing. The growing population of southern California relied on water sources that were being steadily degraded by these activities. The need to protect the watersheds and preserve the unique natural qualities of this ecosystem became apparent, and the San Bernardino National Forest was established in 1891 to meet this challenge.

Maintaining healthy watersheds continues to be a high priority of forest management, and part of that protection strategy includes land acquisition. This year, a key inholding of the San Bernardino NF—Fleming Ranch—is available for purchase by the USFS. This 1,288-acre property is located within and adjacent to the San Jacinto Wilderness in Riverside County. The ranch is visible from a 5-mile stretch of the Pacific Crest Trail (PCT), which lies just a quarter mile away. The ranch contains the largest unprotected portion of the upper watershed of Herkey Creek, which flows into Lake Hemet and is a tributary of the south fork of the San Jacinto River. Lake Hemet is a reservoir providing water to areas of Riverside County and also provides recreational opportunities such as fishing, boating, hiking, and camping.

The landscape of Fleming Ranch includes montane meadows, grasslands, and mixed riparian, conifer, and oak forests. The property provides habitat for unique plant species such as the lemon lily (a State species of special concern), Johnson's rock cress, and California penstemon, and for animals like the California spotted owl, which nests on the ranch. These species and others will benefit from the protection of Fleming Ranch as the impacts of climate change become increasingly apparent. The wetlands and riparian habitats on Fleming Ranch have natural resilience to climate change impacts due to the tract's hydrology, and can offer habitat refugia. These habitats are rare in the San Jacinto Mountains and will be important to maintain healthy populations of amphibians, insect-eating birds, reptiles, rodents, and raptors in a changed climate. Properly managed, the watershed forests on the tract will also support climate adaptation by regulating water flows to protecting downstream areas and sustaining aquatic habitats even as climate change drives greater extremes in precipitation.

The lands of the San Bernardino National Forest provide year-round outdoor recreation for the heavily populated areas of southern California, and improving public access to the area of the forest where Fleming Ranch is located has long been a priority of the San Jacinto Ranger District. The proximity of the ranch to the PCT,

wilderness areas, and the Santa Rosa and San Jacinto Mountains National Monument will open up new recreational access for outdoor enthusiasts.

Increased management efficiencies that accrue from inholding acquisition will reduce costs and improve management for activities such as wetlands restoration and fuel reduction. Improved forest health, water quality protection, habitat protection, and better public access will follow from Federal acquisition of Fleming Ranch. The President's fiscal year 2012 USFS land acquisition budget includes $1.5 million to begin the acquisition of this stunning property.

The LWCF is our Nation's premier Federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at State parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in California, and I appreciate your consideration of this funding request.

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PREPARED STATEMENT OF THE FRIENDS OF MAINE SEABIRD ISLANDS

Mr. Chairman and members of the subcommittee: On behalf of the 200 members of the Friends of Maine Seabird Islands (FOMSI), thank you for the opportunity to submit written testimony on the fiscal year 2012 Interior, environment, and related agencies appropriations bill. Thank you for your past support of the National Wildlife Refuge System (NWRS), the world's premier system of public lands and waters set aside to conserve America's fish, wildlife, and plants.

The FOMSI is an all-volunteer group whose mission is to support the Maine Coastal Islands National Wildlife Refuge. The refuge manages 55 islands on our 250-mile long coast, and several thousand acres of mainland wildlife habitat. First, let me emphasize that we are grateful that we have a National Wildlife Refuge on the coast of Maine. Why? For many reasons, all of which lead back to the positive economic and social benefits that are produced by the conservation of wild lands and wise use of our natural resources. The 2006 National Survey of Hunting, Fishing and Wildlife-Associated Recreation, found that, in Maine alone, hunters, anglers, and wildlife watchers generated nearly $1.5 billion in revenue for Maine. Clearly, wild lands and healthy fish and wildlife populations are important to this State's economy, and the National Wildlife Refuges in Maine are a significant part of that.

Although we understand and take very seriously the economic challenges that our Nation faces, it is important to point out the positive economic impact that this refuge has on local economies. In Maine, according to studies conducted by Dr. Charles Colgan from the University of Southern Maine, 120 companies provide services involving seabird viewing as a recreational activity. These include small kayak guides and outfitters all the way to large ships that go on seabird watching cruises several times each day. An estimated 5,000 to 7,500 trips are made by people annually primarily for seabird viewing and 350,000 to 450,000 trips with seabird viewing as a secondary activity. The total estimate for seabird-related spending was $5 million to $10 million in 2001. This does not count the number of birders and others who have their own boats and do not take the organized trips, yet come to this area specifically to see seabirds; accordingly, they have a significant, but uncalculated impact on the economy, too. Nor does it count the revenues from stores that sell merchandise from t-shirts to binoculars that go along with birding.

Thousands of people come to the Maine coast each year to see the charismatic Atlantic puffin, a bird that nests in the United States only in Maine. Currently, more than 90 percent of the Atlantic puffins nesting in Maine nest on refuge islands, where they are actively protected by refuge staff and partners, such as the National Audubon Society and Maine Division of Inland Fisheries and Wildlife. If funding for this management is not maintained, these nesting birds will probably abandon their colonies and Maine will return to the pre-refuge situation in the 1970s and early 1980s when only gulls nested on many of the islands. Seabird viewing and birder expenditures will fall, and our already fragile economy will suffer further.

The economic impact described above is only a part of the positive impact that the refuge has on the State's economy. Others visit the refuge units to hunt, hike, fish, and learn about conservation. Their contribution to the economy has never been formally calculated, but it probably equals that of the seabird watchers above.

That is a brief summary of the economic impacts that one refuge has in our part of the country. There are five other refuges in Maine that are also important to Maine's economy. Multiply that by the 553 National Wildlife Refuges in the NWRS,

and it is clear that the Congress' investment in the NWRS pays off many-fold to our Nation's economy. Our National Wildlife Refuges are often economic powerhouses, especially in rural areas.

Therefore, we respectfully ask you to:

—Maintain status quo funding for the NWRS. We understand that a real increase is hard to ask for in these times, but please maintain management capabilities for the NWRS by approving an $8 million increase more than fiscal year 2010 levels. The NWRS actually needs $900 million annually to adequately manage its 150 million acres; a funding allocation of $511 million in fiscal year 2012 will simply maintain the status quo.

—Fully fund the Land and Water Conservation Fund (LWCF) at $900 million. Created in 1965 and authorized at $900 million per year (more than $3 billion today), the LWCF is refuges' most important land acquisition tool. More than 8 million acres are unprotected within existing refuge boundaries and there is an increasing need to establish key wildlife corridors and connections between protected areas making the LWCF more important than ever.

—Help the U.S. Fish and Wildlife Service leverage Federal conservation efforts through partnerships, such as:

*State Wildlife Grants*.—Funding is requested at $95 million to partner with States to keep common species common and restore declining species before they become endangered.

*North American Wetlands Conservation Act (NAWCA)*.—Funding is requested at $50 million enable the acquisition and restoration of critical wetlands to deliver multiple benefits including habitat restoration, improved water quality, and even carbon sequestration.

We are proud of our National Wildlife Refuges, one of our country's greatest conservation achievements. We are but one of 230 "Friends" groups who support National Wildlife Refuges throughout the country. Friends groups provide assistance to our National Wildlife Refuges through monetary and equipment donations and volunteer labor. In fiscal year 2010, more than 40,000 friends and volunteers provided services for the NWRS equal to 648 positions, saving taxpayers millions of dollars. Volunteers throughout the country provide an astonishing 20 percent of the work done of refuges each year. This is a further indication of how many Americans support the NWRS.

The interest in our NWRS is significant and we are showing our support with our donated time and funds. However, we need proper funding of the NWRS so we can leverage our taxpayer dollars to provide even more economic and social benefits to our country.

Finally, let me also add that with all the negative stories in the press today about Government appropriations and politics, the NWRS remains a positive success story since the first refuge was created by President Theodore Roosevelt more than 100 years ago. It has always enjoyed support from the Congress and we thank you for that, and for your continued support.

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## PREPARED STATEMENT OF THE FRIENDS OF THE NATIONAL WILDLIFE REFUGES OF RI, INC.

Mr. Chairman and honorable members of the subcommittee: I am Melissa Hughes, board member, Friends of the National Wildlife Refuges of RI, Inc.

I have been a member of the Friends of the National Wildlife Refuges of RI, Inc. only since fall 2010. However, I have been a visitor to 4 of the 5 wildlife refuges in Rhode Island and was a member of a local environmental group for the past 20 years. This group, the Narrow River Preservation Association, provides stewardship for the Narrow River watershed within which is located the John H. Chafee National Wildlife Refuge at Pettaquamscutt Cove. This time of the year letters go out to the Congress asking for support of the refuges. The Friends of the National Wildlife Refuges of RI, Inc. is requesting support for the RI Wildlife Refuge system and of general funding of the entire National Wildlife Refuge System (NWRS). I thank you for your consideration.

According to a new report released at by the Cooperative Alliance for Refuge Enhancement (CARE), Rhode Island's five national wildlife refuges will be in grave jeopardy if proposed congressional budget cuts to the NWRS are enacted. Rhode Island's refuges protect diverse habitats such as salt marshes, uplands, kettle ponds, and maritime shrublands, and support a variety of wildlife including great egrets, herons, river otters, red-backed salamanders, and federally threatened and endangered species such as the piping plover and American burying beetle. In 2010, more than 426,000 visitors enjoyed wildlife-related recreation at Rhode Island refuges, in-

cluding hunting, angling, and bird and wildlife-watching. At Ninigret National Wildlife Refuge alone, every $1 appropriated to the refuge budget generated $6.25 for the local economy.

If budget cuts to the NWRS supported by some Members of Congress are enacted, national wildlife refuges in Rhode Island may not be able to continue protecting wildlife, offering world-class recreation, and ultimately enhancing their local economies. Rhode Island's refuges already are saddled with a backlog of approximately $2 million in deferred maintenance and another $2 million in mission-critical operations needs. The refuges need at least 22 additional staff, including wildlife management, visitor services and maintenance positions. Without sufficient funding, Rhode Island refuges will fall even further behind in their mission to conserve wildlife for the benefit of the American public.

An overall funding level of $511 million in fiscal year 2012 should be maintained for the operations and maintenance budget of the NWRS, managed by the Fish and Wildlife Service (FWS). This is an $8 million increase more than fiscal year 2010. All of the refuges are in dire need of staffing and upkeep. Refuges provide unparalleled opportunities to hunt, fish, watch wildlife, and educate children about the environment. Without increased funding for refuges, wildlife conservation and public recreation opportunities will be jeopardized.

NWRS's ability to leverage Federal conservation efforts through partnerships should be retained. Two grant programs that need support are:

—State Wildlife Grants that allow the FWS to work with States to keep common species common and restore declining species before they become endangered. A slight increase for the State Wildlife Grants program to $95 million for fiscal year 2012 is essential to fulfilling the shared Federal-State responsibility for keeping our Nation's wildlife from becoming endangered; and

—The North American Wetlands Conservation Act grants enable the acquisition and restoration of critical wetlands to implement the goals and objectives of the North American Waterfowl Plan, the Waterbird Plan, the U.S. Shorebird Plan and Partners in Flight. A congressional allocation of $50 million in fiscal year 2012 will deliver multiple benefits including habitat restoration, improved water quality and even carbon sequestration.

The Land and Water Conservation Fund (LWCF) is our Nation's premier Federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at State parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, LWCF needs to be fully funded at the $900 million level, as authorized by the Congress in 1965. The LWCF is our most important acquisition tool. The President has included meaningful increases to the program in his fiscal year 2012 budget, and I support the administration's commitment to fully funding the program in the near future. This wise investment in the LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage.

Funding increases in fiscal year 2008 through fiscal year 2010 allowed for meaningful progress toward properly patrolling and enforcing laws on 150 million acres, maintaining recreation and education programs for the public, sustaining high water quality, completing habitat restoration projects, and more. Cutting operations and maintenance funding back to fiscal year 2008 levels would result in the elimination of several hundred staff positions and loss of important wildlife management, education, and hunting and fishing programs. The way to keep from reversing recent progress is to fund the NWRS at $511 million in fiscal year 2012.

I again extend our appreciation to the subcommittee for its ongoing commitment to our NWRS and respectfully request the Interior, Environment, and Related Agencies Appropriations Subcommittee allocate $511 million for the NWRS's fiscal year 2012 Operations & Maintenance budget, $95 million for State Wildlife Grants, $50 million for North American Wetlands Conservation Act grants, and fully fund the LWCF at the authorized lever of $900 million annually.

LETTER FROM THE FRIENDS OF RACHEL CARSON NATIONAL WILDLIFE REFUGE

MAY 18, 2011.

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: I am Brendan Stewart, a student at Cape Elizabeth High School and an intern with the Rachel Carson National Wildlife Refuge in Maine.

I recently started my internship as a part of a high school project for graduating seniors. The program's goal was to help graduating seniors find areas of work that they are interested in. After working with the refuge, I have realized the importance of the conservation work that the refuge does. In light of the recent budget crisis and the proposed cuts in many areas, I am writing out of concern—the refuge needs to receive funding equal or greater to what it has in the past.

The refuges protect wetland areas, which play a pivotal role in the public health of the people of Maine. Roughly one-half of Maine's residents get water from underground water sources (aquifers). Unfortunately, in the United States as a whole, water is being drawn from aquifers faster than their rate of recharge. Once an aquifer runs dry, dependents lose an important water source. Additionally, the threat of sinkholes increases as aquifers are drained, as there is no underground water to help suspend dirt particles. Wetland areas help aid in the process of aquifer recharge, which in turn provides clean drinking water to the people of Maine. If wetlands remain unprotected and open to development, this natural service is jeopardized. For example, homes built over filled-in wetland areas prevent water from draining back into underground aquifers by providing an impermeable surface over the previous wetland. In effect, development of housing over wetlands is like trying to grow a plant under an umbrella—after a while, the plant will die because of the lack of water it receives. In addition to that, pesticides, fertilizer, and motor oil runoff from cars can seep into the few permeable areas and contaminate groundwater supplies. Surface water supplies are also protected by the refuge. Freshwater streams and watershed areas are included in some of refuge's divisions. However, there is the opportunity to expand protection of surface water supplies and of watershed areas. If these areas are not protected, runoff chemicals and sediment produced as a result of construction may contaminate surface water. With water being an increasingly scarce resource, it is imperative that we protect the supplies that we have. For the reason of the human health benefits that the refuges provide, funding should be increased to help protect greater tracts of land.

Another human benefit that the wetlands provide is flood protection. Vegetation in the wetland areas help hold floodwaters. In fact, flood peaks are generally 60 percent lower in areas with dense wetlands than those without. Cutting funding to the refuge will make acquisition of additional wetland areas difficult. If those areas are developed instead, the risk and effects of a potential flood would be increased. With the Rachel Carson National Wildlife Refuge being the refuge with the largest number of human neighbors nationwide, this is a prime concern. Continuation or increase of funding is required to help continue this positive effect that the wetlands provide for nearby human residences.

In difficult economic times, the last action we should take is to shut down important sources of income. However, the development of wetland areas does just that. If wetlands are not protected, important breeding grounds for commercially important species, such as striped bass and various shellfish. According to statistics released by the Bureau of Land and Water Quality (BLWQ), Maine's wetlands help keep 25,000 residents employed via the fishing industry alone, accounting for $270 billion in State revenue. On top of that, the BLWQ reports that $1.5 billion of tourism revenue in Maine is brought in yearly as a result of wetlands. To cut funding to the refuge makes it difficult to acquire new pieces of land to protect, potentially opening the wetlands up to developments, which could be located on other land tracts. It is imperative to protect wetland areas due to the economic benefits that they provide to the State.

The wetland areas that the refuge protects also aid in sequestration of carbon in the atmosphere. The numerous plants within a wetland area absorb and store carbon. With human-caused climate change an important current issue, it is important that we protect wetland areas for this benefit to help offset the carbon put into the atmosphere by human activities.

The refuge also helps protected threatened and endangered species, such as the New England Cottontail, a State-listed endangered species, and the Piping Plover, a federally threatened species. Cutting funding reduces the amount of protection that the refuge can provide to these species, and endangers their existence further. Many migratory bird species, as wells as the New England Cottontail, depend on the wetlands as early successional species, meaning that they require relatively young and developing habitats. If left unchecked, the shrub habitats that these animals depend upon could be overtaken by forest. With much of the land developed and not open to the natural cycle of habitat succession, new early successional shrub habitats will not be able to form. The existing shrub habitats require maintenance every few years to prevent further succession. If this maintenance does not take place, the habitats will be lost. The effects will be profound, with the loss of more Cottontail habitat (the Cottontail's range has already shrunk significantly since 1960) and loss of feeding grounds for migratory birds—with the lack of sufficient food—it is difficult for them to complete their migration. Additional funding will help with the maintenance of the habitats that the refuge protects as well as the continuation of habitat restoration. In short, cutting appropriations to the refuge will endanger various already threatened species and migratory birds.

The observation of migratory birds in wetland areas also plays another important role. Maine is a prime location for offshore wind farms, and one of the major concerns tied to wind farms is the disruption of migratory bird patterns. The refuges provide an area to study the course taken and the number of birds in a migration, as well as their behavior. If an experimental wind farm were to be constructed, the refuges play a critical role in determining the effect of the wind farm on migration patterns. However, if the existing wetland areas are not protected and more wetlands are developed upon and destroyed, migratory birds may change migration patterns due to the lack of available habitat—this would affect data regarding wind farms, and may make the effect of wind farms on migration patterns unclear. If data like this were to be released, it would be difficult to garner public trust of wind farms. In a time where we as a Nation are looking to become energy self-sufficient, it is important to understand the ecological effects of our decisions and dispel notions that might be tied to new forms of energy. A lack of funding makes acquisition of new land difficult, opens up wetlands to development, and in turn, affects data and destroys a natural laboratory critical in understanding the effects of wind farms on migratory bird patterns.

The wetlands that the Rachel Carson National Wildlife Refuge protects provide critical natural services to humans and to wildlife. Without future funding, the refuge will not be able to maintain habitat, the aquifer recharge service that the refuge provides will be affected, and the potential use of the protected wetlands as a natural laboratory to observe the effects of wind farms on migratory bird patterns will be lost. In addition to that, the risk and damage of floods will increase, and biodiversity will be lost.

Thank you, Mr. Chairman, for the opportunity for me to present my testimony. The wetlands provide invaluable services to humans and to wildlife. I urge you to please increase appropriation of funds to the Rachel Carson National Wildlife Refuge.

BRENDAN STEWART,
*Intern.*

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LETTER FROM THE FRIENDS OF RACHEL CARSON NATIONAL WILDLIFE REFUGE

MAY 20, 2011.

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: Mr. Chairman and honorable members of the subcommittee: I am Bill Durkin, president of the Friends of Rachel Carson National Wildlife Refuge (NWR) in Maine.

I have been a member of the Friends of Rachel Carson NWR for the past 20 years. The group was founded in 1987; we are a small group of about 200 members. This time of the year all of the letters go out to the Congress asking for support of the refuge. I have given numerous written statements over the years and we really appreciate your support in the past. This year, our refuge is not requesting any appro-

priations directly for the Rachel Carson NWR; this is a request for general funding of the National Wildlife Refuge System (NWRS). I thank you all for your consideration.

We are requesting an overall funding level of $511 million in fiscal year 2012 for the operations and maintenance budget of the NWRS, managed by the Fish and Wildlife Service (FWS). This is an $8 million increase more than fiscal year 2010. All of the refuges are in dire need of staffing and upkeep. Refuges provide unparalleled opportunities to hunt, fish, watch wildlife, and educate children about the environment. Without increased funding for refuges, wildlife conservation, and public recreation opportunities will be jeopardized.

Retain the NWRS's ability to leverage Federal conservation efforts through partnerships. Two grant programs that need support are:

—State Wildlife Grants that allow the FWS to work with States to keep common species common and restore declining species before they become endangered. A slight increase for the State Wildlife Grants Program to $95 million for fiscal year 2012 is essential to fulfilling the shared Federal-State responsibility for keeping our Nation's wildlife from becoming endangered.

—The North American Wetlands Conservation Act grants enable the acquisition and restoration of critical wetlands to implement the goals and objectives of the North American Waterfowl Plan, the Waterbird Plan, the U.S. Shorebird Plan and Partners in Flight. A congressional allocation of $50 million in fiscal year 2012 will deliver multiple benefits including habitat restoration, improved water quality, and even carbon sequestration.

The Land and Water Conservation Fund (LWCF) is our Nation's premier Federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at State parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting the adaptation of wildlife and fisheries to climate change. For all these reasons, the LWCF needs to be fully funded at the $900 million level, as authorized by the Congress in 1965. The LWCF is our most important acquisition tool. The President has included meaningful increases to the program in his fiscal year 2012 budget, and I support the administration's commitment to fully funding the program in the near future. This wise investment in the LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. The Rachel Carson NWR requests $750,000 towards the purchase of critical habitat for the New England Cottontail, an endangered species. This funding will be used for the purchase of land in the new York River Division of the refuge; this will be the first land holding in that division.

The LWCF should be fully funded at $900 million annually—the congressionally authorized level. The LWCF is good for the economy, it is good for America's communities and their recreational access and it is critical for our public lands.

The Rachel Carson NWR 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, led Rachel Carson to become an advocate on behalf of this Nation's vast coastal habitat and the wildlife that depends on it, the refuge that bears her name is dedicated to the permanent protection of the salt marshes and estuaries of the southern Maine coast.

I again extend our appreciation to the subcommittee for its ongoing commitment to our NWRS and respectfully request the Interior, Environment, and Related Agencies Appropriations Subcommittee allocate $511 million for the NWRS fiscal year 2012 operations and maintenance budget; $95 million for State Wildlife Grants; $50 million for North American Wetlands Conservation Act grants; fully fund the LWCF at the authorized lever of $900 million annually; and appropriate $750,000 to the Rachel Carson NWR.

Thank you again, Mr. Chairman, for the opportunity to present this testimony in support of protecting wildlife and it's habitat.

BILL DURKIN,
*President.*

PREPARED STATEMENT OF THE FRIENDS OF THE SAVANNAH COASTAL WILDLIFE REFUGES, INC.

Mr. Chairman and honorable members of the subcommittee: Thank you for this opportunity to present testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of the LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As the LWCF is funded from the Outer Continental Shelf revenues—not taxpayer dollars—these funds should go to their intended and authorized use.

As part of the full commitment to the LWCF in fiscal year 2012, the U.S. Fish and Wildlife Service (FWS) included $1.25 million for the acquisition of land adjacent to Savannah National Wildlife Refuge in Georgia in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for the LWCF so that this important project can receive this needed funding.

Lying on both the South Carolina and Georgia sides of the Savannah River, just upriver from the city of Savannah, is the picturesque Savannah National Wildlife Refuge. The refuge is more than 29,000 acres of freshwater marshes, tidal rivers and creeks, and bottomland hardwood forests. Known for its flora during the humid summer months, the region supports a diverse wildlife population. The variety of birdlife within the refuge is enhanced by its location on the Atlantic Flyway. During the winter, thousands of ring-necked ducks, teals, pintails, and as many as 10 other species of waterfowl migrate to the area, joining the resident wood ducks within the refuge. In the spring and fall, transient songbirds stop briefly on their journey to and from northern nesting grounds. Additionally, the Savannah National Wildlife Refuge is home to the endangered wood stork, West Indian manatee, and shortnose sturgeon as well as the threatened American alligator.

Located within the boundaries of the Savannah National Wildlife Refuge and available for acquisition in fiscal year 2012 are two properties in the vicinity of Abercorn Creek that were included within the refuge boundaries in 1998. At that time, the Director of the FWS stated that the lands in the expansion area "offer an outstanding diversity of wetland and upland habitats for the benefit of wintering waterfowl, neotropical migratory birds, wading birds, white-tailed deer, wild turkey, and many other species of wildlife."

The Abercorn Creek project consists of two tracts under separate ownerships in Effingham County. These rich parcels, one comprising 620 acres and the other 388 acres, have remnant rice fields, wetlands, and upland forests and fields. The wetlands serve as the prime habitat for wildlife such as king rails, American alligators, and wood ducks. A host of migratory birds such as swallow-tailed kites and Swainson's and prothonotary warblers are found on the properties during spring and summer months.

Once acquired by the refuge, the properties will offer important recreational access for activities such as hiking, canoeing, hunting and fishing, and environmental education. An existing road on one of the tracts leads to the northern interior of the refuge, and this critical road access will no doubt bring additional visitors to enjoy the unique offerings of this currently more remote part of the refuge. Opening up this area to greater visitation should also produce economic benefits to the surrounding communities.

In recent years, the ongoing Savannah Port Project has created a great deal of real estate speculation adjacent to the refuge. The recession has slowed this process, but as the economy becomes more stable, an upward movement in property values will likely occur. The landowners are willing to make their lands available for conservation, but time is limited for the refuge to take advantage of these opportunities.

The fiscal year 2012 President's budget recommends $1.25 million from the LWCF for land acquisition at Savannah National Wildlife Refuge. This allocation, in combination with $1.375 million proposed in the fiscal year 2011 budget, will allow the refuge to begin the acquisition of the Abercorn Creek properties and add critical acreage to the refuge that further enhances access, wildlife habitat, and public recreation.

Friends of the Savannah Coastal Wildlife Refuges is a community-based organization whose mission is to support the FWS and to protect and advocate for the national wildlife refuges within our region. We strongly support acquisition of the properties within the Abercorn Creek project and respectfully request that this subcommittee approve the necessary funding.

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PREPARED STATEMENT OF THE FRIENDS OF THE TAMPA BAY NATIONAL WILDLIFE REFUGES, INC.

Mr. Chairman and members of the subcommittee: On behalf of the 162 members of the Friends of the Tampa Bay National Wildlife Refuges, including Egmont Key National Wildlife Refuge (NWR), Passage Key NWR, and Pinellas NWR, I want to thank you for your leadership and strong support for the National Wildlife Refuge System (NWRS) through increased funding over the past few years. We realize that in this time of budget cuts, it may be difficult to justify increasing the NWRS funding, but once the refuge habitats start to decline it will cost many times more than these small increases to return them to a condition that will fulfill their mandates. I further thank you for the opportunity to offer comments on the fiscal year 2012 Interior, environment, and related agencies appropriations bill. We respectfully request that the subcommittee support the following:

—Increase the funding levels to $511 million for fiscal year 2012 for the operations and management of the NWRS;
—Fund $27 million for refuge revenue sharing;
—Fully fund the Land and Water Conservation Fund (LWCF) at $900 million;
—Fund $20.2 million for Landscape Conservation Cooperatives (LCC) in the Fish and Wildlife Service (FWS);
—Fund $20 million for inventory and monitoring for refuges;
—Fund $37 million for the NWRS construction account for large-scale restoration, visitor center, and energy-efficient projects;
—Fund $80 million for NWRS visitors services;
—Fund $39 million for refuge law enforcement;
—Fund $5 million for the management of the new Pacific Marine Monuments;
—Fund $65 million for the FWS' Partners for Fish and Wildlife Programs;
—Fund $95 million for the State and Tribal Wildlife Grants Programs;
—Fund $50 million for the North American Wetlands Conservation Fund;
—Fund $$6.5 million for the Neotropical Migratory Bird Fund;
—Fund $8.4 million for Wildlife Without Borders; and
—Fund 8.5 million for the National Fish and Wildlife Foundation in the FWS' Resource Management General Administration appropriation.

The Cooperative Alliance for Refuge Enhancement (CARE) has determined that the NWRS needs a budget of at least $900 million annually in operation and maintenance (O&M) funding in order to properly administer its 150 million acres as mandated in the Refuge Improvement Act. The current budget is far short of the amount actually required to effectively operate and maintain the refuges. An $8 million increase over fiscal year 2010 levels to $511 million for the fiscal year 2012 appropriation will allow the refuges to maintain status quo without drastic cuts. This is a reduced amount from the $526 million that the NWRS actually requires just for O&M capabilities. In this time of tight budgets, we feel that an $8 million increase to $511 would be appropriate and appreciated.

The Tampa Bay Refuges are located at the mouth of Tampa Bay on the west central gulf coast of Florida. The budget increases in the past few years have meant increased management, protection, and restoration of the refuges and the ability to better meet the Comprehensive Conservation Plan (CCP) goals. In 2008 the Tampa Bay Refuges (TBRs) had one staff person who was split duty manager/law enforcement. It was very difficult for that one person to have the time to adequately manage the resources much less have time to patrol. Because of the incremental increases to the NWRS budgets over the last few years, the TBRs have a full-time manager, a full-time law enforcement every weekend during the summer nesting season, and Student Temporary Employment Program summer hire. Due to the past increases in budget and personnel the TBRs are able to do long-range planning for big picture issues such as erosion and increased public use. With decreases in budget, these will fall by the wayside and the wildlife will have a degraded or useless habitat.

The Egmont Key NWR has the Fort Dade Guardhouse that has been restored and will make a great visitor center. Without funding, staff will not be sufficient to keep the center open to the public. This will compromise outreach and education goals for the TBRs. Even now with the incremental increases, the TBRs find themselves

short of funds to keep up with invasive species and predators that threaten the wildlife that the refuge system is mandated to protect. With smaller budgets, there will also be less money for facilities maintenance which will then cost more to restore in the future. If the TBRs were to again lose ground on their budgets they would not be able to meet many of their CCP goals due to decreased staffing. Keeping the NWRS budget status quo with an increase to $511 million for fiscal year 2012 will keep the TBRs from losing too much ground.

The LWCF was created in 1965 and authorized at $900 million. These funds are used for land acquisition to protect wildlife and their habitats. With the effects of a changing climate, it is more important now than ever to establish key wildlife corridors between protected areas so wildlife can migrate to more suitable habitat as their historic ones changes. The price of real estate is low at this time and the $900 million can go much further in protecting habitats than it can in a higher real estate market. When we start to lose species due to lack of food, water, shelter or space, we are changing the balance of nature. The FWS is in the planning stages for the new Everglades Headwaters NWR and Conservation Area through the center of the State of Florida. Funding to set aside these critical lands is urgently needed. With the new legislation enacted in Florida, it is all too easy for developers to wipe out environmentally sensitive lands. We will lose the possibility of these wildlife corridors forever if the areas are developed. We urge you to pass legislation to permanently fund the LWCF at $900 million per year as it was originally authorized to give wildlife a shot at having suitable habitats as our climate changes. Funding Refuge Revenue Sharing at $27 million will also allow the FWS to offset loss of local taxes on lands put into conservation, making it affordable for communities to help set aside lands for wildlife.

With the BP Deepwater Horizon oil spill still fresh in our minds, the Friends of the Tampa Bay NWR's are extremely aware of the necessity for wildlife inventory and monitoring. We urge you to appropriate $20 million for inventory and monitoring on refuges. Without historic data on flora and fauna, we cannot see trends in numbers and species to know how to adjust management of the lands. When disaster strikes like an oil spill we need to know what is on the public lands in order to help protect species and claim for losses. The Friends of the Tampa Bay NWR's volunteers have been providing Pinellas Refuges with monthly bird survey data for many years and have recognized trends in usage.

Through partnerships including State and Tribal Wildlife Grants (SWG), the FWS is able to work together with the States to protect wildlife. This increases the amount of protection that can be afforded to wildlife. By funding the SWG program at $95 million, you are helping fulfill the responsibility to keep our wildlife from becoming endangered or extinct.

The North American Wetlands Conservation Act (NAWCA) grants will also help create space, clean water, food, and shelter for wildlife by acquiring and restoring critical wetlands. Funding of this program at $50 million in fiscal year 2012 will create additional habitat for wildlife. This partnership through acquisition and restoration of critical wetlands also improves water quality and carbon sequestration.

The Friends of the Tampa Bay National Wildlife Refuges, a 501(c)(3) organization, is 1 of 230 Friends groups who support the NWRs. As Friends groups, we provide assistance to the NWRs through volunteer labor and education. In fiscal year 2010, there were more than 40,000 friends and volunteers who provided services for the NWRS equal to 648 full-time equivalents, saving taxpayers million of dollars. The interest in our NWRS is significant and we are proving it with our donated time and funds. The administration's proposal to cut $2.3 million from the visitor services budget will also decrease the amount of volunteer services that can be provided, causing an even greater impact to the refuges. We request $80 million appropriation for visitor services. Refuges are economic engines for the community. It is estimated that for each $1 the Congress spends toward a refuge, $4 is returned to the community in economic activity. Without volunteers, you lose many visitor services that fuel this economic activity.

In conclusion, the Friends of the Tampa Bay National Wildlife Refuges believes the NWRS can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge staff and volunteers. We again extend our appreciation to the subcommittee for its ongoing commitment to our NWRS. We encourage you to approve a $511 million for the fiscal year 2012 NWRS operations and maintenance budget managed by the FWS and to approve $900 millions for fiscal year 2012 for the LWCF land acquisition budget, approve funding the SWG program at $95 million and the NAWCA grants at $50 million, as well as the other important programs and projects outlined above. Each of these programs is an important part of keeping our planet healthy with a broad diversity of species.

PREPARED STATEMENT OF THE FRIENDS OF VIRGIN ISLANDS NATIONAL PARK

Mr. Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in fiscal year 2012, the National Park Service (NPS) included $5 million for the acquisition of land in the Virgin Islands National Park in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for LWCF so that this important project can receive this needed funding.

I represent the Friends of VI 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 23 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 State 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 for visitors. 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 a 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. Its crystal waters and soft white beaches are rimmed by a lush forested slope rising 1,086 feet. 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 and hawksbill 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 andruins on the island is found within this area.

Slated for completion in 2011, if funds are available, is a 205-acre acquisition of land overlooking Maho Bay within the Virgin Islands National Park boundaries. The property offers spectacular views of the bay and extends the amount of publicly owned beachfront at Maho Bay. This property, known as Estate Maho Bay, is extremely important because it connects the southern and northern sections of the na-

tional park and will preserve significant natural and cultural resources. With increasing growth and investment throughout the Caribbean—including places not far from the unspoiled beauty of St. John—these vulnerable lands have become the focus of intense development threats.

Estate Maho Bay was originally part of a larger property under one ownership. A 3-acre beachfront parcel was carved out of that original property and came under separate ownership. Now available for acquisition by the Virgin Islands National Park, the Ortiz property lies adjacent to Estate Maho Bay and contains 422 linear feet of beachfront. NPS is already leasing this property for public recreational use for a nominal fee, with the understanding that the property will be purchased by the park. The Ortiz property can be acquired with an LWCF allocation of $3.05 million in fiscal year 2012.

The acquisitions at Maho Bay will ensure continued public access to the beach, protect ecologically and historically significant land from development, and connect two separate sections of Virgin Islands National Park. The President's budget for fiscal year 2012 allocates $5 million for acquisitions at Virgin Islands NP and encompasses the acquisition of the Ortiz property for $3.05 million as part of that larger ask.

LWCF is our Nation's premier Federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at State parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in the U.S. Virgin Islands, and I appreciate your consideration of this funding request.

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PREPARED STATEMENT OF THE FRIENDS OF WALLKILL RIVER NATIONAL WILDLIFE REFUGE

Dear Madam Chair and honorable members of the committee: I appreciate the opportunity to express my strong support for the Land and Water Conservation Fund (LWCF) and urge the subcommittee to include ample funding for LWCF in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. The President's budget request includes full funding of LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans. I would also encourage you to support $549 million in funding for operations and maintenance on refuges, of that, I ask that Refuge Law Enforcement be funded at the level of at least $76 million.

LWCF is authorized by the Land and Water Conservation Act of 1965. This act states: "not less than $900 million for each fiscal year" from "Outer Continental Shell oil monies" will go to subsidize the acquisition of State and Federal lands. Today, the Bureau of Ocean Energy Management, Regulation and Enforcement report annual revenues averaging $13.7 billion per year. I strongly encourage your support of fully funding this fund as dictated by the Congressional Act of 1965.

In the National Wildlife Refuge system much of this funding is used to purchase wetlands. Wetlands is a technical term for what must of us are might commonly refer to as "swamps" and floodplains. These sites are the areas that water flows to when there is excess that does not flow down through the ground to replenish aquifers It is paramount to protect these lands for the purposes of replenishing Aquifers and as storage site for flood watersheds protecting habitat for endangered and threatened species.

Land owners have a constitutionally protected right to sell their land as dictated by the fifth amendment eminent domain clause. When developers build on these wetlands, we see unsuspecting home owners flooded out. The American public then expects FEMA to come to their rescue financially. I say to you: it is far more financially intelligent to buy these lands and put them in preservation as a reservoir for naturally occurring, excessive water flow, than it is to keep bailing out homes built in flood plains. This funding is means to prevent building homes in flood plains and protects the water supply for the current population and future generations. We all want our children and grandchildren to have safe water.

These sites also serve the purpose of naturally allowing waters to be absorbed into the aquifer. Safe, potable water is becoming a growing crisis throughout this country. Preserving lands for the replenishment of aquifers and watersheds, will ensure

that the American public will have safe water for generations to come. This is a responsibility that the Congress has the ability to address now. I encourage you to reinstate LWCF in 2015.

Historically, in New Jersey, LWCF has provided essential funding for our five national wildlife refuges, park service units from Delaware Water Gap, to the Edison National Historic Site, vital conservation dollars for the Highlands Conservation Act program and funding for numerous State and local parks and trails. It has protected watersheds and wetlands, ensuring clean, ample, and affordable drinking water supplies for New Jersey communities. Moreover, this conservation investment helps support jobs and economic vibrancy in our communities.

In particular, today I wish to emphasize the continuing need for LWCF funding for national wildlife refuges in New Jersey and across the Nation. This is essential funding necessary to maintain the integrity of our refuges by protecting precious wildlife and fisheries habitat, wetlands and watershed, and expanding public access for recreation.

As a board member and past president of Friends of the Wallkill River National Wildlife Refuge Association, I possess firsthand understanding of the land protection needs at this refuge. The refuge was established in 1990 to preserve and enhance wildlife habitat in one of the most fertile valleys and natural areas in all of New Jersey. The Wallkill River valley is a resource-rich part of the New Jersey-New York Highlands area. The extent of its forested wetlands and undisturbed grasslands makes the Wallkill River one of the largest high-quality inland waterfowl habitats in the mid-Atlantic region. The refuge provides critical habitat for migratory waterfowl on both the Atlantic Flyway and the Hudson-Delaware corridor and is a major black duck focus area of the North American Waterfowl Management Plan. Large populations of nesting black ducks, wood ducks, blue- and green-winged teal, mergansers, mallards, and pintail frequent the refuge's wetland areas. In addition, the Wallkill River and its tributaries are home to 19 State-listed threatened and endangered species. Within the past 200 years, the State of New Jersey has lost an estimated 40 percent of its forested wetlands.

The Wallkill River NWR has focused on urgent land acquisition needs and faces serious development pressures. A recently approved land protection plan expands the refuge boundary to provide greater habitat protection for the federally listed endangered bog turtle. The U.S. Fish and Wildlife Service (FWS) continues to work with willing seller landowners and community partners to secure vital properties. Several high priority properties are currently available from willing seller landowners. However, without ample LWCF funding, these refuge land protection needs cannot be met and may be permanently lost to inappropriate development. Wallkill NWR has a need of $1.75 million, for land acquisition, still in waiting.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. LWCF is funded from offshore oil and gas leasing royalties, not taxpayer dollars, and these funds should go to their intended and congressionally enacted use. A 2009 study by The Trust for Public Land found that for every $1 invested in land conservation returns $10 in economic benefits to our New Jersey communities for flood control and other ecosystem goods and services. Further, our refuges and other public lands drive tourism and support jobs and economic vitality in surrounding communities. FWS reports that each year more than 2.1 million people participate in hunting, fishing, and wildlife watching in New Jersey contributing $1.7 billion to the State economy.

In years past, I and others have made the request to this subcommittee to fully support and increase funding for Refuge Law Enforcement. Reports from the Government Accountability Office, the Department of the Interior Inspector General, the International Association of Chiefs of Police all concur that there is a serious lack of adequate law enforcement personnel on Refuges. The Deployment Model of 2005 states that the refuge system needs 845 full-time officers nationally. Currently, there are 237 full-time officers and 173 collateral duty officers. Collateral duty officer's primary responsibility is another position such as maintenance or biology. The total law enforcement officers is 410 compared to the needed 845.

In 1981, the Fire Division was under staffed and not adequately trained or equipt, resulting in the deaths of three staff members in 1979 and 1981. (Okefenokee Refuge and Merritt Island Refuge). Congressman Sidney Yates worked to bring adequate funding so that the Fire Division could get the job done while maintaining the safety of personnel and public.

Drug smuggling, growing marijuana, and selling drugs on refuges is presenting and increasing risk to staff and visitors on refuges. The National Park Service already experienced one fatality as a result of the Southwest Border drug smuggling

and human trafficking. It may seem as if the loss of one officer is minor in the scheme of things: not to the family of that person. The risks on refuges are increasing because there has been inadequate law enforcement staffing.

I ask that you not wait until there are fatalities as a result of the serious lack of law enforcement of refuges; please don't wait until there are fatalities to recognize the need for law enforcement. The current budget asks for $38 million for refuge law enforcement; I ask that you increase funding to $76 million. The budgets of 2005–2008 dramatically cut staff on refuges; many refuges are still understaffed and unstaffed. The Refuge system now has 127 refuge complexes, 501 satellite units, 52 stand-alones, 216 stations without any staff, and 110 refuges that are closed. Adequate funding has not been made available to fully staff the refuge system to the level that is needed to fulfill the requirements of the Refuge Improvement Act of 1997. When there is no staff or law enforcement on refuges criminal activity increases; there is no one to document or react to wrong doing on the lands that are owned and by the American public.

I urge the subcommittee to invest in the LWCF program to provide ample funding for wildlife refuges and other public lands protection, and to fund Refuges at $549 million for operations and maintenance, and to recognize the need for law enforcement on refuges by specifying $76 million for law enforcement on refuges. In these tough economic times it is the wise choice that reaps direct benefits to the people of New Jersey and across the country.

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## PREPARED STATEMENT OF THE GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION

### AGENCIES—BUREAU OF INDIAN AFFAIRS (BIA) AND THE ENVIRONMENTAL PROTECTION AGENCY (EPA)

*BIA Rights Protection Implementation*.—At least $30,451,000 (same as the fiscal year 2010 appropriation).

*Great Lakes Indian Fish and Wildlife Commission (GLIFWC)*.—At least $5,619,000 (proportionate allocation within the Rights Protection Implementation (RPI) program).

*Agency/Program Line Item*.—Department of the Interior, BIA, Operation of Indian Programs, Trust-Natural Resources Management, RPI, Great Lakes Area Resource Management.[1]

*Funding Authorizations*.—Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Education Assistance Act (Public Law 93–638), 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and the 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 Great Lakes Restoration*.—$350,000,000.

*Tribal need: $25,000,000.*

*GLIFWC need*.—$1,200,000 (estimated annual need).

*Agency/Program Line Item*.—EPA, Environmental Programs and Management, Geographic Programs, Great Lakes Restoration.

*Funding Authorizations*.—Clean Water Act, 33 U.S.C. s. 1268(c); and treaties cited above.

### THE GLIFWC'S GOAL—A SECURE FUNDING BASE TO FULFILL TREATY PURPOSES

For more than 25 years, the Congress has funded the GLIFWC in fulfillment of nondiscretionary treaty obligations and associated Federal court orders. The GLIFWC's conservation, natural resource protection, and law enforcement programs also provide a wide range of associated public benefits and assure participation in management partnerships in Wisconsin, Michigan, and Minnesota. The two elements of this funding request are:

*BIA Rights Protection Implementation*.—At Least $30,451,000. In fiscal year 2010, the Congress provided $30,451,000 in RPI funding, with the GLIFWC's proportionate share in the amount of $5,619,000. Due to the current uncertainty, the GLIFWC's fiscal year 2011 budget is unknown.

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[1] The requested BIA funds reflect GLIFWC's 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.

Stable funding at fiscal year 2010 levels has allowed the GLIFWC to fill vacant positions, restore some funding to tribal courts and registration stations, reinstate fish and wildlife assessments, and meet a portion of its expanding harvest monitoring requirements. It does not meet all of the GLIFWC's program needs, but stable funding at this level acknowledges the current budget climate while allowing the GLIFWC to meet core functions and respond to growing demands for its services. The GLIFWC recently estimated the full cost of its program at approximately $9,870,000, including: $5,619,000 currently provided through the RPI line item, approximately $1,800,000 provided by grants and other "soft" funding in fiscal year 2010, and $2,451,000 in unmet needs, including funding for research and assessments of threats to the ceded territories, for conservation enforcement officers, and to provide up-to-date public information using current technologies.

*EPA Environmental Programs and Management*.—$350,000,000. The GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) at the administration's proposed fiscal year 2012 level of $350,000,000. It also recommends that at least $25 million be provided to the BIA for tribes, to ensure they are able to undertake projects that contribute to the protection and restoration of the Great Lakes. Funding provided through the BIA should be made available under the Indian Self-Determination and Education Assistance Act (ISDEAA). In 2010, the GLRI funding awarded through the ISDEAA was virtually the only GLRI funding that was available before the 2010 field season, allowing the early implementation of projects to realize substantial "on-the-ground" ecosystem benefits.

Sustained funding for GLIFWC at the fiscal year 2010 level of approximately $1.2 million, will enable GLIFWC to sustain jobs that will allow it to fully participate in the decisionmaking processes that affect the treaty rights of its member tribes, ensure that decisions are based upon sound science, and implement specific habitat and human health research projects relevant to the subsistence, economic, and cultural needs of tribal communities.

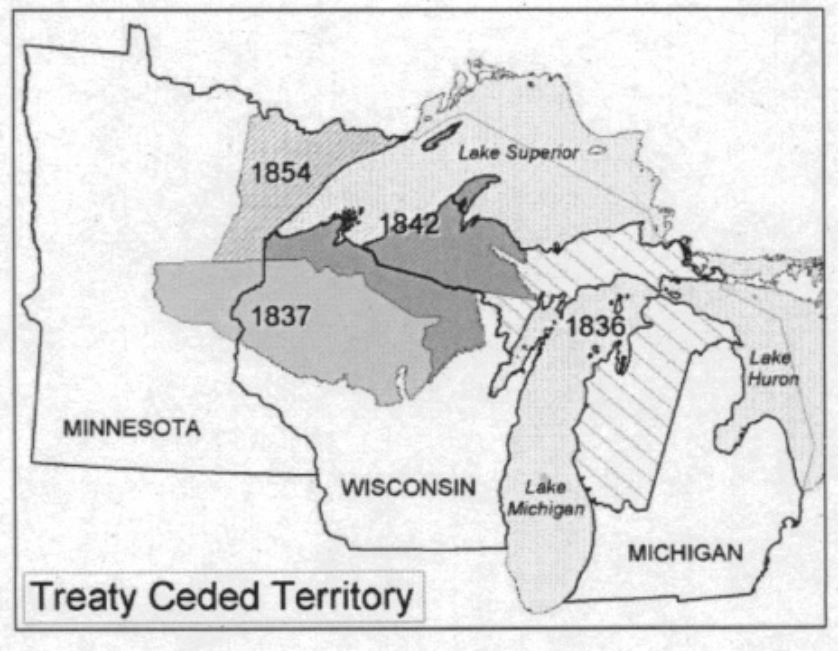
CEDED TERRITORY TREATY RIGHTS—THE GLIFWC'S ROLE AND PROGRAMS

Established in 1984, the GLIFWC is a natural resources management agency for 11-member Ojibwe Tribes regarding their ceded territory (off-reservation) hunting, fishing, and gathering treaty rights. These ceded territories extend over a 60,000-square-mile area in a three-State region. The GLIFWC's mission is to:

—ensure that its member tribes are able to exercise their rights for the purposes of meeting subsistence, economic, cultural, medicinal, and spiritual needs; and

—ensure a healthy, sustainable natural resource base that supports those rights.

The GLIFWC is a "tribal organization" as defined by the Indian Self-Determination and Education Assistance Act. It is governed by a constitution ratified by its member tribes and by a board composed of the chairs of those tribes.




The GLIFWC operates a comprehensive ceded territory hunting, fishing, and gathering rights protection/implementation program through its staff of 65 full-time biologists, scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists. Its activities include:

—natural resource population assessments and studies;
—harvest monitoring and reporting;
—enforcement of tribal conservation codes in tribal courts;
—funding for tribal courts and tribal registration/permit stations;
—development of natural resource management plans and tribal regulations;
—negotiation and implementation of agreements with State, Federal, and local agencies;
—invasive species eradication and control projects;
—biological and scientific research, including fish contaminant testing; and
—development and dissemination of public information materials.

JUSTIFICATION AND USE OF THE REQUESTED FUNDS

For more than 25 years, the Congress has recognized the GLIFWC as a cost-efficient agency that plays a necessary role in:

—meeting specific Federal treaty and statutory obligations toward the GLIFWC's member tribes;
—fulfilling conservation, habitat protection, and law enforcement functions required by Federal court decisions affirming the tribes' treaty rights;
—effectively regulating harvests of natural resources shared among the treaty signatory tribes; and
—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, the GLIFWC will:

*Maintain the Requisite Capabilities To Meet Legal Obligations, To Conserve Natural Resources, and To Regulate Treaty Harvests.*—Although it does not

meet all the GLIFWC's needs, sustained funding at fiscal year 2010 levels would go a long way in facilitating continued tribal compliance with various court decrees and intergovernmental agreements governing the tribes' treaty-reserved hunting, fishing, and gathering rights. It also enhances the GLIFWC's capability to undertake work and participate in relevant partnerships to tackle ecosystem threats, such as invasive species, habitat degradation and climate change, that harm treaty natural resources.

*Remain a Trusted Environmental Management Partner and Scientific Contributor in the Great Lakes region*.—With the requested EPA funding base, the GLIFWC would maintain its role as a trusted environmental management partner and scientific contributor in the Great Lakes region. It would bring a tribal perspective to the interjurisdictional mix of Great Lakes managers[3] and 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.[4]

*Maintain the Overall Public Benefits That Derive From its Programs*.—Over the years, the 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, the GLIFWC provides continuity and stability in interagency relationships and among its member tribes, and contributes to social stability in the context of ceded territory treaty rights issues.

The GLIFWC has built and maintained numerous partnerships that:

—provide accurate information and data to counter social misconceptions about tribal treaty harvests and the status of ceded territory natural resources;
—maximize each partner's financial resources and avoid duplication of effort and costs;
—engender cooperation rather than competition; and
—undertake projects and achieve public benefits that no one partner could accomplish alone.

OTHER RELATED APPROPRIATIONS CONCERNS

*Full Funding of BIA Contract Support Costs*.—The GLIFWC seeks full funding of its contract support costs and supports the administration's fiscal year 2012 proposed increase of $29.5 million from fiscal year 2010 levels. The GLIFWC anticipates its fiscal year 2011 indirect cost shortfall to be approximately $207,000, and this does not take into account the shortfall for all of its direct contract support costs. These shortfalls significantly inhibit the GLIFWC's ability to restore program cuts and service capacity.

*BIA Conservation Law Enforcement Officer Program*.—The GLIFWC supports BIA's proposal for $1 million in fiscal year 2012 to support conservation officers like those employed by the GLIFWC. This program will assist tribal conservation enforcement programs in protecting and monitoring natural resources, and may be particularly important in light of proposed cuts to the Department of Justice Community Oriented Policing Tribal Grant Program.

*BIA Circle of Flight Tribal Wetland and Waterfowl Initiative*.—The GLIFWC supports BIA funding of the Circle of Flight Tribal Wetland & Waterfowl Enhancement Initiative for Michigan, Minnesota, and Wisconsin. The Circle of Flight Program is a long-standing tribal contribution to the North American Waterfowl Management Plan that has leveraged matching partnership funding on a 3 to 1 ratio. In 2010, this program was awarded a Department of Interior "Partners in Conservation" Award.

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[3] The 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 Restoration Initiative, and the implementation of agreements to regulate water diversions and withdrawals under the Great Lakes Charter, Annex 2001.

[4] With the requested fiscal year 2012 funds, GLIFWC would:

—continue a ceded territory wild rice enhancement project;
—facilitate tribal review and input on the re-negotiation of the Great Lakes Water Quality Agreement and any implementing activities;
—continue to participate in the development and implementation of the Lake Superior Lakewide Management Plan;
—build upon its long-standing fish contaminant analysis and consumption advisory program by testing additional species, testing in a wider geographic range, and testing for chemicals of emerging concern; and
—enhance its invasive species and animal disease prevention, monitoring and mitigation programs, particularly given the potential impacts of climate change, the recent discovery of viral hemorrhagic septicemia (VHS) in Lake Superior and the potential migration of the Asian Carp into the Great Lakes.

PREPARED STATEMENT OF THE GREEN MOUNTAIN CLUB

Mr. Chairman and honorable members of the subcommittee: As director of Conservation for the Green Mountain Club, the nonprofit organization that maintains Vermont's Long Trail, the Nation's oldest long-distance hiking trail, I appreciate the opportunity to present this testimony in support of the Forest Legacy Program (FLP) in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. The FLP works with landowners, the States, and other partners to protect critical forestlands with important economic, recreation, water quality, and habitat resources through conservation easement and fee acquisitions. The program has protected more than 2 million acres in 43 States and territories, consistently with a 50 percent non-Federal cost share, double the required 25 percent cost share. For several years this important conservation program has been funded under the umbrella of the Land and Water Conservation Fund (LWCF).

In an historic embrace of conservation, the President's budget request includes full funding of LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans. Of that $900 million, the President requested $135 million for the FLP.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the FLP is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF and FLP in fiscal year 2012, the U.S. Forest Service included $2.55 million for the Northern Green Mountains Linkage project in Vermont in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for the FLP so that this important project can receive this needed funding.

The FLP in Vermont seeks to achieve significant conservation goals for the State by protecting the following types of land:

—large contiguous and productive forest blocks;
—wildlife habitats dependent on large contiguous forest blocks;
—threatened and endangered species habitat;
—State fragile areas and undeveloped shoreline;
—significant wetlands; and
—important recreation corridors.

Sustainable timber harvesting is also critical; the annual contribution of forest products, forest-based manufacturing, and forest-related recreation to Vermont's economy is more than $2.6 billion. All tracts are well suited for development of large estate lots or subdivisions due to the extensive road frontage, water bodies, gentle terrain, scenic value, and proximity to ski resorts and urban areas.

The 5,804-acre Northern Green Mountains Linkage project is situated on the spine of the Northern Green Mountains in Lamoille and Orleans Counties, and will protect managed and productive timberland while protecting 25 undeveloped ponds, 25 miles of streams, several rare species and natural resource communities and high-quality habitat. Using fee and easement acquisitions, the project will link 62,200 acres of conserved lands, including lands the Green Mountain Club has protected for the Long Trail, providing connectivity from the Champlain Valley to the Green Mountains and north to Quebec and east to the Worcester Range. This project will address the problem of forest fragmentation and associated impacts on the timber economy, public access to recreation and wildlife habitat connectivity in Vermont's northern region by permanently protecting critically located properties.

Vermont's Northern Green Mountains are one of the wildest and largest forested landscapes remaining in all of New England. The region, which follows the spine of the Green Mountains north from Mount Mansfield to the Canadian border, encompasses sweeping tracts of forest where moose, bobcat, black bear, and a myriad of rare and endangered songbirds make their home. These mountains and their slopes are remarkably diverse, containing all the major ecosystem types of the ecoregion, from boreal forests, temperate mixed hardwoods, and alpine meadows to floodplain forests and marshes. Additionally, there are State rare and threatened plant species on the properties, including cliff fern, rose pogonia, lungwort, and smooth musk flower. It is also a magnet for hikers, skiers, backpackers, and other outdoor enthusiasts, particularly those drawn by more than 65 miles of the Long Trail—the Nation's oldest long-distance hiking path built by the Green Mountain Club between 1910 and 1930 and the inspiration for the Appalachian Trail. Also

snaking through the region is the increasingly popular Catamount Trail, a skiing trail traversing the length of Vermont.

The Northern Green Mountains have long been recognized as a top conservation priority by many of the region's small towns, such as Jay, Westfield, and Hyde Park, who are now mobilizing to conserve the places that define and sustain their communities. Two Countries One Forest (2C1Forest), a Canadian-American coalition of 50 conservation organizations, public agencies, and researchers sponsored scientific research to identify important wildlife corridors in the Northern Appalachian Acadian ecoregion. In 2007, 2C1Forest chose the Northern Green Mountains-to-Sutton Mountains linkage as one of their top five conservation priorities. The area has also been identified as significant in VT Fish & Wildlife's soon-to-be-completed statewide assessment and ranking of large forested blocks and associated linkage habitats. The Northern Green Mountains are a crucial place for regional landscape connectivity because they help tie the Adirondacks of New York, and the central Appalachians of Massachusetts and points south to the Northern Appalachians of Maine and Canada. In so doing they serve as an important north-south corridor for wildlife and, because of their large range in elevation, provide species with flexibility in their movement.

Projects like the Northern Green Mountains Linkage that maintain connectivity on local, State, and regional scales are also critical to support adaptation of wildlife species to climate change. These corridors will facilitate species movement in response to shifts in forest habitat, food availability, and snowpack. As 1 of the 5 most important mega-corridors in the entire region, protecting the Northern Green Mountains habitat linkage will be essential for climate adaptation. These forested tracts also offer important climate adaptation value as habitat refugia for cold-loving species whose habitats will be lost in other areas. The Northeast Climate Impacts Synthesis Assessment Team projects that this region will retain consistently cold winters and reliable snowpack through the end of the 21st century, even under high-carbon-emission scenarios. This is significant for a wide range of snow-dependent species, like snowshoe hare and marten, as these same projections suggest that snowpack will largely disappear from New England to the south of the project area. Protection of this area is also important for adaptation of the eastern brook trout. Some of the parcels for protection include important headwater streams to the Missisquoi River, one of Vermont's important habitat areas for eastern brook trout. Conserving these high-elevation headwater streams will help maintain flows and cooler water temperatures in the lower lying Missisquoi as the climate warms in this area.

The 3,739 acres that will be conserved with fiscal year 2012 FLP funding is made up of three separate parcels. Almost the entire expanse—95 percent—of the 1,748-acre Jay Brook tract in Westfield is more than 1,500 feet, providing critical wildlife habitat protection and important refugia to species adapting to climate change. Protection of this land would conserve 3.6 miles of the Catamount Trail and add an extra conserved buffer to 5.8 miles of The Long Trail, where portions of the Long Trail State Forest are only 650 feet wide—an inadequate buffer of the State's most well-known and well-loved trail. The 1,478-acre Bullard Tract, in Eden and Hyde Park provides a wide linkage that connects lowland forest to previous FLP investments around Green River Reservoir State Park (protected with fiscal year 1999 funds) up to the ridgeline of the Green Mountains on the Eden Forest property (protected with fiscal years 2009 and 2010 funds). Lastly, the 513-acre Westfield Mountain Tract is managed for the production of maple syrup and high-value timber and would be a significant addition to a previously conserved block of forestland in the Northern Green Mountains.

The vast majority of the land in the Northern Greens remains in private hands, with thousands of acres available on the open market. Threats from an expanding second-home industry (even in today's uncertain economy), road construction, and changing forestry and farming practices put key blocks of forestland at risk and create barriers to wildlife movement. Such changes also threaten the vibrant rural culture and economy of the Northern Greens, with is mix of small-scale community farms, forestry, and recreation. A recent explosion of development pressure in the Northern Green Mountains resulting from expanding ski resorts and the area's proximity to greater Burlington and other population centers, has made this a "now or never" moment to conserve key landscapes in this important habitat and recreation area. According to census data, growth rates in Lamoille and Orleans counties are more than double the growth rate in Vermont as a whole. In Vermont, only 21 percent of the Northern Green Mountains is protected from development, compared to 45 percent of the central and southern Green Mountains.

A request for $2.3 million in FLP funding was requested in the fiscal year 2011 President's budget for the first 2,065 acres of the Northern Greens project. The

President's budget for fiscal year 2012 requests an additional $2.55 million from the FLP for the remaining 3,739 acres of the project, which is ranked 19 in the Nation out of 46 projects. These 2 years of Federal funds are needed to ensure the protection of critical forest resources in northern Vermont and will be matched by $1.62 million of non-Federal contributions for the acquisition of full fee and partial interests through conservation easement.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Vermont, and I appreciate your consideration of this funding request.

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PREPARED STATEMENT OF THE GLACIER NATIONAL PARK FUND

Mr. Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior, Environment, and Related Agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in fiscal year 2012, the National Park Service (NPS) included $1.223 million for the acquisition of land in Glacier National Park in Montana in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for LWCF so that this important project can receive this needed funding.

In 2010, Glacier National Park celebrated the 100th anniversary of its creation by the Congress and President Taft on May 11, 1910. That law declared that the national park in Montana should be "dedicated and set apart as a public park or pleasure ground for the benefit and enjoyment of the people of the United States." Since 1932, Glacier, along with its northern neighbor—Waterton Lakes National Park—has symbolized the long-lasting friendship between the American and Canadian peoples as an international peace park.

Two years before the park's creation, George Bird Grinnell, a co-founder of the Audubon Society and the Boone and Crockett Club, appropriately called the area the "Crown of the Continent". Indeed, Triple Divide Peak in the park is the meeting point between three of the main drainages of the North American continent (Hudson Bay, Pacific Ocean, and the Gulf of Mexico). The Crown of the Continent is also the meeting point for diverse wildlife at the intersection of mountains, plains, forests, and rivers. The park protects habitat for more than 270 species of birds, 70 species of mammals, and 25 species of native fish.

Today, Glacier receives nearly 2 million visitors annually. The park provides more than 730 miles of hiking trails (often in backcountry glacial valleys and forests), camping, horseback riding, and boating on the its many lakes. Visitors can also choose to spend the night at one of several historic park-owned lodges, which were built at the beginning of the 20th century at the foot of rugged snow-capped mountains or on the shore of a cold glacial lake. Most visitors ascend to Logan Pass in the center of the park via the spectacular 50-mile-long Going to the Sun Road. Completed in the 1930s, this engineering marvel clings to mountainsides surrounded by majestic alpine scenery.

The Glacier National Park Fund was created in 1999 as the nonprofit partner of Glacier National Park. Our mission is to support the preservation of the outstanding natural beauty and cultural heritage of Glacier National Park for the use and enjoyment of present and future generations by fostering public awareness and encouraging private philanthropy. We have allocated more than $3 million in direct grants to the park along with another $1.5 million in outreach and public awareness activities. We are dedicated to partnering with NPS to ensure that future generations can enjoy Glacier the same way we have through our lifetimes. Thus, we are very excited about this opportunity to acquire an inholding that will provide additional opportunities to experience Glacier and wholeheartedly support and applaud the efforts to make this invaluable and historic piece of land a part of Glacier National Park.

Available for acquisition in fiscal year 2012 is the 120-acre Harrison Creek inholding. The tract is located at the south end of the park along the Middle Fork of the Flathead River—the legislated boundary of the park. The Congress declared the Middle Fork a national wild and scenic river in 1976 from its headwaters to the confluence with the South Fork. U.S. Route 2 and the BNSF/Amtrak transcontinental railway follow the river along its south side, with the 286,700-acre Great Bear Wilderness lying within the Flathead National Forest just beyond. The Harrison Creek tract is the second largest private inholding within Glacier National Park and the only inholding bordering the Middle Fork of the Flathead Wild and Scenic River corridor. The river is popular with rafters, floaters, anglers, and other outdoor recreation enthusiasts.

If acquired, the Harrison Creek tract will improve access for hiking and horseback riding. The South Boundary Trail runs through the property and is one of the first trails available to hikers after winter snows begin to melt, providing spectacular views of the Middle Fork and an abundant array of wildflowers.

The property is prime habitat for a host of species including elk, wolves, Canada lynx, and grizzly bear. The river corridors, floodplains, and associated riparian habitat attract these species from the surrounding mountains. Since the tract is entirely surrounded by public lands, its development would threaten protected habitat on both sides of the Middle Fork.

The Harrison Creek tract is part of the Doody Homestead. A historic cabin sits on the portion of the homestead that NPS already owns, but the remaining private portion contains artifacts and remnants of pioneer life. Dan Doody was one of the first rangers in the park, and his wife Josephine was known to supply moonshine to grateful railroad workers in the early 1900s.

The acquisition of the Harrison Creek tract would prevent incompatible development on a prominent site along U.S. Route 2 and the Middle Fork; improve recreational access for rafters, horseback riders, hikers, and anglers; and enhance habitat connectivity within the Crown of the Continent. NPS has prioritized the acquisition of this tract as part of Glacier's centennial celebration. An allocation of $1.223 million from the Land and Water Conservation Fund—as recommended in the President's budget—is needed in fiscal year 2012 to acquire this inholding within one of America's most beloved and beautiful national parks.

LWCF is our Nation's premier Federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at State parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Montana. I greatly appreciate your consideration of this funding request.

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PREPARED STATEMENT OF THE GREEN RAVENS ENVIRONMENTAL CLUB

Mr. Chairman and honorable members of the subcommittee: We appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF). The Green Ravens support this program because of the impact it could have in our neighborhoods in Albuquerque if the Price's Dairy property can be acquired and turned into a national wildlife refuge. LWCF would be the Congress' way of supporting this refuge idea through the property's protection.

In supporting the Price's Dairy project, we have learned a lot about the LWCF and how it helps Albuquerque and other places in New Mexico. LWCF was created back in 1964 to protect important lands and the natural, recreational, economic, water, historic, and ecological resources on them. The program is supposed to receive $900 million a year from money generated from offshore drilling. The concept of LWCF is simple: when we use and decrease a natural resource, we should put some of the gain to use and increase other natural resources like our public lands.

We understand that the President has proposed full funding of LWCF in fiscal year 2012. We think this is wise and will help make America a better place to live and enjoy our outdoors. For the Green Ravens, we think this proposal will make it easier and eventually allow for the U.S. Fish and Wildlife Service to protect the 570-acre Price's Dairy property in the South Valley and make it a part of a national wildlife refuge.

Price's Dairy is one of the last undeveloped properties in the South Valley. Other properties have been developed around it, and it is one of the last remaining places

to see birds and other wildlife close to our neighborhood and school. It is important to protect this property before it is lost.

The property is next to the Rio Grande, one of New Mexico's greatest resources. The river supplies a lot of water for the people of New Mexico for drinking, for farming and ranching, and for the wildlife that live near it. The protection of the Price's Dairy property and its water rights will save water and make the river healthier.

A refuge at Price's Dairy would also expand recreational and educational opportunities for students like us, the rest of the people in Albuquerque, and everyone who comes to visit. The refuge would host class trips, internships, and volunteer activities. It would be a place to learn about our natural surroundings in New Mexico:

—the Rio Grande;

—the mountains;

—the desert; and

the wildlife.

There are many trails along the river, and the refuge would focus attention on the trails and increase their use.

All of these recreation, tourism, and educational activities would help the economy of the South Valley. Most importantly, it would also do so in our own neighborhood in a place accessible to our families and schools and to the people who come to New Mexico to visit. The refuge would be the first urban national wildlife refuge in the Southwest.

We know it will take time to create this refuge and to buy the land through the LWCF. We believe it is worth the time, because, if the refuge project is completed, we will have it, benefit from it, and take care of it for many years to come. It will then be around for our children when they are in high school.

Thank you, Mr. Chairman, for the opportunity to present this written testimony from the Green Ravens of Rio Grande High School in support of the LWCF and the proposed Middle Rio Grande National Wildlife Refuge.

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## PREPARED STATEMENT OF THE GEOLOGICAL SOCIETY OF AMERICA

### SUMMARY

The Geological Society of America (GSA) urges the Congress to appropriate at least $1.2 billion for the U.S. Geological Survey (USGS) in fiscal year 2012. The USGS is one of the Nation's premier science agencies. It addresses many of society's greatest challenges, including mineral and energy resources, natural hazards, climate change, and water availability and quality. The USGS benefits every American every day. The magnitude 9.0 earthquake and tsunami that devastated Japan on March 11, 2011 emphatically demonstrates the value of robust natural hazards monitoring and warning systems and the need for increased funding for the USGS. Nevertheless, funding for the USGS has stagnated in real dollars for more than a decade.

The GSA supports strong and growing budgets for the USGS. Increased Federal funding for Earth science is needed to stimulate innovations that fuel the economy, provide national security, and enhance the quality of life. The USGS has a unique combination of expertise and assets that enable it to address interdisciplinary research challenges that are beyond the capabilities of most other organizations.

The GSA, founded in 1888, is a scientific society with more than 24,000 members from academia, government, and industry in all 50 States and more than 90 countries. Through its meetings, publications, and programs, GSA advances the geosciences, enhances the professional growth of its members, and promotes the geosciences in the service of humankind. The 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.

### RATIONALE

Science and technology are engines of economic prosperity, environmental quality, and national security. Federal investments in research pay substantial dividends. According to the National Academies' report Rising Above the Gathering Storm (2007), "Economic studies conducted even before the information-technology revolution have shown that as much as 85 percent of measured growth in U.S. income per capita was due to technological change." In 2010, the National Academies issued an updated report, Above the Gathering Storm, Revisited, which says:

"It would be impossible not to recognize the great difficulty of carrying out the Gathering Storm recommendations, such as doubling the research budget, in today's fiscal environment, with worthy demand after worthy demand confronting budgetary

realities. However, it is emphasized that actions such as doubling the research budget are investments that will need to be made if the Nation is to maintain the economic strength to provide for its citizens healthcare, social security, national security, and more. One seemingly relevant analogy is that a nonsolution to making an overweight aircraft flight-worthy is to remove an engine."

Likewise, the National Commission on Fiscal Responsibility and Reform, headed by Erskine Bowles and Alan Simpson, said:

"Cut and invest to promote economic growth and keep America competitive. We should cut red tape and unproductive Government spending that hinders job creation and growth. At the same time, we must invest in education, infrastructure, and high-value research and development to help our economy grow, keep us globally competitive, and make it easier for businesses to create jobs."

"Earth science is a critical component of the overall science and technology enterprise. Growing support for Earth science in general and the USGS in particular are required to stimulate innovations that fuel the economy, provide security, and enhance the quality of life. Earth science provides knowledge and data essential for developing policies, legislation, and regulations regarding land, mineral, energy, and water resources at all levels of Government."

ADVANCING SCIENCE AND SCIENTIFIC INTEGRITY AT THE DEPARTMENT OF THE INTERIOR (DOI)

Science and scientific integrity advanced through the combination of two recent developments at the DOI. Secretary of the Interior Ken Salazar issued a new 5-year strategic plan that for the first time elevates science to 1 of 4 mission areas for the entire DOI. The DOI also adopted a comprehensive scientific integrity policy that sets clear expectations for all employees, including political appointees, public affairs officers, and scientists. These developments are cause for optimism. The GSA expects that the elevation of science to a mission area will guide investments and the allocation of resources that are reflected in the budget for the USGS.

BROADER IMPACTS OF THE USGS

The USGS is one of the Nation's premier science agencies. It addresses many of society's greatest challenges, including natural hazards, mineral and energy resources, climate change, and water availability and quality.

—Natural hazards—including earthquakes, tsunamis, volcanic eruptions, floods, droughts, wildfires, and hurricanes—remain a major cause of fatalities and economic losses worldwide. A failure to prevent natural hazards from becoming natural disasters will increase future expenditures for disaster response and recovery. Recent natural disasters provide unmistakable evidence that the United States remains vulnerable to staggering losses. The magnitude 9.0 earthquake and tsunami that devastated Japan on March 11, 2011, the magnitude 7.0 earthquake that killed more than 200,000 people in Haiti on January 12, 2010, and the small volcanic eruptions in Iceland that disrupted global air traffic in April 2011, provide compelling evidence that the United States needs better data to inform further actions to reduce risks from natural hazards. An improved scientific understanding of geologic hazards will reduce future losses through better forecasts of their occurrence and magnitude. We urge the Congress to increase funding for the USGS to modernize and upgrade its natural hazards monitoring and warning systems.

—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 address economic and environmental issues. The USGS assessments of mineral and energy resources—including rare earth elements, unconventional natural gas resources, and geothermal resources—are essential for making informed decisions about the Nation's future. Widespread deployment of new energy technologies can reduce greenhouse gas emissions, mitigate climate change, and reduce dependence on foreign oil. Minerals and energy are intertwined because many emerging energy technologies—such as wind turbines and solar cells—depend on rare earth elements and critical minerals that currently lack diversified sources of supply. China accounts for 95 percent of world production of rare earth elements although it has only 36 percent of identified world reserves (USGS, 2010). A renewed Federal commitment to innovative research, information, and education on mineral and energy resources is needed to address these issues.

—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.
—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.
—Research in Earth science is also fundamental to training and educating the next generation of Earth science professionals.

BUDGET SHORTFALLS

President Obama's fiscal year 2012 budget request for the USGS is $1.118 billion, a decrease of $15 million or 1.3 percent below the USGS budget request for fiscal year 2011. Although there is a $6 million or 0.5 percent increase in the total USGS budget request for fiscal year 2012 compared to the fiscal year 2010 enacted level, the fiscal year 2012 budget request contains $89.1 million in budget cuts in core science programs that would be offset by increases in other areas, including a $48 million increase in a new account for National Land Imaging. The proposed budget cuts would have significant negative impacts on the scientific capabilities of the USGS. Proposed reductions in the fiscal year 2012 USGS budget request include −$9.8 million for biological information management and delivery; −$9.6 million for mineral resources; −$8.9 million for National Water Quality Assessment; −$6.5 million for Water Resources Research Act Program; and −$4.7 million for earthquake hazards. The GSA urges the Congress to appropriate at least $1.2 billion for the USGS in fiscal year 2012.

It appears that responsibilities for Landsat satellites have been transferred from the NASA to the USGS without a corresponding transfer of budget authority. In the USGS budget request for fiscal year 2012, a $48 million increase for National Land Imaging would be offset by budget decreases for core USGS science programs. This trend cannot continue without compromising the mission of the USGS. Experience with other satellites indicates that the cost of operating Landsat is likely to rise significantly in future years with the launch of Landsat 8, 9, and 10.

The USGS budget has been nearly stagnant in real dollars since 1996. The USGS budget for fiscal year 2010 was below the USGS budget for fiscal year 2001 in real dollars. The decline in funding for the USGS during this time period would have been greater if the Congress had not repeatedly restored proposed budget cuts. Federal funding for non-Defense research and development has increased significantly while funding for the USGS stagnated for more than a decade. During this time, natural hazards, mineral and energy resources, and water availability and quality have become increasing important to the Nation.

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PREPARED STATEMENT OF THE GATHERING WATERS CONSERVANCY

Mr. Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) and the Forest Legacy Program (FLP) in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans. Of that $900 million, the President requested $135 million for FLP.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF and FLP will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF and FLP in fiscal year 2012, the U.S. Forest Service (USFS) included funding requests for two projects in Wisconsin. First, $1 million was recommended for acquisitions in the Chequamegon-Nicolet National Forest as part of the Wisconsin Wild Waterways program. Second, $2.5 million was requested for the Chippewa Flowage project in FLP. I am pleased that this

funding was included in the request and urge the Congress to provide the full President's budget amount for LWCF and FLP so that these important projects can receive this needed funding.

WISCONSIN WILD WATERWAYS—LWCF

The Chequamegon-Nicolet National Forest in northern Wisconsin boasts towering stands of balsam and spruce, diverse hardwood trees, and swamp forests with spruce, tamarack, and white cedar. These varied forest types are complimented by an abundance of lakes, rivers, and streams. The forest offers outstanding opportunities for diverse recreation, including hunting and fishing, hiking and camping, wildlife viewing, crosscountry skiing, bicycling, and snowmobiling.

The 1.5 million-acre forest hosts thousands of visitors each year. Active outdoor recreation contributes more than $9.7 billion annually to the State's economy and supports 129,000 jobs. As a top destination for recreation, the Chequamegon-Nicolet National Forest provides an economic boost to Wisconsin while preserving its natural heritage.

USFS has recognized the unique attributes of the Wisconsin forests by undertaking the Wisconsin Wild Waterways land protection program, supported through annual funding from the LWCF. The program focuses on consolidation of publicly owned land to benefit recreation and natural resources and to improve forest management. In the past few years, more than 10,000 acres of undeveloped shoreline along several critical lakes and streams have been protected through this program.

In fiscal year 2012, there is an opportunity to support the LWCF acquisitions that would place valuable properties within the ownership of the USFS. Placing these inholdings in USFS ownership will ensure that they are managed to preserve their values as wildlife habitat, timber production and recreational amenities. The President's budget for fiscal year 2012 includes $1 million for the Wisconsin Wild Waterways Project at the Chequamegon-Nicolet National Forest. This will be a significant investment in a multi-year, multi-property conservation effort by Wisconsin's Board of Commissioners of Public Lands, The Nature Conservancy, and The Trust for Public Land.

CHIPPEWA FLOWAGE—FLP

The protection of 18,179 acres of forestlands within the checkerboard of public and private ownership is an exciting opportunity to create a unified area of 1 million protected acres that can support the local economy by preserving vast wildlife habitat, help climate mitigation and adaptation, ensure public access for recreation, and maintain sustainable forestry practices.

The easement is an important opportunity to create a unified block of more than 1 million acres of protected forest and natural lands in the Chippewa Flowage watershed, which is an ecological gem. The Chippewa Flowage is one of the wildest lakes in Wisconsin, drawing recreationists from around the world for its fishing. More than 12,000 acres within the flowage are managed jointly by the Wisconsin Department of Natural Resources, USFS, and the Lac Courte Oreilles Band of Lake Superior Chippewa (LCO). The western boundary of the easement property adjoins nearly 24,000 acres of primarily natural LCO tribal land.

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. Benefits for surrounding communities include water supply and watershed protection. The Village of Radisson's municipal water flows from parts of this property. The federally listed endangered Gray Wolf is known to frequent the property, which also contains State Species of Concern, State Threatened and State Endangered species.

The Chippewa Flowage is a major tourist destination, helping to generate $8 million annually in Wisconsin from fishing, hunting and wildlife viewing. Public access on this 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 also a common destination for migratory and forest interior birdwatchers. If this property is not protected by an FLP easement, it will be divided and sold like other nearby timberlands.

The property will also offer unique values for addressing climate change, as it holds important forestlands and wetlands containing large carbon stores that will help mitigate climate change. Carbon sequestration on the lands will be further enhanced by the sustainable forestry guidelines of the FLP easement.

LWCF is our Nation's premier Federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at State parks, trails, and rec-

reational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. FLP works with landowners, the States, and other partners to protect critical forestlands with important economic, recreation, water quality, and habitat resources through conservation easement and fee acquisitions. For several years this USFS program has been funded under the umbrella of the LWCF.

Gathering Waters Conservancy's mission is to help land trusts, landowners and communities protect the places that make Wisconsin special. Our goal is to increase the amount of protected land in the State through private, voluntary action. Unlike any other organization, we accomplish our mission by promoting private, voluntary conservation action and strengthening Wisconsin land trusts. Gathering Waters Conservancy provides land trust services in three related ways:

—we function to keep land trusts running smoothly, we help them increase the pace and sustainability of their work;

—we work on a nonpartisan, nonadversarial basis to advance policies and programs that promote permanent, voluntary land conservation and strengthen Wisconsin's land trust community; and

—finally we work to help land trusts become well-known and valued community institutions. We aim to see land trusts strongly supported and sought out as conservation leaders.

I want to thank the chairman and the members of the subcommittee for this opportunity to testify on behalf of these nationally important protection efforts in Wisconsin, and I appreciate your consideration of this funding request.

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## PREPARED STATEMENT OF THE HUMANE SOCIETY OF THE UNITED STATES (HSUS), 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 2012 Department of the Interior appropriation.

### LARGE CONSTRICTOR SNAKES

The HSUS commends the U.S. Fish and Wildlife Service (FWS) for proposing to list nine species of large constrictor snakes as "injurious", which will prohibit importation and interstate movement of these animals as pets. A recent, comprehensive report by the U.S. Geological Survey showed these snakes all pose medium or high risk to our environment; none are low risk. While Burmese pythons and, to a lesser extent, boa constrictors have been established in Florida for some time, it appears that Northern African pythons are now breeding there as well. In other areas, releasing these animals to fend for themselves can lead to an inhumane death from starvation, dehydration, being struck by cars, or exposure to bitterly cold temperatures. The FWS must have the resources to respond quickly to prevent the spread of these species and establishment of new ones.

### ENVIRONMENTAL PROTECTION AGENCY (EPA)

*Endocrine Disruptor Screening Program*

Research focused on molecular screening has the potential to revolutionize toxicity testing improving both its efficiency as well as the quality of information available for human safety assessment in the Endocrine Disruptor Screening Program (EDSP). These "next-generation tools" will speed up the assessments of chemicals in the EDSP and reduce, and ultimately, replace animal use. We urge the subcommittee to incorporate the following report language:

"Recognizing ToxCast has great promise to streamline and significantly increase the throughput of the Endocrine Disruptor Screening Program (EDSP), the Committee directs EPA to accelerate the evaluation, validation and implementation of the endocrine-relevant ToxCast assays. The Agency shall devote $26,209,000 in fiscal year 2012 to Office of Research and Development's Computational Toxicology Research, with a $5,000,000 increase over the fiscal year 2012 Presidential Budget to be expressly devoted to validating ToxCast endocrine screening methods for the EDSP. This increase will be funded from the fiscal year 2012 Science and Technology account.

"EPA shall not issue EDSP Test Orders for additional substances until such time as 1) the EDSP List 1 test results have been collected, analyzed by EPA and poorly performing or redundant assays eliminated and replaced, if necessary, with valid ToxCast assays; and 2) the Agency uses a peer consultation process to revise the EDSP weight of the evidence guidance to assure a systematic and consistent approach for evaluating other scientifically relevant information and EDSP results. These two activities, led by the EPA office issuing EDSP List 1 test orders, shall include public comment, independent scientific peer review, and publication of Agency responses before adoption by the Agency."

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 the Congress to benefit African and Asian elephants, rhinos, tigers, great apes, and marine turtles. The 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 2012 by appropriating $2 million each for the Asian elephant, African elephant, and marine turtle, $2.5 million for the Great Ape Conservation Funds, and $4 million for the combined Rhinoceros and Tiger Conservation Fund. We also request $7.4 million for the Wildlife Without Borders regional program. These numbers represent level funding for all of the Funds except Rhino-Tiger, which has a $1 million increase to bring it level with African and Asian elephants and marine turtles and to capitalize on commitments made at last year's Tiger Summit.

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 the necessary funds in fiscal year 2012 to permit the listing of the Pacific walrus, which has been placed on the candidate list for threatened or endangered status under the Endangered Species Act. The FWS recently found that listing the Pacific walrus was warranted, due primarily to threats the species faces from loss of sea ice in its arctic habitat as a result of climate change. Walruses are targeted by native hunters for subsistence; hundreds are killed annually, with this number climbing to as many as 7,000 in some years. In some hunting villages, females and their calves are preferentially killed, against the recommendation of the FWS and standard management practice. By waiting to list the Pacific walrus, the species' likelihood of survival is in doubt. We encourage this subcommittee to direct the FWS to prioritize the Pacific walrus listing by immediately moving forward with the listing process.

BUREAU OF LAND MANAGEMENT (BLM)—WILD HORSE AND BURRO PROGRAM

The HSUS is one of the leading advocates for the protection and welfare of wild horses and burros in the United States with a long history of working collaboratively with the BLM—the agency mandated to protect America's wild horses and burros—on the development of effective and humane management techniques. Wild free-roaming horses and burros deserve first to be given every chance to live out their lives wild and free, as the American public has clearly mandated and the Congress has stated. When intervention is required, we owe them our best efforts to ensure that any human actions that affect their lives—such as gathers, transportation, confinement, and adoption—are done in a way to assure their humane treatment.

Therefore, the HSUS strongly supports a significant reduction in the number of wild horses and burros gathered and removed from our rangelands annually. We believe removing horses from the range without implementing any active program for preventative herd growth is unsustainable, and simply leads to a continual cycle of roundups and removals when more long-term, cost-efficient and humane management strategies, such as fertility control, are readily available.

For years, the BLM has removed far more wild horses and burros from the range than it could possibly expect to adopt annually, and as a consequence, the costs associated with caring for these animals off the range have continued to skyrocket. For instance, between 2001 and 2007, the BLM removed approximately 74,000 (an average of about 10,600 animals per year) from the range, but could only place 3,000 horses a year, with the rest forced into holding facilities. The annual costs associated with caring for one wild horse in a long-term holding facility is approximately $500, and the average lifespan of a wild horse in captivity is 30 years. There are approximately 40,600 horses in these pens currently. In the most recently completed fiscal year (2010), holding costs accounted for $36.9 million out of a total wild horse and burro budget of $63.9 million (plus an additional $2.1 million in 2009 "carryover" funding).

We are encouraged by the BLM's recent announcement (referenced in the agency's fiscal year 2012 budget justifications)[1] regarding the agency's intent to open "a new chapter in the management of wild horses, burros, and our public lands" by fast-tracking "fundamental reforms" to its current policies and procedures. Specifically, the agency announced that it would strengthen its commitment to the use of fertility control by significantly increasing the number of mares treated with fertility control—from 500 in 2009, to a target of 2,000 in each of the next 2 years. This represents a huge step in the right direction.

The idea of using fertility control to efficiently manage wild horses and burros on the range is nothing new, and one that we have been actively supporting and involved with for several decades. As early as 1982, the National Academy of Sciences (NAS) called on the BLM to use immunocontraception to manage wild horse and burro populations, finding it an effective technology and part of a pro-active management strategy. And in its 1990 report on the BLM's wild horse management program, the U.S. Government Accountability Office (GAO) found then that keeping excess animals in long-term holding was costly and recommended that BLM examine alternatives, such as treating animals with reproductive controls and releasing them back on the range.[2] Further, a 2008 paper determined that contraception on-the-range could reduce total wild horse and burro management costs by 14 percent, saving $6.1 million per year.[3] Finally, the results of an economic model commissioned by The HSUS indicates that by treating wild horses and burros with the fertility control vaccine Porcine Zona Pellucida, the BLM would save approximately $204 million over 12 years while achieving and maintaining Appropriate Management Levels on wild horse Herd Management Areas in the United States.

However, even with a significant increase in the number of mares treated and released back onto the range, by the end of fiscal year 2012, the BLM plans to remove an additional 15,000 wild horses from our public lands. Since there are already 40,600 wild horses and burros living in Government holding facilities today—and, on average, the agency is only able to find homes for approximately 3,000 animals a year—by 2012, there could be more than 50,000 animals in captivity. That's almost twice the number of wild horses and burros living on our public lands today, and as a result, the cost of caring for these animals off the range could more than double in a just a few years.

The BLM must balance the number of animals removed from the range annually with the number of animals it can expect to adopt in a given year if it hopes to effectively reduce off-the-range management costs. Therefore, while we support the BLM's efforts to increase the use of fertility control to manage wild horse herds, we strongly recommend that the subcommittee deny the $12 million budget increase that the BLM has requested, and instead, direct the agency to focus all spending on gather, treat, and release programs and the proper care of horses in its custody rather than continuing with a removal program that further floods Government pens with wild horses.

Again, we commend the Secretary and the BLM for taking critical steps towards a more sustainable wild horse management program and believe the subcommittee's guidance and support for humane and sustainable management will further the implementation of a program that will be of great benefit not only to our Nation's beloved wild horse populations, but also to the American taxpayer.

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[1] Bureau of Land Management 2012 Budget Justifications (Page IV 66–67) http://www.doi.gov/budget/2012/data/greenbook/FY2012—BLM—Greenbook.pdf

[2] GAO, *Rangeland Management: Improvements Needed in Federal Wild Horse Program*, GAO/RCED–90–110 (Washington D.C.: Aug. 20, 1990).

[3] Bartholow, J. 2007. Economic benefit of fertility control in wild horse populations. J. Wildl. Mgmt. 71(8):2811-2819.

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 (IMCC). I appreciate the opportunity to present this statement to the Subcommittee on the Interior, Environment, and Related Agencies regarding the views of the Compact's member States on the fiscal year 2012 budget request for the Office of Surface Mining Reclamation and Enforcement (OSM) within the U.S. Department of the Interior. In its proposed budget, OSM is requesting $60.3 million to fund title V grants to States and Indian tribes for the implementation of their regulatory programs, a reduction of $11 million or 15 percent below the fiscal year 2010 enacted/fiscal year 2011 continuing resolution level. OSM also proposes to cut discretionary spending for the title IV abandoned mine land (AML) program by approximately $6.8 million, including the elimination of funding for the emergency program, and a reduction in mandatory AML spending by $184 million pursuant to a legislative proposal to eliminate all AML funding for certified States and tribes.

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 $60.3 million for title V grants to States and tribes in fiscal year 2012, an amount which is matched by the States each year. 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 2010, the Congress approved an additional $5.8 million increase for State title V grants over the fiscal year 2009 enacted level, for a total of $71.3 million. This same amount was approved for fiscal year 2011. For the first time in many years, the amount appropriated for these regulatory grants aligned with the demonstrated needs of the States and tribes. The States are greatly encouraged by the significant increases in title V funding approved by the Congress over the past 3 fiscal years. Even with mandated rescissions and the allocations for tribal primacy programs, the States saw a $12 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 minimize the potential adverse impacts of coal extraction operations on people and the environment.

In its fiscal year 2012 budget, OSM has once again attempted to reverse course and essentially unravel and undermine the progress made by the Congress in supporting State programs with adequate funding. This comes at precisely the wrong time. 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. As States prepare their future budgets, we trust that the recent increases approved by the Congress will remain the new base on which we build our programs. Otherwise we find ourselves backpedaling and creating a situation where those who were just hired face layoffs and purchases are canceled or delayed. Furthermore, a clear message from the Congress that reliable, consistent funding will continue into the future will do much to stimulate support for these programs by State legislatures and budget officers who each year, in the face of difficult fiscal climates and constraints, are also dealing with the challenge of matching Federal grant dollars with State funds. In this regard, it should be kept in mind that a 15 percent cut in Federal funding generally translates to an additional 15 percent cut for overall program funding for many States, especially those without Federal lands, since these States can only match what they receive in Federal money.

OSM's solution to the drastic cuts for State regulatory programs comes in the way of an unrealistic assumption that the States can simply increase user fees in an effort to "eliminate a de facto subsidy of the coal industry." No specifics on how the States are to accomplish this far-reaching proposal are set forth, other than an expectation that they will do so in the course of a single fiscal year. OSM's proposal is completely out of touch with the realities associated with establishing or enhancing user fees, especially given the need for approvals by State legislatures. IMCC's

recent polling of its member States confirmed that, given the current fiscal and political implications of such an initiative, it will be difficult, if not impossible, for most States to accomplish this feat at all, let alone in less than 1 year. OSM is well aware of this, and yet has every intention of aggressively moving forward with a proposal that was poorly conceived from its inception. We strongly urge the subcommittee to reject this approach and mandate that OSM work through the complexities associated with any future user fees proposal in close cooperation with the States and tribes before proposing cuts to Federal funding for State title V grants.

At the same time that OSM is proposing significant cuts for State programs, the agency is proposing sizeable increases for its own program operations ($4 million) for Federal oversight of State programs, including an increase of 25 FTEs. OSM justifies this increase based on its "new strategic direction", i.e., expanded and enhanced oversight of State regulatory programs and strengthened stream protections to maintain the hydrologic balance of watersheds pursuant to the June 2009 Memorandum of Understanding with the U.S. Army Corps of Engineers and the Environmental Protection Agency (EPA). However, as we have articulated on numerous occasions over the past 18 months in comments submitted to the agency, OSM has never fully explained or justified the basis for these new directions. In fact, OSM's annual oversight reports indicate that, in general, the States are doing a commendable job of implementing their programs.

In making the case for its funding increase, OSM's budget justification document contains vague references to the need for improvement in approximate original contour (AOC) compliance and re-evaluation of bonding procedures in 10 States with respect to bond adequacy. OSM also notes a marked increase in the number of potential violations pursuant to enhanced Federal oversight inspections during fiscal year 2010. However, when placed in context, neither of these two explanations justifies the significant increase in funding for Federal operations. Increasing the number of Federal inspections can logically be expected to generate more Ten-Day Notices, especially where State regulatory authorities are not invited to accompany Federal inspectors (as required by OSM's own regulations). The oversight process can also be expected to identify areas of potential program improvement, especially where OSM has designated certain areas for more intensive, nationwide review, as it did in fiscal year 2010 with regard to AOC and bond adequacy. Again, the overall performance of the States as detailed in OSM's annual oversight reports demonstrates that the States are implementing their programs effectively and in accordance with the purposes and objectives of SMCRA.

In our view, this suggests that OSM is adequately accomplishing its statutory oversight obligations with current Federal program funding, and that any increased workloads are likely to fall upon the States, which have primary responsibility for implementing appropriate adjustments to their programs identified during Federal oversight. In this regard, we note that the Federal courts have made it abundantly clear that SMCRA's allocation of exclusive jurisdiction was "careful and deliberate" and that the Congress provided for "mutually exclusive regulation by either the Secretary or State, but not both." *Bragg* v. *West Virginia Coal Ass'n*, 248 F. 3d 275, 293–4 (4th Cir. 2001), cert. Denied, 534 U.S. 1113 (2002). While the courts have ruled consistently on this matter, the question remains for the Congress and the administration to determine, in light of deficit reduction and spending cuts, how the limited amount of Federal funding for the regulation of surface coal mining and reclamation operations under SMCRA will be directed—to OSM or the States. For all the above reasons, we urge the Congress to approve not less than $71 million for State and tribal title V regulatory grants, as fully documented in the States' and tribes' estimates for actual program operating costs.

With regard to funding for State title IV Abandoned Mine Land (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 mandatory appropriations. As a result, the States should have received a total of $498 million in fiscal year 2012. Instead, OSM has budgeted an amount of $313.8 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 $184.2 million reduction flies in the face of the comprehensive restructuring of the AML program that was passed by the Congress in 2006, following more than 10 years of congressional debate and hard fought compromise among the affected parties. In addition to the elimination of funding for certified States and tribes, OSM is also proposing to reform the distribution process for the remaining reclamation funding to allocate available resources to the highest-priority coal AML sites through a competitive grant program, whereby an Advisory Council will review and rank AML sites each year. 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 articulated by the administration concerning both jobs and environmental protection, particularly stream quality. We urge the Congress to reject this unjustified proposal, delete it from the budget and restore the full mandatory funding amount of $498 million. In this regard, we endorse the testimony of the National Association of Abandoned Mine Land Programs (NAAMLP), which goes into greater detail regarding the implications of OSM's legislative proposal for the States.

We also urge the Congress to approve continued funding for the AML emergency program. In a continuing effort to ignore congressional direction, 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). When 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. We therefore request that the Congress restore funding for the AML emergency program in OSM's fiscal year 2012 budget.

One of the more effective mechanisms for accomplishing AML restoration work is through leveraging or matching other grant programs, such as the 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 once again include language in the fiscal year 2012 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 moneys 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. In this regard, it should be noted that the States provide nearly one-half of the instructors for OSM's training course and, through IMCC, sponsor and staff benchmarking workshops on key regulatory program topics. IMCC also urges the subcommittee to support funding for TIPS, a program that directly benefits the States by providing critical technical assistance. Finally, we support funding for the Watershed Cooperative Agreements in the amount of $1.55 million.

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## PREPARED STATEMENT OF THE INDEPENDENT TRIBAL COURT REVIEW TEAM

Thank you for the opportunity to testify today and to address the serious funding shortages that have limited and continue to hinder the operations of tribal judicial systems in Indian country. I serve as the lead judge representing the Independent Tribal Court Review Team (ITCRT). For the past 5 years, the ITCRT has conducted an assessment of approximately 73 tribal courts systems, including analysis of staffing and resources. We thank this subcommittee for the additional $10 million funding in fiscal year 2010. These funds were a blessing to tribes. Even minimal increases were put to good use. It is the strong recommendation of the ITCRT that the Federal tribal courts budget be substantially increased in fiscal year 2012 to support the needs of tribal judicial systems.

### BUDGET PRIORITIES, REQUESTS AND RECOMMENDATIONS

A $10 million increase for tribal courts above the fiscal year 2010 enacted level.

A $58.4 million authorized under the Indian Tribal Justice Act of 1993, Public Law 103–176, 25 U.S.C. 3601 and reauthorized in year 2000, Public Law 106–559 (no funds have been appropriated to date).

The increase funding will support the:

—Hiring and training of court personnel;

—Compliance with the 2010 Tribal Law and Order Act;

—Salary increases for existing judges and court personnel;
—State-of-the-art technology for tribal courts;
—Security and security systems to protect court records and privacy of case information;
—Tribal court code development; and
—Financial code development.

BACKGROUND

The Bureau of Indian Affairs (BIA) within the Department of the Interior provides funding to tribal governments to supplement their justice systems including courts. Tribal courts play a "vital role" in tribal self-determination and self-governance as cited in long-standing Federal policy and acts of the Congress. Funding levels from the BIA to support tribal justice systems have not kept up with the Federal obligations and responsibilities.

For the past 5 years, the ITCRT has been traveling throughout Indian country assessing how tribal courts are operating. During this time, we have completed approximately 73 court reviews. There is no one with more hands-on experience and knowledge regarding the current status of tribal courts than the ITCRT.

We have come into contact with every imaginable composition of tribe: large and small; urban and rural; and 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.

JUSTIFICATION FOR REQUEST

*Hiring and Training of Court Personnel*.—Tribal courts make do with underpaid staff, underexperienced staff, and minimal training. (We have determined that hiring tribal citizens limits the inclination of staff to move away; a poor excuse to underpay staff.)

*Compliance With the 2010 Tribal Law and Order Act*.—To provide judges, prosecutors, public defenders, who are attorneys and who are bared to do "enhanced sentencing" in tribal courts.

*Salary Increases for Existing Judges and Court Personnel*.—Salaries should be comparable to local and State court personnel to keep pace with the nontribal 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 under-developed 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.

TRIBAL COURTS REVIEW

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 allocate 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 sys-

tems 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 184 tribes with courts that received $24.7 million in Federal funding in 2010.

Assessments have indicated that the BIA only funds tribal courts at 26 percent of the resources needed to operate. Tribes who have successful economic development ventures generally 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. All this while operating at a disadvantage with already overstrained resources and underserved needs of the tribal citizens. The assessment suggests that the smaller courts are both the busiest and most underfunded.

The grant funding from the Department of Justice (DOJ) is intended to be temporary. However, we have found that it is often 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 DOJ 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 DOJ 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 5 fiscal years through fiscal year 2010, there were only two isolated incidents of a questionable expenditure of Federal funds. It is speculated that because of our limited resources, we compromise one's 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. It is true that tribal courts need an immediate, sustained, and increased level of funding. However, as we have noted, there are strong indications that the courts will put such funding to good use.

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.

There are several courts where the roofs leak when it rains and those court houses cannot be fixed due to lack of sufficient funds. The ITCRT took pictures of those damaged ceilings for the BIA hoping to have additional funds for the tribes to fix the damaged ceilings.

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 not 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 the 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 the Congress we need better facilities, more law enforcement, more detention facilities, more legal advice, better codes, etc. The list goes on and on. But, as we have indicated, it all involves more funding. This Congress and this administration can do something great. We respectfully request that funding be invested in our tribal courts to fulfill and meet the promises that have been made.

NATIONAL REQUESTS

We support the requests and recommendations of the National Congress of American Indians.

In closing and on behalf of the ITCRT; Charles D. Robertson Jr., Honorable Philip D. Lujan, Myrna R. Rivera, and myself, we thank you for the opportunity to provide these requests and recommendations.

## PREPARED STATEMENT OF THE INTER TRIBAL BUFFALO COUNCIL

### INTRODUCTION AND BACKGROUND

My name is Ervin Carlson; I am a member of the Blackfeet Nation in Montana and the president of the Inter Tribal Buffalo Council (ITBC), formerly the Inter Tribal Bison Cooperative. Please accept my sincere appreciation for this opportunity to submit written testimony to the honorable members of the Senate Committee on Appropriations; Subcommittee on the Interior, Environment, and Related Agencies. The ITBC has recently become a federally charted Indian Organization under section 17 of the Indian Reorganization Act and is headquartered in Rapid City, South Dakota. The ITBC is comprised of 56 federally recognized Indian tribes in 19 States.

On behalf of the member tribes of the ITBC I would like to address the following issues:

—request an appropriation of $3 million for fiscal year 2012 from the Department of the Interior (DOI), Bureau of Indian Affairs (BIA), and Operation of Indian Programs to continue our restoration effort; to continue to provide highly qualified technical assistance; implement our marketing initiative; and to continue our health initiative which utilizes buffalo to treat and prevent diet-related diseases among Native Americans;

—explain to the subcommittee the unmet needs of the members of the ITBC; and

—update the subcommittee on the present initiatives of the ITBC.

The American buffalo, also known as bison, has always held great meaning for American Indian people. The buffalo provided the tribes with food, shelter, clothing, and essential tools. In the 1800's, the Whiteman recognized the reliance Indian tribes had on the buffalo. Thus began the systematic destruction of the buffalo to try to subjugate the tribal nations. The slaughter of more than 60 million buffalo left only a few hundred buffalo remaining.

Indian people developed a strong spiritual and cultural relationship with the buffalo that has not diminished with the passage of time. To Indian people, buffalo represent their spirit and remind them of how their lives were once lived, free and in harmony with nature. It is this connection that caused multiple tribes to come together to organize the ITBC with the mission of preserving the sacred relationship between Indian people and the buffalo through restoring buffalo to tribal lands. The ITBC envisioned the restoration of buffalo on tribal lands would foster sustainable economic development that would be compatible with each of the tribal cultures. The land bases of most tribal reservations is unsuitable for farming or raising livestock but this marginal land is ideal for raising buffalo who have lived in this ecosystem for thousands of years. The ITBC received funds in 1992 and began their restoration efforts.

Federal appropriations have allowed the ITBC to successfully restore buffalo to more than 50 reservations on more than 1 million acres of trust land, 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 the 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 the 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

The ITBC respectfully requests an appropriation for fiscal year 2012 in the amount of $3 million. This amount would restore the ITBC funding to the fiscal year 2006 appropriation level and will greatly enhance our ability to successfully accomplish tribal goals and objectives. This request will help balance our continuing growth in membership with our funding level. The $3 million funding level would restore vital funding that was cut in fiscal year 2007, by the previous administration, and has not been restored. Our requested funding level of $3 million 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, the ITBC and its 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 the ITBC. The ITBC was funded $1 million in fiscal year 2007 through a congressional earmark appropriation. In fiscal year 2008, the ITBC received $1 million from the BIA for herd development grants to tribes only. In fiscal year 2009, the ITBC was received $1 million through a congressional earmark appropriation in the DOI, BIA budget and $421,0000 for the ITBC administration from the BIA fiscal year 2008 carryover funds. In fiscal year 2010, the ITBC was in the BIA budget at the level of $1.4 million. In fiscal year 2011, the ITBC was included in the Presidents budget for $1.4 million through the BIA. Reductions in funding critically impacted the ITBC's successful Marketing Program and Health Initiative to address diet-related health problems epidemic on most 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 the Congress in fiscal year 2006 toward the 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.

The ITBC is structured as a 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. The ITBC funding is distributed to the ITBC member tribes via a Herd Development Grant Program developed by the consensus of the members. The ITBC surveys member tribes annually to determine unmet project needs and currently the total unmet needs for the ITBC member tribe's projects is $10 million. The Tribal Bison Project Proposal summaries that detail the ITBC member tribes projects and financial needs are on file with the ITBC and available for your review.

THE ITBC GOALS AND INITIATIVES

The goal of the ITBC is restoration of buffalo to Indian lands for tribes to utilize in their day to day lives in a manner that promotes sustainable economic development. The ITBC's ultimate goal is for tribal buffalo herds to achieve sustainability and become a daily part of tribal life through an increased presence in the diets of tribal members.

*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. The ITBC has proven extremely successful at buffalo restoration in its 15 years of existence. Today, with the support and technical assistance of the 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. The 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. 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 circulates 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. The ITBC provides critical technical assistance to member tribes that have developed sustainable management and infrastructure development plans. Additionally, the ITBC provides training curriculum for the newly created jobs and marketing plans as tribal herds reach marketing capabilities. The ITBC has commenced 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*

The 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 increases transport time. The ITBC believes this lack of a constant supply chain that is cost effective is what is limiting the economic development of tribal buffalo herds.

The 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. The ITBC has assisted the Cheyenne River Sioux Tribe in South Dakota with operation of their meat-packing facility. The ITBC has provided assistance to the Ponca Tribe of Nebraska for a tannery that the tribe has started to produce brain tanned hides. The ITBC is currently providing buffalo for the USDA AMS solicitation for ground bison for inclusion in the Food Distribution Program for Indian Reservations (FDPIR). The 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. The 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 Health Care Initiative*

The 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.

The ITBC member tribes has just commenced preventive healthcare initiatives 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 led to the elimination of the majority of the program with only the educational program still in existence. 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. The ITBC seeks to remedy this concern by providing buffalo meat in family sized quantities to reservation markets and interact with the Federal food programs. The 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

In 2012, the ITBC will have been in existence for 20 years assisting its member tribes to restore buffalo to their native lands for cultural purposes and working toward economic development for herd sustainability. The ITBC will continue to provide technical assistance and funding to its member tribes to facilitate the development of sustainable buffalo herds.

The ITBC and its member tribes have created a new reservation industry, tribal buffalo production, resulting in new money for reservation economies. In addition, the 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.

The 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 the ITBC funding close to the fiscal year 2006 level of $3 million, which will allow

the 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 the ITBC invite the honorable members of the subcommittee to visit our tribal buffalo projects and experience first hand their successes.

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## PREPARED STATEMENT OF THE IZAAK WALTON LEAGUE OF AMERICA

The Izaak Walton League of America appreciates the opportunity to submit testimony for the record concerning appropriations for fiscal year 2012 for various agencies and programs under the jurisdiction of the subcommittee. The League is a national, nonprofit organization with 38,000 members and more than 250 local 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 by the Departments of Agriculture and the Interior, Fish and Wildlife Service, and Environmental Protection Agency.

### KEEP FISCAL YEAR 2012 BILL FREE OF EXTRANEOUS POLICY PROVISIONS

The League opposes inclusion of policy "riders" which would undermine the ability of the departments and agencies under the subcommittee's jurisdiction to effectively implement their statutory authority. In particular, the League opposes any provision which would prevent the EPA from proposing, finalizing, or implementing any guidance, rulemaking, or other authorized administrative action concerning jurisdiction over "waters of the United States" under the Clean Water Act. We also oppose any provision barring the EPA from exercising its authority under the Clean Air Act to regulate emissions of greenhouse gases.

The League strongly supports administrative actions the EPA and Army Corps of Engineers could take to restore Clean Water Act protections to some of the streams, wetlands, and other waters that are now at risk of pollution and destruction under the Supreme Court's *SWANCC* and *Rapanos* decisions. These actions are necessary and appropriate. In fact, Supreme Court justices, including Chief Justice John Roberts and Justice Breyer, have urged the agencies to take such action. Any steps the agencies could take would occur through well-established administrative processes, which provide multiple opportunities for public participation, comment, and review. It is counterproductive to bar agency action, which could restore Clean Water Act protections to wetlands that provide essential habitat for fish, wildlife, and waterfowl, as well as streams that flow to public systems supplying drinking water for more than 117 million Americans.

### DEPARTMENTS OF AGRICULTURE AND THE INTERIOR—LAND AND WATER CONSERVATION FUND (LWCF)

The League supports providing $900 million for the LWCF in fiscal year 2012 as requested by the administration. It is important to begin to reinvest in strategic land acquisition to protect critical habitat, secure valuable in-holdings, provide recreational access, and to buffer against the likely impacts of climate change. Dramatically reducing funding for LWCF will not provide meaningful savings to taxpayers because it is capitalized with revenue from off-shore oil and gas drilling. As importantly, diverting resources from LWCF to offset other expenditures from the general treasury directly undermines the fundamental premise on which LWCF is based. That common sense premise is a portion of the revenue generated by natural resource extraction should be invested in conserving other natural resources at the national, regional, and State levels.

### FWS—NATIONAL WILDLIFE REFUGE SYSTEM (NWRS) OPERATIONS AND MAINTENANCE

The League joins other members of the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 21 wildlife, sporting, conservation, and scientific organizations representing millions of members and supporters, in requesting $511 million in fiscal year 2012 for operations and maintenance of the NWRS. This is approximately $8 million more than the administration's request, and is designed to partially offset rising fixed costs that erode the already underfunded system budget.

The League and CARE groups appreciate the importance of fiscal discipline and making strategic spending decisions. CARE annually develops an estimate of the operations and maintenance budget that is necessary to effectively provide visitor services and law enforcement and conserve and manage fish, wildlife, and habitat across the refuge system. CARE estimates operations and maintenance needs total

$900 million annually. Although our long-term goal is to make steady progress toward a budget which more accurately reflects demands on the ground, CARE's request for fiscal year 2012 is flat after accounting for inflation and other fixed costs.

Although holding the refuge system budget constant for multiple fiscal years diminishes capability to effectively perform core functions, cutting the budget to the fiscal year 2008 level would have much more negative repercussions. Returning to fiscal year 2008 levels would cut the system's operation and maintenance budget by approximately $66 million. The FWS estimates that cutting this amount would adversely affect a wide range of functions, including:

*Visitor Services*.—In 2010, approximately 44.5 million Americans visited wildlife refuges across the country to hunt and fish, observe wildlife, learn from FWS professionals, or simply take a walk in the woods. And these visitors have a direct, positive impact on local economies. The FWS estimates that refuge visitors generate $1.7 billion in economic activity and support 27,000 private-sector jobs.

If funding is cut to the fiscal year 2008 level, the FWS estimates that 54 visitor centers will be closed and another 11 currently under construction will not be opened due to staff reductions. Functioning visitor centers are essential to providing tens of millions of Americans with information, professional expertise and programming, and basic services that make their visits to refuges not only enjoyable, but in many cases, practical. The FWS further estimates that 48 refuges would terminate hunting programs and another 45 would shutter angling programs. As access to private land for hunting and fishing continues to decline and the broader hunting and angling community works hard to grow the number of participants, it would be counterproductive to reduce opportunities to pursue both sports on readily available and accessible public land. If visitor services decline due to budget cuts and visitation is negatively impacted, our shared goal of reviving the economy and creating jobs could be undermined.

*Law Enforcement*.—As the subcommittee knows, the refuge system faces pressing law enforcement challenges, including illegal drug production and trafficking, illegal immigration, serious violent crime, and poaching. At the same time, the system has only a fraction of the personnel recommended by law enforcement professionals and independent auditors. In 2005, the International Association of Chiefs of Police concluded that the refuge system needs 845 full-time law enforcement officers to effectively protect visitors and enforce laws applicable to the system. In fiscal year 2011, the system has 213 officers, which is unchanged from fiscal year 2010 and approximately 75 percent below the level recommended by our police chiefs. The analysis of refuge system performance issued by Management Systems International (MSI) in 2008 concluded that: "[A]t many refuges, law enforcement coverage is insufficient to ensure protection of resources and the safety of visitors and refuge staff."

If the system budget is reduced to the fiscal year 2008 level, the FWS could be forced to fire law enforcement officers along with hundreds of other essential staff. With the system already under-resourced in this critical area, deep budget cuts would only exacerbate existing law enforcement problems.

*Operations and Maintenance Backlog*.—The subcommittee is also very familiar with the persistent backlog of operations and maintenance projects across the NWRS. The FWS now estimates that deferred maintenance projects—everything from repairing washed out trails and roads to rebuilding duck blinds and observation platforms—total about $2.7 billion. Repeatedly deferring essential maintenance only makes the problems worse and more expensive to address over time. We frequently hear about "running government like a business". Experts recommend that businesses invest 2 to 6 percent of the total value of assets in annual maintenance. For the refuge system, with assets valued at more than $23 billion, the annual maintenance budget is about $135 million, which represents an investment of less than 1 percent. Further cutting investment in maintenance, which is essential to providing quality visitor services and effectively managing habitat, fish, and wildlife, is not a good business practice.

FWS—STATE AND TRIBAL WILDLIFE GRANTS

As a member of the Teaming with Wildlife Coalition, the League urges the subcommittee to provide $95 million in fiscal year 2012, which is equal to the administration's request, for State and Tribal Wildlife Grants. The State Wildlife Grants support proactive conservation projects aimed at preventing wildlife from becoming endangered. Experience shows that efforts to restore imperiled wildlife can be particularly contentious and costly when action is taken only after species are formally listed as threatened or endangered pursuant to the Endangered Species Act. State

Wildlife Grants augment State and community-based efforts to safeguard habitat and wildlife before either reaches the tipping point. This program also provides States with an important source of Federal funds to address nongame species. Finally, the Federal investment leverages significant funding from private, State, and local sources.

EPA—GREAT LAKES RESTORATION

The League supports providing $350 million as requested to build on the investment made in Great Lakes restoration in fiscal years 2010 and 2011. The Great Lakes provide drinking water to 35 million people and support jobs and recreational opportunities for millions more. However, the health of the Great Lakes is seriously threatened by untreated sewage, toxic pollution, invasive species, and habitat loss. The eight States that border the Lakes and many nongovernmental organizations have invested significant resources to safeguard these national treasures. Sustained Federal investment at a significant level is also needed or the problems will only get worse and cost even more to fix.

Cleaning up the Great Lakes will provide many benefits, including economic development in the region. According to the Brookings Institution, Great Lakes restoration efforts produce $2 in economic return for every $1 invested. Restoration projects create jobs for engineers, landscape architects, construction workers, and many more. Restoration results in cleaner drinking water, clean beaches, and healthy fish and wildlife habitat. These results lay the foundation for long-term prosperity in the region.

The League urges the subcommittee to provide at least $350 million to advance this critical initiative, especially when numerous studies estimate that $5 billion is required to restore the Great Lakes ecosystem.

EPA—NON-POINT SOURCE MANAGEMENT PROGRAM (CLEAN WATER ACT SECTION 319)

The League urges the subcommittee to appropriate at least $200 million for section 319, the Non-point Source Management Program. Unfortunately, the administration proposes to cut more than $36 million compared to fiscal year 2010 at the same time the EPA and many 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. Based on the pressing nature of the problem, it makes sense to maintain, if not increase, investment which helps States and local governments to more aggressively tackle nonpoint source pollution.

EPA—CHESAPEAKE BAY PROGRAM

The League supports the administration's request for $67.4 million in fiscal year 2012 for the Chesapeake Bay Program. The Chesapeake Bay is the largest estuary in the United States and one of the largest in the world. More than 16 million people live within the Bay watershed. The Bay is a critical economic, environmental, and recreational resource for these residents and the Nation as a whole. However, the productivity and health of this nationally significant resource remain seriously impaired by nutrient pollution from multiple sources throughout the watershed.

The EPA and States have launched a significant and rigorous effort to cut pollution and improve water quality. Few would argue that implementing the recently adopted total maximum daily load (TMDL) will not be challenging or not require significant investment to reduce point and nonpoint source pollution. However, the EPA is requesting additional funds, in part, to support States, local governments, and other partners as they begin implementing the TMDL. The League believes it is essential to provide technical assistance to achieve results on-the-ground and lay the foundation for long-term pollution reductions.

The Izaak Walton League appreciates the opportunity to testify about these important issues.

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PREPARED STATEMENT OF THE JAMESTOWN S'KLALLAM TRIBE, WASHINGTON STATE

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 2012 Bureau of Indian Affairs (BIA) and Indian Health Service (IHS) budgets. The fiscal year 2012 President's proposed budget presents a renewed opportunity for the U.S. Government to live up to the promises made to American Indians/Alaska Native tribal governments. We have long appreciated this subcommittee's support of our funding requests and are pleased to submit the following recommendations and requests:

TRIBAL-SPECIFIC APPROPRIATION PRIORITIES

We request $600,000 for a land purchase for the Tamanowas Rock Sanctuary Project and a $200,000 increase to the BIA tribal base budget for fish and wildlife management.

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 Northwest Indian Fisheries Commission.

NATIONAL REQUESTS AND RECOMMENDATIONS

*BIA Requests*

Provide a $82.9 million general increase to the BIA Tribal Priority Allocation (TPA) for inflationary and fixed costs; provide $47.5 million increase for the BIA Contract Support Cost (CSC), including direct CSC; and provide $5 million increase in the Indian Self-Determination (ISD) Fund; restoration and increase funding for Indian Loan Guarantee Program; and establishment and funding for a Surety Bonding Guarantee Program

*IHS Requests*

Hold Indian health programs harmless and protect from roll-backs, freezes, and recessions; exempt tribes from Federal pay freeze and use appropriate inflation rates; a $200 million increase for Contract Health Services (CHS); a $153 million increase for IHS to fully fund CSC, including direct CSC; and increase $5 million to the IHS Office of Tribal Self-Governance (OTSG).

We support all requests and recommendations of the National Congress of American Indians (NCAI) and the National Indian Health Board (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.

TRIBAL-SPECIFIC APPROPRIATION JUSTIFICATION

*$600,000 for a 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 Rock 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. We are taking the lead to seek funds to purchase the land and the remaining 80 acres directly surrounding Tamanowas Rock, all of which would be protected in perpetuity.

*$200,000 Increase to the BIA Tribal Base Budget for Fish and Wildlife Management*.—Jamestown S'Klallam Tribe is 1 of 4 tribes that signed the Point No Point Treaty with the U.S. Government in 1855. The U.S. Government formally recognized Jamestown in 1981. By then, the BIA was contracting with tribes 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. Rather than redistribute the funding pie, Jamestown received a smaller portion for fisheries management in relation to the other three tribes. Even with self-governance (SG), the BIA continues to distribute contracted funds based on funding history, thus Jamestown receives a significantly smaller portion of the PNPTC base funding than the other three tribes. The Jamestown S'Klallam Tribe is nonetheless

required to meet the basic fisheries and wildlife management responsibilities of *U.S.* vs. *Washington (Boldt Decision)*, including planning, negotiation, regulation, technical expertise, and enforcement. The $200,000 increase to our fiscal year 2012 SG base is needed to implement these essential treaty fish and wildlife management services.

NATIONAL REQUESTS AND PRIORITIES

*BIA Requests*

The President has committed to support and advance tribal ISD and SG for the Nation's 567 federally recognized tribes. Consistent with that commitment, the fiscal year 2012 budget should include the following critical increases:

—*TPA General Increase*.—Provide $82.9 million (10 percent increase more than fiscal year 2010) for a general increase to the BIA TPA for inflationary and fixed costs.

TPA is one of the most important funding areas for tribal governments. It covers such needs as scholarships and higher education funding, human services, economic development, and natural resources management. This funding has steadily eroded due to inflation and population growth. The effects of rising costs of travel, equipment, supplies, and purchased services have been compounding for years while the Native American population has increased at 1.6 percent per year. Since tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, they are the main resources for tribes to exercise their powers of ISD and SG.

—*CSC*.—Provide a $47.5 million Increase for the BIA to fully fund CSC, including direct CSC and provide $5 million for the ISD Fund.

Excluding the President's requested increase of $21.5 million for CSC for fiscal year 2011, the BIA projected a CSC shortfall of $47.5 million. The BIA did not make projections for fiscal year 2012 or fiscal year 2013, but the projected shortfall would go up based upon inflation and new contracting. Additionally, $5 million is needed annually for administrative costs for new and expanded programs (ISD Fund). When CSC is not fully funded, tribes are forced to utilize limited direct program services dollars or tribal resources to cover these shortfalls. Further, CSC directly funds jobs— and those jobs directly enhance services for education, law enforcement and other essential governmental services across Indian country. We respectfully urge the subcommittee to fund these essential services and not permit Indian agreements to remain the only government contracts that are not fully funded.

*Indian Loan Guarantee Program*.—Restoration and increase funding. Part of the rationale to cut back this program is that the program could be duplicating other services, such as Small Business Administration loan programs. This assumption is wrong and will undermine the tribes economic development efforts. This important program has resulted in a very positive impact for Indian country. The default rate is low and key in assisting tribes with economic development and providing additional jobs to Indian country. We respectfully urge the subcommittee to preserve this program at minimum to the fiscal year 2010 level of $8.1 million.

*Surety Bonding*.—Establishment and funding of a Surety Bonding Program. There long been a need for a surety bonding program for Indian country. The traditional bonding industry— uncomfortable and unfamiliar with sovereign tribes—require excessive waivers of sovereign immunity to issue surety bonds for our companies requiring these bonds. This industry impediment clearly suppresses our business opportunities.

*IHS Requests*

Our tribe strongly encourages the following:

—*Hold Harmless*.—Hold Indian health programs harmless and protect prior year and proposed fiscal year 2011 and fiscal year 2012 increases from budget rollbacks, freezes, and rescissions. We have been encouraged by the increased investments made in Indian health in fiscal years 2008, 2009, and 2010 and greatly appreciate President Obama's proposed increases for fiscal year 2011 and 2012. However, we are equally concerned that efforts by the Congress and the Administration to reduce the overall size of the Federal budget may jeopardize the recent progress to address severe and chronic health and funding disparities in Indian country as well as our ability to effectively implement the Indian Health Care Improvement Act and the Affordable Care Act.

*Current Services*.—Exempt tribes from Federal pay freeze and use appropriate inflation rates. Not only Commissioner Corps Officers, but all tribal and Federal IHS employees should be exempted from any Federal employee pay freeze that may be imposed in fiscal year 2011, 2012, or 2013. The rates of inflation applied to hospitals

and clinics, dental health, mental health, and CHS in developing the IHS budget should correspond to the appropriate components in the consumer price index, and that there should be parity in the calculation of inflation among the Department of Health and Human Services operating divisions.

*CHS*.—Provide $230 million Increase for CHS and Catastrophic Health Emergency Fund (CHEF). Tribes have recommended that an increase of $200 million is needed for CHS funding plus an additional $30 million for the CHEF, for a total of $1.17 billion. At present, less than one-half of the CHS need is being met, leaving too many Indian people without access to necessary medical services. 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.

*(CSC)T1.—Provide $153 million for IHS to fully fund CSC, including direct CSC. This year's fiscal year 2012 request of a $63.3 million increase for CSC continues a sad chapter of neglect for the ISD Fund. For fiscal year 2012, the estimated shortfall is $153 million.*

*OTSG*.—Increase $5 million to the IHS OTSG.—In 2003, the 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. As of 2011, there are 331 SG tribes managing approximately $1.5 billion in funding. This represents 59 percent of all federally recognized tribes and 33 percent of the overall IHS funding.

In closing, we thank you for the opportunity to provide this written testimony on the budget priorities of the Jamestown S'Klallam Tribe.

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LETTER FROM THE KENNESAW MOUNTAIN NATIONAL BATTLEFIELD PARK, GEORGIA

*May 4, 2011.*

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

MR. CHAIRMAN AND HONORABLE MEMBERS OF THE SUBCOMMITTEE: I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of the LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the LWCF will permanently pay dividends to the American people and to our great natural and historical heritage. As the LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to the LWCF in fiscal year 2012, the National Park Service (NPS) included $2.772 million for the acquisition of land in the Kennesaw Mountain National Battlefield Park in Georgia in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for the LWCF so that this important project can receive this needed funding.

After victories in 1863 at Gettysburg in the East and Vicksburg and Chattanooga in the West, 1864 appeared to be a bright year for Union arms. A favorable end to the Civil War appeared closer than ever. In concert with each other Union armies launched southbound offensives in Virginia and Georgia at the beginning of May against supposedly weakened Confederate forces. The marching and fighting was nearly continuous. In Virginia it was exceptionally intense and brutal at the Wilderness, Spotsylvania, and Cold Harbor. In northern Georgia, due to the topography and geography, the Union troops of General William Tecumseh Sherman had more room and opportunities for less violent flanking maneuvers that pushed back the Confederates under General Joseph E. Johnston. By June 19, Johnston had retreated to a strong defensive position at Kennesaw Mountain near Marietta, 20 miles from the center of Atlanta.

The Congress established Kennesaw Mountain National Battlefield Park in 1935 to commemorate the battle and the 1864 Atlanta campaign. The park protects nearly 2,850 acres of battlefield along a 5.5-mile line west of Marietta. Many of the 1.3 million annual visitors hike or drive to the top of Kennesaw Mountain to see the panoramic view of the Atlanta skyline to the southeast and the Appalachian foothills to the north and northwest. The mountain is 1,800 feet above sea level and 700 feet above the visitor center and surrounding Marietta. Visitors also enjoy 18 miles of trails, Civil War interpretive programs, historic monuments, surviving earthworks, and the opportunity to view birds and wildlife.

Available for acquisition in fiscal year 2012 is the 16-acre Leavell property. The inholding is located on the south side of Burnt Hickory Road near the center of the park. The NPS owns surrounding property to the west and south, while the tract directly to the east has been developed for several large houses. Just farther to the east along Burnt Hickory Road, there is a NPS parking area for visitors wishing to hike 1,240-ft Pigeon Hill to the northeast and the Hardage Saw Mill site to the south. A tributary of Noses Creek passes through the property. Noses Creek eventually flows into Sweetwater Creek, a tributary of the Chattahoochee River.

The acquisition of the Leavell property by the NPS would protect a significant inholding at Kennesaw Mountain across which Union troops in General Joseph Lightburn's brigade attacked to reach Pigeon Hill. Given its frontage on Burnt Hickory Road and the growth in and around Marietta and the entire Atlanta metropolitan area, the property is likely to be developed if not conserved. Tracts to the north and east within the boundaries of the national battlefield park have already been developed.

These descriptions of the land and the battle are very helpful in understanding the overall battlefield, the actions that took place, and its consequences. However, as an historian, it is worth presenting some of the words of the soldiers who fought at Kennesaw Mountain.

On June 26, 1864, as General Sherman prepared orders to charge the Kennesaw Mountain Line, his men prepared rations and wrote letters home to family. These men looked across the open field to the fortified trenches they were soon going to attack. On one of the hottest days of the 1864 campaign, many a soldier of General Lightburn's Brigade touched pen to paper to send one last letter to a mother.

Martin Comer of the 53rd Ohio wrote in the fading light of the 25th of June: "Dear Mother in the hardest of all the hard campaigns, in the hottest of days I set down to write you a few lines. We have prepared three days rations and have been given orders to attack soon. I have all the faith in God as you have tought me. I wish only to return home and see you and father once more. Your loving son."

Jefferson Cantor wrote, "Mother and father we are near Atlanta, I feel one more charge will do in the rebbles and we shall take the queen city. I have hope to return home soon and to embrace you once more as mother and son. Your son Jeff."

Charles B. Fox wrote, "Dear mother I hope that those who have stayed home in the fight against the destruction of our nation will know what our brave boys have done in this campaign. We will save our country and once more to live in the peace of our land, I hope to enjoy that peace, and to all my love to you, mother I hope to see you soon. your loving son C B Fox."

Austin Gilmore, a slave who enlisted in the 111th Illinois as a cook, but on June 27, 1864, under a general order from General Sherman that all cooks and musicians would take up as stretcher bearers when the army went into battle. They would wear a white armband on their left sleeve. Austin on June 27, 1864, took on this duty and while removing a white wounded soldier from harm's way was wounded himself in the right hip. On July 1, 1864, in a hospital in Rome, Georgia, Austin died and 1867 he was placed in an unknown grave in the Marietta National Cemetery.

The story of these brave men and many more are told on the ground, which we are asking to be purchased. This ground has already been paid for and all we need to do is purchase it and preserve it for future generations. I am asking in the names of these brave men to have this land saved.

An allocation of $2.772 million from the LWCF in fiscal year 2012—as recommended in the President's budget—is needed to protect this important Civil War battlefield inholding at Kennesaw Mountain National Battlefield Park.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Georgia, and I appreciate your consideration of this funding request.

BRAD QUINLIN,
*Civil War Historian.*

## PREPARED STATEMENT OF THE LEAGUE OF AMERICAN ORCHESTRAS

The League of American Orchestras urges the subcommittee to approve fiscal year 2012 funding for the National Endowment for the Arts (NEA) at a level of $167.5 million. We urge the Congress to continue supporting the important work of this agency, which broadens public access to the arts, nurtures cultural diversity, spurs the creation of new artistic works, and fosters a sense of cultural and historic pride, all while supporting countless jobs in communities nationwide.

The League of American Orchestras leads, supports, and champions America's orchestras and the vitality of the music they perform. Its diverse membership of nearly 900 orchestras across North America runs the gamut from world-renowned symphonies to community groups, from summer festivals to student and youth ensembles. The only national organization dedicated solely to the orchestral experience, the League is a nexus of knowledge and innovation, advocacy, and leadership advancement for managers, musicians, volunteers, and boards. Founded in 1942 and chartered by the Congress in 1962, the League links a national network of thousands of instrumentalists, conductors, managers, board members, volunteers, and business partners.

Federal arts support has a compelling exponential impact: the intense competition for Federal dollars means that the awarding of an NEA grant greatly enhances and strengthens an orchestra's application for funding from other sources. Furthermore, an NEA grant serves as an emblem of public value and national artistic significance, and communities large and small partake in the distinction of presenting nationally recognized NEA-supported programs. In fiscal year 2010, the NEA's Grants to Organizations included 119 grants to orchestras, and continued funding for the agency will support its ability to serve the American public. The Endowment promotes creation, engagement, and learning in the arts through Arts Works, the major support category for organizations that includes the Access to Artistic Excellence, Learning in the Arts for Children and Youth, and Challenge America: Reaching Every Community grant programs—as well as through vital Federal/State partnerships.

The presence of orchestras is often an indicator of a community's economic and cultural strength. In fact, investing in the arts has a demonstrated impact in helping to reverse economic decline. In addition to fueling local economies, attracting new business development, and educating young people, music unites people and cultures in good times and bad. The League is committed to help orchestras by bringing new knowledge and perspectives concerning the shifting priorities in our communities to our members. Likewise, the NEA plays an incredibly valuable leadership role through its direct grants to organizations, strategic initiatives, and ongoing national research illuminating trends in public participation and workforce development.

### NEA GRANTS HELP ORCHESTRAS EDUCATE AND ENCOURAGE AMERICA'S YOUTH

The Boise Philharmonic, a 70-member professional orchestra with an administrative staff of 9 employees, is Idaho's largest and oldest performing arts organization. The orchestra maintains a vast array of educational programs, including classes for young children, a Family Concert series, annual Children's Concerts with full symphony orchestra performing for 15,000 school children in 9 free performances, Musicians in the Schools, Ensembles in the Schools, Conductor in the Schools and the Jeker Eagle Schools music project. In fiscal year 2010 the Boise Philharmonic received NEA support for Classic Collaborations, a series of concerts accompanied by related educational activities. Each concert in the series integrated symphonic music with vocal music, theater, or dance along with participating area opera, theater, and dance companies, embodying the collective strength of arts disciplines coming together.

The New World Symphony, a 23-year-old orchestral academy whose 750 graduates now perform in more than 176 orchestras across the country, is also committed to serving America's youth. In addition to connecting musicians and artists around the globe, the orchestra provides instruction and mentoring to schools by making its performances available to school systems across South Florida. The Musician Professional Development Program receives NEA support to offer performances, coaching, and community outreach activities as a means to prepare more than 80 gifted young musicians each year for musical leadership positions in the orchestral field. Thanks in part to Federal funding, these young musicians have the opportunity to experience music at multiple levels of engagement and enjoy the advantages of highly trained coaches to develop their own professional careers in music.

NEA FUNDING LEADS TO INCREASED PUBLIC ACCESS TO CULTURALLY DIVERSE ART

The NEA, together with the organizations it helps support, is committed to improving public access to the arts. With grants reaching every congressional district, the NEA helps orchestras connect to their community and the experience of live music serves as a conduit for disparate communities to connect with each other. The Pacific Symphony, employing 88 part-time musicians and 44 full-time staff, formed a partnership with an Indian cultural center in Irvine, California to present numerous traditional Indian performances to rapt audiences. With assistance from the NEA, many listeners experienced a new musical form and enjoyed the cultural richness of their own community for the first time. The traditional performers were also integrated into the orchestra's American Composers Festival, featuring the world premiere of a new work, Passion of Ramakrishna, by Philip Glass. NEA funds not only supported traditional works of art, but a new work that celebrates our diverse American heritage.

Federal support often enables grantees to extend their reach beyond their immediate cities and towns, bringing unique musical experiences to communities that would not otherwise be able to enjoy them. The Bremerton Symphony Orchestra employs 11 full-time and part-time staff, and with 120 volunteer orchestra and chorale members, it will present an "Inspiring Virtuosity" concert with violinist Marié Rossano. In addition to the concert itself, the orchestra's NEA grant will help make the concert accessible to the Hispanic and Tribal populations of the Kitsap Peninsula as well as low income families of Bremerton. The orchestra conductor will meet personally with each of the groups to invite members of Kitsap County to the concert. NEA grants are undoubtedly a vital part of the support system that enables orchestras to showcase our society's rich array of cultures and to engage and connect with the diverse audiences around them.

NEA SUPPORT FOSTERS NATIONAL PRIDE AND REMEMBRANCE

In addition to widening access to our country's cultural diversity, NEA grants provide a stirring way for orchestras to aid in the remembrance of key moments in our American history. To commemorate the 10th anniversary of September 11th, the New York Philharmonic commissioned a new work, "One Sweet Morning," by American composer John Corigliano. The orchestra, which employs 192 full-time and 353 part-time or seasonal staff, along with 190 volunteers, will use its NEA grant in the presentation of this poignant artistic perspective on the years following September 11, 2001, which will incorporate texts on war and peace by American lyricist E.Y. "Yip" Harburg, Lithuanian-American poet Czeslow Milosz, the Ancient Greek poet Homer, and Tang Dynasty poet Li Po.

The National Symphony Orchestra, numbering 100 musicians and 19 administrative employees, likewise commemorated another important event in American history—the 50th anniversary of President John F. Kennedy's 1961 inauguration. The historic concert was performed earlier this year at Constitution Hall in tribute to a leader who believed that the arts can help shape the national character and bring understanding between nations. The celebration included the commissioned piece, Remembering JFK (An American Elegy) by Peter Lieberson, which incorporated text from President Kennedy's speeches and writings.

The city of Birmingham pays homage to another important figure in American history in Reflect and Rejoice: A Community Tribute to Dr. Martin Luther King, Jr., an annual remembrance of the progress that has taken place since Dr. King's "Letter from a Birmingham Jail," written in 1963. A consortium grant from the NEA supports this musical and artistic collaboration between partners such as the Birmingham Civil Rights Institute, local choirs, and the Alabama Symphony Orchestra, which employs an administrative staff of 20 full-time and 2 part-time employees, a full-time core orchestra of 54 musicians, and 4 conductors. In conjunction with the tribute, the orchestra holds a poetry contest every year in which students submit poems inspired by orchestral work from the Reflect & Rejoice concert. Appreciating our history is crucial for current and future generations, and the NEA is a valued partner in creating impactful, engaging, and memorable ways such as these to honor our past.

NEA FUNDING ENCOURAGES NEW WORKS AND PROGRAMMING

NEA grants to orchestras help support the creative capacity of American musicians and composers. A grant from the NEA will support the Living Composers Project, produced by The Saint Paul Chamber Orchestra, whose 35 musicians and 33 full-time and 15 part-time administrative staff share a commitment to stimulate and challenge audiences by including recent and newly commissioned works as part

of its regular programming. The project will encompass more than 20 performances and world premieres throughout the Twin Cities metro area. Composers will be invited to attend performances of their commissioned pieces and participate in open rehearsals and pre- and postconcert discussions to help introduce audiences to contemporary chamber orchestra music in thoughtful and engaging ways.

With 10 full-time staff and approximately 70 part-time musicians, the long-term support of the NEA has been essential to the Albany Symphony Orchestra in keeping living American composers at the center of its mission. This year, an NEA grant will help in the production of the orchestra's American Music Festival, which nurtures and supports the work of living composers like Joan Tower, Zhou Long, and Michael Daugherty. Festivals such as this one are essential to assuring that orchestral music remains a part of the American cultural experience and that opportunities can be presented to composers to have their works shared at the highest artistic level.

NEA grants uniquely encourage orchestras to cultivate innovation, ensure that music continues to flourish within our cultural landscape, and help make it possible for audiences of all sizes to access it from every part of the country. Thank you for this opportunity to express the value of NEA support for orchestras and communities across the Nation. The Endowment'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 $167.5 million in funding for the National Endowment for the Arts.

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## PREPARED STATEMENT OF THE LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

As vice-president of the Lac du Flambeau Tribe of Lake Superior Chippewa Indians, located in Wisconsin, I am pleased to submit this testimony, which reflects the needs and concerns of our tribal members for the upcoming fiscal year 2012. We would like to begin our testimony by expressing our deep appreciation for President Obama's commitment to the United States' obligations to tribes and Indian people. We would also like to thank the subcommittee, particularly this subcommittee, for supporting Indian programs throughout the fiscal year 2011 appropriations process. We understand the Congress' concern for our country's depressed economy and that it must respond by tightening the belt of the Federal Government. In the face of these circumstances, we particularly appreciate the support you have shown our programs.

### BUREAU OF INDIAN AFFAIRS (BIA)

*Education*.—The President has made education one of his core priorities nationwide. Investing in educating our children is an investment in our future. An educated workforce creates economic opportunities, allows individuals and families to be self-sufficient, and, as a whole, allows us to be competitive in national and global markets. Education is one area where a relatively small amount of investment leads to long-term savings and benefits.

Because the tribe's children attend public schools, Johnson O'Malley (JOM) funding provides the core of the tribe's education program. In our tribe, JOM money funds a counselor/mentor position at the local high school. This position is particularly important as our children transfer from an elementary school that is more than 90 percent Indian to a high school in which they are the minority. We believe this rough transition is part of the reason why our native students at Lakeland Union High School have had a graduation rate of 56–61 percent over the last 4 years. While we deeply appreciate that the President's request did not cut funding for the program, we would like to take the opportunity to remind the subcommittee that this is an important program that deserves full funding.

Higher education is even more important as the overall workforce becomes college educated. Tribal communities must continue to evolve with other communities. Higher education is needed for our children to learn the skills necessary to enter the workforce, to be innovators, and to lead our tribal governments. President Obama has repeatedly expressed his commitment to national education programs, and in his address to Indian country he made a commitment to honor "obligations to Native Americans by providing tribes with the educational resources promised by treaty and Federal law." We embrace that commitment, but we want to remind you that the need for support does not lie only with high schools. Our students who want to pursue higher education need our continued support.

The budget proposes $2.164 million for Special Higher Education Program (SHEP) Scholarships to support Indian students working for graduate degrees. We strongly support the SHEP program, and are concerned that funding for it has remained flat over the last couple of years. Tribal communities have made great strides in educating their youth. Those strides are evident in the fact that more Indian students are attending and graduating from colleges and other postsecondary institutions. However, tribal communities must continue to evolve with other communities. The national and global economy has changed—students must earn graduate degrees to remain competitive. After making progress in Indian education, Indian students cannot be allowed to fall behind again because of lack of access to higher education programs.

One area of education that requires additional attention is job training and technical education. We propose an increase in adult basic education. At Lac du Flambeau, we would use any increase in this account to fund technical training at a local technical college. In the area of job training, we would use increases to double the number of scholarships for such areas as heating/ventilation/air conditioning, welding or culinary arts. This would be the training our members need to rejoin the workforce.

*Natural Resources and Conservation Officers*.—Tribes are leaders in natural resource protection and the 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. We greatly appreciate the slight increases natural resources programs have recently received.

We would like to remind the Congress that, in addition to being important cultural and environmental resources for current and future generations, natural resources provide many tribes and surrounding communities with commercial and economic opportunities. Whether tribes use those resources to sell licenses for hunting or recreational fishing, or operate commercial fisheries, these resources often provide much needed economic resources for families and tribes. As you all know, each and every economic opportunity today is invaluable, and should not be taken lightly. To ensure that these opportunities continue, these resources must be protected. We fear that the natural resource budget will be cut without understanding the importance they play in our economies.

One of the critical elements of our natural resource program is our Conservation Law Enforcement Officers (CLEOs). 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. These officers play an integral part in protecting our cultural and economic resources, as well as assisting with the most important role of protecting public safety. We would like to express our thanks to President Obama for including $1 million for conservation law enforcement in his fiscal year 2012 budget request. However, this amount will be divided among tribes nationwide. We respectfully request that the amount provided for these CLEOs be increased to assist tribes that are not able to supplement the funding be better able to administer their conservation law enforcement program.

*Housing Improvement Program (HIP)*.—The HIP is a critical program for tribes like Lac du Flambeau, providing much-needed money to renovate dilapidated housing. This is an especially critical need in northern Wisconsin, where substandard housing can have serious health and safety consequences in the winter, and especially at a time when President Obama has requested reduced funding for heating assistance programs. On average, Lac du Flambeau receives about $38,000 annually—enough to improve a single home, leaving the waiting list for HIP services increasingly long each year. We are grateful that President Obama did not cut funding for this program in his fiscal year 2012 request, but we would like to remind the subcommittee that the current funding is already inadequate in our State, and States like it, where the average temperature from December through March is 5–10 degrees at night.

*Great Lakes Indian Fish and Wildlife Commission (GLIFWC)*.—Related to the tribe's natural resource needs, we would like to voice our continuing support for the GLIFWC. The tribe is a member of the GLIFWC, which assists the tribe in protecting and implementing its treaty-guaranteed hunting, fishing, and gathering rights. We would also like to take this opportunity to express the need to maintain the tribal set-aside from the Great Lakes Restoration Initiative at $3 million.

ENVIRONMENTAL PROTECTION AGENCY (EPA) PROGRAMS

*Clean Water Program*.—The Clean Water Program provides grants to tribes under section 106 of the Clean Water Act to protect water quality and aquatic ecosystems. The Lac du Flambeau Clean Water program maintains and improves water quality as development continues for the tremendous amount of surface water within the exterior boundaries of our reservation. According to the 2000 Census, the Lac du Flambeau Reservation includes nearly one-half of all of the water area (56.34 square miles) within the Wisconsin Indian reservations. The tribe's Geographic Information System Program indicates that there are 260 lakes covering 17,897 acres, 71 miles of streams, and 24,000 acres of wetlands within the reservation. Surface waters cover nearly one-half of the Lac du Flambeau Reservation. Funding to maintain clean waters on our reservation has already decreased below the minimum required to maintain our program, and the President has proposed a cut to the national program. We ask the subcommittee to protect funding for this program important to the health of our communities.

*Clean Air*.—Tribal communities have the authority, through the Tribal Authority Rule, to implement Clean Air Act (CAA) regulatory programs and to conduct air quality monitoring, emissions inventories, and other studies and assessments. They are eligible for funding through the EPA to conduct these programs and services. However, when the EPA first increased its funding for these activities, relatively few tribes were conducting clean air activities. This funding has remained the same, although more and more tribes are taking over these clean air programs. During the past 10 years, the funding as ranged between $10.7 million and $13.3 million. As more tribes are applying for this funding, the funds are becoming increasingly inadequate. We respectfully request that these funds are increased to assist tribes in administering their CAA programs and activities.

INDIAN SELF-DETERMINATION ACT CONTRACT SUPPORT COSTS

*Inflation, Cost of Living, and Fixed Costs*.—We fully support the increase that President Obama has requested for these contract support costs (CSC)—providing an increase of $29.4 million for the tribal government programs, and $63.3 million for the Indian Health Service (IHS). Again, this is a relatively small investment that will protect against a need for greater funding in the future.

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 the Congress and the Department of the Interior have historically failed to fulfill their obligation to ensure that tribes have the same resources to carry out these functions.

One particular element of the CSC is the cost of health insurance, which is increasing every year. In order for us to maintain a $10 per hour employee (approximately $20,000 per 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 full funding of CSC funding, the tribe will continue to decrease services to our tribal membership because we cannot afford to absorb these costs.

IHS

*Contract Health*.—A need that is expressed to the subcommittee every year is increased funding for the IHS, and particularly in contract healthcare funding. This request is constant because contract healthcare funding is so important to the basic health and well-being of our communities, and is historically and continually tragically underfunded. Again we would like to express our appreciation to President Obama, and this subcommittee, for providing increases to contract healthcare funding over the past couple of years. I do not want this to go unappreciated. We strongly support the $89.6 million increase for contract health services proposed for the fiscal year 2012 budget. However, even at this level only half of the need is being met. We would request that an additional $118 million be provided. We believe this modest funding increase, would increase access to necessary care for a significant number of Indian people.

*Dental Health*.—We fully support the increase that the President has requested for the dental health subaccount. However, this increase is for commissioned officers' pay costs, population growth, and inflation. No increase is provided to expand services to already under-served populations. Dental services in Indian country, like

most health services, are extremely limited, and routine procedures are generally unavailable. It has been reported that only 25 percent of Indian people had access to dental care in 2008. While this is unacceptable in its own right, with growing evidence that dental health directly impacts the health of our hearts and cardiovascular systems, adequate dental health is necessary to protect the overall health of our communities. We respectfully request that an additional $10 million more than the President's request be provided for dental health.

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PREPARED STATEMENT OF THE LUMMI INDIAN BUSINESS COUNCIL

Good morning and thank you Mr. Chairman and distinguished subcommittee members for the opportunity to share with you the appropriation priorities of the Lummi Nation for the fiscal year 2012 budgets of the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS).

Lummi-specific requests—BIA:
- —+$300,000 to increase the funding for the BIA natural resources law enforcement.
- —*+$2 million—Phase 1.*—New water supply system increase in funding for hatchery construction, operation, and maintenance. Funding will be directed to increase hatchery production to make up for the shortfall of wild salmon; and

Committee directive requests:
- —Direct the BIA to work with Lummi Nation to ensure that its needs related to the removal of wild stocks from the salmon available for harvest are met through increased hatchery construction, operations, and maintenance funding; and
- —Direct the Department of the Interior (DOI) to fully fund the Office of Indian Energy and Economic Development, Workforce Development Division to continue its job training/development work that has resulted in jobs.

Lummi-specific requests—IHS:
- —Request funds for community-based AIDS/HIV rapid testing; and
- —+$4 million to combat drug epidemic in Lummi community.

Regional requests:
- —Support the requests of the Affiliated Tribes of Northwest Indians, the Northwest Portland Area Indian Health Board, and the Northwest Indian Fisheries Commission.

National requests:
- —*Tribal Priority Allocation (TPA) General Increase*.—Provide $82.9 million (10 percent increase more than fiscal year 2010) for general increase;
- —*Contract Support Costs (CSC)*.—Provide $50 million increase for BIA and $112 million for the IHS to fully fund CSC, including direct CSC; and provide $5 million for the Indian Self-Determination (ISD) Fund;
- —*Law Enforcement/Tribal Courts/Tribal Detention Facilities*.—Provide $30 million more than fiscal year 2010 levels;
- —*Education*.—Provide $24.3 million to fully restore funding to Johnson O'Malley (JOM);
- —Increase funding to the Office of Tribal Self-Governance (OTSG) to fully staff the office; and
- —Support the requests of the National Congress of American Indians.

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 15 years. This is the inescapable reality the Lummi Nation fishers face without salmon. We were the last surviving society of hunters/gatherers within the contiguous United States. We can no longer survive in the traditional ways of our ancestors.

LUMMI-SPECIFIC REQUESTS—BIA

*+$2 million—Phase 1. New water supply system increase in funding for hatchery construction, operation and maintenance. Funding will be directed to increase hatchery production to make up for the shortfall of wild salmon.*

The Lummi Nation currently operates two salmon hatcheries that support tribal and nontribal fishers in the region. The tribal hatchery facilities were originally constructed utilizing Federal funding from 1969–1971. Predictably some of the original infrastructure needs to be repaired, replaced, and/or modernized. Lummi Nation fish biologists estimate that these facilities are currently operating at 40 percent of their productive capacity. Through the operation of these hatcheries the tribe annually produces 1 million fall Chinook and 2 million Coho salmon. To increase production, we offer a "phased approach" that addresses our water supply system. The existing system only provides 850 gallons per minute to our hatchery. To increase production to a level that will sustain tribal and nontribal fisheries alike, we need to increase our water supply four fold. A new pump station and water line will cost the tribe approximately $6 million. We are requesting funding for the first phase of this project. Our goal is to increase fish returns by improving aquaculture and hatchery production and create a reliable, sustainable resource to salmon fishers by increasing enhancement.

*+$300,000 to increase the funding for the BIA natural resources law enforcement.—Two new officers, extended training beyond the Police Academy, and one new patrol vehicle.*

The Lummi people rely on several commercial fisheries for their livelihood and several noncommercial fish, game, fowl, and natural plants for ceremonial and subsistence purposes. Lummi Natural Resource Officers patrol the Lummi Indian Reservation and all areas open to harvest within the Usual and Accustom (U&A) fishing grounds, and hunting and gathering areas of the Lummi Nation, as defined by the Treaty of Point Elliott and Federal court cases interpreting the treaty.

There are currently three Natural Resource Enforcement Officers (NREOs) and one sergeant to patrol the 1,846 square miles of marine area and 9,145 square miles of the ceded lands. The NREO's patrol from the Canadian Border to Mount St. Helens; a distance roughly 300 miles north to south. The Natural Resource Officers patrol a vast area, with a large amount of natural resources to protect, including: shellfish, salmon, halibut, deer and elk, and other protected species. NREOs also respond to emergency oil spills and natural disasters.

Currently, Lummi NREOs are only able to concentrate their patrol to the major treaty concerns of fishing, crabbing, and shellfish harvesting. Other important enforcement activities include: halibut fishing, hunting, goeduck harvests, derelict vessels and gear management, and monitoring protected species. The addition of two NREOs would mean that we could effectively patrol the U&A, enforce tribal laws, and protect our natural environment.

To increase efficiency within the department and to promote safety of our officers, we request funds for training beyond the basic training that is given in the academy. Our officers patrol in boats, ATVs, and motorized vehicles, and require proper training in operation and maintenance.

*Direct the DOI to fully fund the Office of Indian Energy and Economic Development, Workforce Development Division to continue its job training/development work that has resulted in jobs.*

Unemployment on the reservation has been very difficult to address with limited on-reservation jobs. Tribal governments need to be able to meet the employment and training needs of our membership as well as the business development needs of our communities. We need financial assistance to enable our membership to get the job skills the local (reservation and nonreservation) labor market demands. The Lummi Nation and many other tribes worked well with the Office of Indian Energy and Economic Development. We developed and successfully implemented a welding training program with the support of both union and nonunion companies. Now we hear that all employment and training funding has been eliminated from this office. We ask the subcommittee to direct the BIA to replace the employment and training support activities that were provided by the Office of Indian Energy and Economic Development.

LUMMI-SPECIFIC REQUESTS—IHS

*Request Funds for Community-based AIDS/HIV Rapid Testing*

Lummi Nation is requesting that all tribal health systems, operating within the IHS, be provided with an annual allocation to support community-based AIDS/HIV

rapid testing based on the population served. Lummi Nation is experiencing an epidemic of black tar heroin among its addicted members. This has increased the risk in our community for contracting HIV. We are seeking this funding on an emergency basis, to support implementation of rapid HIV testing among all tribal members.

*+$4 Million To Combat Drug Epidemic in Lummi Community*

Drug abuse is at epidemic proportions on the Lummi Reservation. The proximity of the Lummi Reservation to the United States and Canadian borders makes for a key ingredient in successful drug trafficking. With that prime ingredient add production, transportation, distribution, abuse, and drug-related crimes . . . welcome to where I live and where my people are becoming prisoners in our own homes.

Our people are seeking a return to health through massive consumption of Lummi Nation healthcare resources. We have been successful in slowing the rate of death due to overdose suicides. We have increased the number of tribal members receiving substance abuse treatment and mental health counseling by 300 percent. But we are not equipped to keep pace with the increasing access and use of heroin and other opiate additive drugs that have besieged our ports, borders, communities, and citizens.

National requests—BIA:

—*TPA General Increase*.—Provide $82.9 million (10 percent increase more than fiscal year 2010) for general increase;
—*CSC*.—Provide $50 million increase for BIA to fully fund CSC, including direct CSC; and provide $5 million for the ISD Fund;
—*Law Enforcement/Tribal Courts/Tribal Detention Facilities*.—Provide $30 million more than fiscal year 2010 levels;
—*Education*.—Provide $24.3 million to fully restore funding to JOM; and
—Increase funding to the OTSG to fully staff the office for the increase of tribes entering Self-Governance.

National requests—IHS:

—*Fully Fund Current Services*.—Provide $532 million for the IHS and tribal pay costs, inflation, and population growth; staffing for new/replacement facilities and healthcare facilities construction previously approved plan;
—*Contract Health Services (CHS)*.—Provide $118 million increase for CHS;
—*CSC*.—Provide $122 million for the IHS to fully fund CSC; and
—*OTSG*.—Increase $5 million to the IHS OTSG.

Thank you for this opportunity to provide these oral and written appropriations priorities of the Lummi Nation.

Hy'shqe.

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LETTER FROM LUDLOW'S ISLAND RESORT

*March 28, 2011.*

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of the LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As the LWCF is funded from Outer Continental Shelf revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to the LWCF in fiscal year 2012, the U.S. Forest Service (USFS) included $1.4 million for the acquisition of land in the Chippewa and

Superior national forests in Minnesota in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for the LWCF so that this important project can receive this needed funding.

The Minnesota Wilderness land acquisition program includes the Superior and Chippewa national forests in Minnesota and is focused on protecting public access to lakes and streams as well as ensuring critical habitat protection for fish and wildlife. These forests offer Minnesotans and other visitors abundant opportunities for outdoor recreation and are an integral part of the Northwoods economy.

Located in the northeastern-most tip of Minnesota, the Superior National Forest (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 SNF 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 hosts a quarter of a million visitors each year, who follow 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 (CNF) is located in the heart of northern Minnesota, combining elements of western prairies and northern boreal forests. 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 CNF shares borders with the Leech Lake Band of Ojibwe. More than 400,000 acres of the CNF are actually lakes and wetlands. The CNF contains 2 of Minnesota's 5 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 CNF are dependent on lakes and wetlands. More than 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 CNF 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 the USFS's Minnesota Wilderness acquisition program, four properties totaling 111 acres are available for acquisition in fiscal year 2012 in the Superior and Chippewa NFs. The President's budget for fiscal year 2012 includes a request for $1.4 million, which will go towards the acquisition of these tracts, whose total value is $2.728 million. Funding for the SNF and CNF was also requested in fiscal year 2011; if approved the $1.4 million request would protect Phase II of Wolf Island and a partial acquisition of Stony Point.

*Stony Point ($1.05 million)*.—The 40-acre Stony Point property is located on a prominent point on the shores of Leech Lake in the CNF. Home to thousands of acres of waterfowl and other wildlife habitat, 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 a half-mile of Leech Lake frontage. The pristine parcel is completely surrounded by national forest ownership and likely contains Native American artifacts. Acquisition by the CNF would eliminate the need for road access that would otherwise impact more than a half-mile of undisturbed wetlands. The property was purchased by a developer who intended to develop it into several homesites, thus depriving forest visitors of significant scenic and recreational values.

*Kremer Lake ($1.125 million)*.—Located on the eastern boundary of the CNF, the 43-acre Kremer Lake property offers substantial lakeshore protection along the Edge of the Wilderness National Scenic Byway (Rte. 38) near Grand Rapids in Itasca County. The Kremer Lake parcel is located along the north shore of this more than 80-feet deep small lake, which lies along the west side of the byway. The property has more than 4,500 feet of riparian shoreline and is adjacent to the Suomi Hills Semi-Primitive Recreation Area. It is located within the Upper Mississippi River watershed and contains wildlife habitat for the endangered gray wolf and the Canadian lynx, as well as for the sensitive bald eagle. This property offers substan-

tial recreational opportunities, such as fishing, hiking and cross country skiing, and its acquisition would improve public access to the lake for these purposes. Demand for summer recreational residences and hunting cabins is present in the area near Grand Rapids, and portions of the Kremer Lake property could be developed for this purpose. Its acquisition would eliminate any development threat and ensure permanent protection of critical water resources.

*Fall Lake I and II ($553,000)*.—Two adjacent properties totaling just more than 28 acres are available this year and would provide access into the BWCAW, lakefront protection, and enhanced recreational opportunities for the SNF. Both properties are located on a peninsula that is otherwise almost completely protected by USFS ownership. The Fall Lake I property, at 11 acres, is primarily forested, features 550 feet of frontage on Fall Lake and adjoins the BWCAW. A USFS campground situated across from the tract makes it especially desirable for the SNF. The landowners had considered disposing of the property because of escalating property taxes, but they have now chosen to sell the property for conservation by working through a nonprofit conservation organization. The Fall Lake II property, at 17.3 acres, features 413 feet of frontage on Fall Lake and also adjoins the BWCAW. The property's landowners were not willing to wait until Federal acquisition funds might be available, so a nonprofit conservation organization agreed to purchase the property and hold it for the USFS until the USFS acquisition funds are available. The property is primarily upland forest with some forested wetlands. The Superior NF recognizes the need to protect the scenic values of the BWCAW by acquiring these highly developable properties now.

Public acquisition of Stony Point, Kremer Lake, and the Fall Lake 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, and the call of the wild—will be protected in perpetuity. While the total value of these three tracts is $2.728 million, an allocation of $1.4 million from the LWCF as proposed in the President's budget for fiscal year 2012 will allow the USFS to begin to secure these properties and provide greater access for current and future generations of visitors to both secluded lakes and popular lakes within the forests that are such critical natural resources for the public.

The LWCF is our Nation's premier Federal program to acquire and protect lands at national parks, forests, refuges, public lands, and at State parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

My resort, located on Lake Vermilion relies on visitors to the great Northwoods of Minnesota. Protection of key places, such as Wolf Island, Stony Point, Kremer Lake/Spider Lake are critical to insure that future generations can continue to enjoy these valued resources as well as contribute to the tourism economy in the area.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Minnesota, and I appreciate your consideration of this funding request.

Sincerely,

MARK LUDLOW,
*Owner.*

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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 situated in Michigan. Our tribe is organized under the Indian Reorganization Act of 1934 and is comprised of more than 4,000 tribal citizens. I offer this testimony in support of fully funding the United States' legal obligation to pay contract support costs (CSC) to tribes like the Little River Band that have contracted or compacted with the United States to operate the Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) programs. To meet that legal obligation, the IHS appropriation for CSC should be increased to $615 million, and the BIA appropriation for CSC should be increased to $228 million.

The Little River Band operates a self-governance compact with IHS. Under our compact we administer a clinic that includes a family physician, a registered nurse, and a laboratory. We also employ community health representatives (CHRs)—nurses and diabetic specialists who make home visits across a nine-county area. We provide out-patient substance abuse treatment services, as well as prevention initiatives, along with additional mental health services. And for care that goes beyond our in-house capacity, we administer an elaborate contract health services program

under which we collaborate with local private providers. Our compact totals more than $1.5 million annually, and in direct care delivery we employ 38 people in several disciplines and service focuses.

We fully honor our compact with IHS. We have excellent independent audits. We also provide far better care than IHS would ever be able to provide if IHS were in direct control of these services. Our tribal management is smarter, more dedicated, and better able to match local services to the needs of our patients and our community. We combine an efficiency and effectiveness that IHS could never match. We are very proud of what we have been able to achieve in carrying out the essential governmental function of healthcare pursuant to our contracts and now our compact.

But IHS has not honored its bargain with us.

Specifically, IHS has failed to pay us CSC that IHS, itself, calculates that we have been owed. Every year IHS issues a CSC shortfall report, detailing the amounts by which IHS underfunds our contract. It is a truly stunning admission of the agency's breach of our rights.

According to IHS' data, in fiscal year 2010 IHS underpaid the Band by $386,022. For us, $386,022 is six nursing positions. It is six substance abuse counselors in our understaffed behavioral health department. It purchases 6 years' worth of vaccine and medical supplies necessary to operate our clinic. It is equivalent to nine full-time billing specialists to assist us in collecting third-party revenues.

The IHS CSC shortfall report only tells part of the story, for IHS is funding us at only 33 percent of our actual expenditures for healthcare. Yet, even with the additional contribution the tribe makes each year, we are spending less per person than is spent on the average Federal employee health plan beneficiary. 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 shortfall we have faced year after year must finally be closed. Once closed, the funds will be used to enhance healthcare services through increased employment, because at the Band we currently leave positions vacant to make up for the shortfall in IHS covering our fixed costs. Just last year, when our shortfall was reduced by just $290,000, the Band was able to fill six positions, including a physician's assistant, a nurse, a medical assistant, a clinical applications coordinator, a billing office coordinator, and a benefits coordinator. Plainly the CSC shortfall is costing us jobs and, just as plainly, reducing that shortfall will help restore those jobs.

The same is true with our BIA contract. The BIA's data shows that last year we were underpaid $273,532, representing five lost positions in a contract devoted to public safety, family services, education, governance, and natural resources. Eliminating that deficit 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:

—information technologies;

—alternative energy development; and

—skilled tradesmen for infrastructure development.

We could set up "friend of the court" and child support enforcement agencies to ensure that dependent children are supported appropriately and have their needs met in their best interest and in a proper cultural setting. We could expand our economic development through diversification of enterprise ventures that could meet the needs of the current economic recovery.

In short, eliminating the shortfall would help us to leverage permanent employment positions in many of the areas I have mentioned, providing the people of my Band economic stability and employment security in a populace that critically needs help to attain the standard of living most of America enjoys. But the BIA and IHS first have to be furnished sufficient funds to pay all of its contracts in full. The CSC shortfalls must be stopped.

But pulling together does not mean dishonoring the contracts we make. Our tribe would never break a contract we made, and the Federal Government has no excuse for breaking its contracts with our tribe—all the more so given the tragic history our tribe has already suffered as a result of hostile government policies.

So, I come here today to ask that the 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 CSC to which we are entitled, and by adding the necessary appropriations to finally get these sums paid.

Thank you for the opportunity to testify today on these critical issues.

PREPARED STATEMENT OF THE MAINE APPALACHIAN TRAIL LAND TRUST

Mr. Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony in support of the Forest Legacy Program (FLP) in the fiscal year 2012 Interior appropriations bill. FLP works with landowners, the states, and other partners to protect critical forestlands with important economic, recreation, water quality, and habitat resources through conservation easement and fee acquisitions. The program has protected more than 2 million acres in 43 States and territories, consistently with a 50 percent non-Federal cost share, double the required 25 percent cost share. For several years this important conservation program has been funded under the umbrella of the Land and Water Conservation Fund (LWCF).

In an historic embrace of conservation, the President's budget request includes full funding of LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans. Of that $900 million, the President requested $135 million for FLP.

The Appalachian Trail (AT) travels 281 miles across Maine from the summit of Mount Katahdin southwesterly to the Maine-New Hampshire border. The Maine Appalachian Trail Land Trust was formed in 2002 for the purpose of identifying lands along the AT that have high natural resource and recreational value, then working with willing landowners to explore ways that the landowner, communities, and recreationists would benefit from State ownership of land parcels or easements. This State of Maine application for FLP funding is the result of those efforts.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the FLP is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from OCS revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF and FLP in fiscal year 2012, the U.S. Forest Service included $1.73 million for the High Peaks—Orbeton Stream project in Maine in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for FLP so that this important project can receive this needed funding.

With more than 15 million acres of forestland, Maine remains one of the Nation's most heavily forested States. The white pine, spruce fir, and northern hardwoods that characterize the Maine woods are a critical component in two of Maine's largest industries—forestry and tourism. They provide incredible recreational opportunities for the State's residents and many visitors, including hiking, hunting, snowmobiling, fishing, camping, boating, and numerous other activities. This landscape also sustains valuable fish and wildlife habitat for many different animal species.

One of the greatest challenges facing Maine's forests is the fragmentation of ownership and the conversion of lands to nonforest uses. With most of Maine's woods being privately owned, the State of Maine and its nonprofit partners have been working to protect critical areas using a combination of Federal, State, local, and private funding to purchase targeted fee lands and large-scale conservation easements. The State of Maine was 1 of the original 5 States to join FLP when it was created in 1990 and has greatly benefited from the matching Federal funds that has to date resulted in the conservation of almost 675,000 acres of forestlands. These forestlands now provide permanent protection of valuable natural resources, public access to renowned recreation lands, and continued harvesting of timber resources in a sustainable fashion.

Continuing its focus on protecting strategically important recreation lands, the State of Maine has proposed the 17,000 acre High Peaks Conservation Project (Crocker Mountain and Orbeton Stream) for FLP funding in fiscal year 2012. The High Peaks Conservation Project will protect two key tracts that are part of a 71,000-acre network of conserved lands in Franklin County that includes the Bigelow Preserve, the Redington Navy Base, the Mount Abraham Reserve, and the National Park Service AT corridor. AT bisects the Crocker Mountain parcel for approximately 10 miles and is within the viewshed of the northern portion of the Orbeton Stream parcel. Protecting these two tracts will preserve both motorized and nonmotorized trail networks in the region and enhance the Rangeley/High Peaks area as a tourist destination. More than 75 percent of the acreage conserved will stay in working forest status and continue to provide a source of raw materials for the forestry, logging, wood products, paper, and furniture manufacturing industries in Franklin County.

CROCKER MOUNTAIN

The Crocker Mountain tract holds exceptional economic, natural resource, and recreational value for the State of Maine. At almost 11,800 acres, it is the largest remaining working forest in the Town of Carrabasset Valley. Given that Franklin County has the highest percentage of workers in the forest products industry in Maine, continuing to operate roughly 60 percent of the property as working forest will help keep the region's forestry workers employed.

The Crocker Mountain property contains 3 of the 14 highest peaks in Maine and is part of the State's largest subalpine forest. Climate models predict that this high mountain area will be one of the few places in the Northeast to retain consistent snowpack, cold temperatures, and spruce fir forests that are needed for species like Eastern brook trout, lynx, marten, and snowshoe hare. The property also contains 25 percent of the global population of the State-listed endangered Roaring Brook mayfly. This insect is only found at 12 locations in the world and 3 of the locations are on the Crocker Mountain property.

The property buffers a spectacular 10-mile section of the AT. In addition, it includes approximately 3 miles on snowmobile Route 115 of Maine's Interconnected Trail System (ITS) and 4 miles of the State-sanctioned ATV trail system that serve as important links in the State's network of motorized trails. Protection of the property will guarantee access for nonmotorized recreation as well, including hunting, hiking, mountain biking, and cross-county skiing.

This project represents an important opportunity to protect significant ecological resources, preserve jobs in Maine's forest products industry, and promote outdoor recreation in the region. The State of Maine will pursue sustainable timber harvesting on the property, which will maintain local jobs and provide a revenue stream for the Bureau of Parks and Lands. Located only a stone's throw away from Sugarloaf Ski Resort-Maine's most popular ski area-Crocker Mountain is prime real estate for second home residential development. If a conservation sale is not successful, the landowner, a real estate investment trust, will pursue a development strategy.

The High Peaks Conservation Project represents another outstanding model for a successful Federal/State/private partnership that will keep forests as forests for public benefit and maintain their value as a source of timber to fuel the State's economy. Without immediate protection, the Crocker Mountain parcel faces a serious threat of development. In fiscal year 2012, the Maine Bureau of Parks and Lands is requesting an allocation from the FLP of $7 million to acquire the 11,798-acre Crocker Mountain parcel in fee.

ORBETON STREAM

The Orbeton Stream property is owned and managed for timber by a small local family timber company that uses the fiber to supply its mill, directly supporting the company's 40 employees. The company also supplies fiber to all of the major mills located throughout Franklin County. Protecting this 5,808-acre property from subdivision and development through the purchase of a conservation easement will help keep Maine's forests working and will ensure access for recreation, including backwoods fishing for native wild brook trout, and hiking, paddling, and hunting.

The property is in the primary foreground viewshed of AT and maintaining its undeveloped state is integral to preserving the scenic characteristics of this section of the trail. The property has been identified as a priority for conservation by the State wildlife action plan and other conservation planning efforts. The Orbeton property also includes a critical 6.4-mile section of snowmobile Route 84 of Maine's ITS system.

The entire Orbeton Stream parcel has been designated by the National Oceanographic and Atmospheric Administration as critical habitat for the federally listed Atlantic salmon. In 2007, as a result of significant restoration efforts by the Maine Department of Marine Resources, salmon reared in the Orbeton watershed returned from the North Atlantic Ocean for the first time in more than 150 years. The Eastern Brook Trout Joint Venture has identified this property as one of its highest priorities for protection. Conserving the Orbeton Stream property will ensure a continued source of sustainably managed and certified forest products and protect a strategically important parcel for outdoor recreation. This property is at great risk of development and without income from the sale of a conservation easement, the landowner will have few other options but to subdivide the property.

The High Peaks Conservation Project represents another outstanding model for a successful Federal/State/private partnership that will keep forests as forests for public benefit and maintain their value as a source of timber to fuel the State's economy. Without immediate protection, the Crocker Mountain parcel faces a seri-

ous threat of development. In fiscal year 2012, the Maine Bureau of Parks and Lands is requesting an allocation from FLP of $1.73 million to purchase a conservation easement on the 5,808-acre Orbeton Stream parcel.

I want to thank the chairman and the members of the subcommittee for this opportunity to testify on behalf of these nationally important protection efforts in Maine, and I appreciate your consideration of this funding request.

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LETTER FROM THE MARINE CONSERVATION BIOLOGY INSTITUTE

APRIL 6, 2011.

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: The Marine Conservation Biology Institute (MCBI), based in Bellevue, Washington, is a nonprofit conservation organization whose mission is to protect vast areas of the ocean. We use science to identify places in peril and advocate for bountiful, healthy oceans for current and future generations. MCBI supports the U.S. Fish and Wildlife Service (USFWS) National Wildlife Refuge System (NWRS) for the habitats it protects, particularly the monuments and refuges that conserve marine environments. I wish to thank the members of the Subcommittee on the Interior, Environment, and Related Agencies for the opportunity to submit written testimony recommending $9.03 million in fiscal year 2012 for the management of the Nation's marine monuments.

The USFWS NWRS oversees 553 refuges and 4 marine national monuments covering more than 234,000 square miles. A comprehensive analysis compiled by the Cooperative Alliance for Refuge Enhancement (CARE), of which MCBI is a member, shows that the NWRS needs at least $900 million in annual operations and maintenance funding to properly administer its lands and waters, educational nature programs, habitat restoration projects, and much more. Of that $900 million goal for the NWRS, $18 million is needed to provide sufficient management of the marine national monuments.

Four marine national monuments have been established in the Pacific Ocean since 2006: Papahanaumokuakea Marine National Monument, Marianas Trench Marine National Monument, Pacific Remote Islands Marine National Monument, and Rose Atoll Marine National Monument. Together, these monuments protect approximately 335,348 square miles of marine habitat, of which the Service's jurisdiction from the Hawaii-Pacific Refuge Complex increased by 215,600 square miles. These four monuments include 12 marine refuges and more than 20 islands, atolls, and reefs spread across the vast Pacific Ocean. President Bush gave the Department of the Interior (designated to the USFWS) management responsibility over the three newest monuments, although the Department of Commerce maintains primarily responsibility for managing fishing in the outer waters. In sum, USFWS responsibilities in the Pacific Islands have increased substantially, but the funding to manage these vast areas has not followed suit.

PAPAHANAUMOKUAKEA MARINE NATIONAL MONUMENT

Papahanaumokuakea Marine National Monument is managed collectively by the Department of the Interior, USFWS; the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA); and the State of Hawaii, Department of Land and Natural Resources. The monument is home to millions of seabirds, an incredible diversity of coral species including deep-sea corals, and the highly endangered Hawaiian monk seal. Approximately 90 percent of Hawaii's green sea turtles nest in the monument, as do about 99 percent of the world's population of Laysan albatross and 98 percent of the black-footed albatross. These islands within the monument are also important to Native Hawaiians for culture, history, and religion.

PACIFIC REMOTE ISLANDS MARINE NATIONAL MONUMENT

The Pacific Remote Islands Marine National Monument contains some of the last remaining, relatively intact coral reef and pelagic ecosystems in the Pacific Ocean. Any 1 of the 7 coral islands contains nearly four times as many shallow water, reef-building coral species as the entire Florida Keys. The monument provides habitat for an estimated 14 million seabirds and many 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 nautical miles of these seven islands. Seamounts are important biodiversity hotspots because they provide habitat and localized nutrients in the vast pelagic waters of the Pacific.

ROSE ATOLL MARINE NATIONAL MONUMENT

Rose Atoll Marine National Monument 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 Atoll also provides sanctuary for the giant clam, whose population is severely depleted throughout the Pacific Ocean.

MARIANAS TRENCH MARINE NATIONAL MONUMENT

The Marianas Trench Marine National Monument protects areas of biological, historical, and scientific significance. The monument is home to unusual life forms found in its boiling and highly acid waters, highly diverse and unique coral reef systems (more than 300 species of stony coral), and an astonishingly high population of apex predators, including large numbers of sharks. It monument also encompasses the Mariana Trench, the deepest ocean area on Earth, deeper than Mount Everest is tall.

MARINE NATIONAL MONUMENT MANAGEMENT IMPLEMENTATION

It is imperative that USFWS establish appropriate management measures to adequately protect the land, waters, and seafloor of all four of these relatively pristine marine monuments. In particular, the USFWS must have adequate funds to continue to develop management plans for each monument, hire adequate management personnel, provide transportation to visit the islands on a regular basis, develop plans to restore damaged reefs and lands, and consult with NOAA and the U.S. Coast Guard to provide proper surveillance and enforcement actions for all the monuments.

Restoration actions are needed at most of the islands, including restoring natural habitats, removing discarded equipment and structures from past military occupations, and dealing with old waste disposal sites. Additionally, human exploration and occupation has introduced many invasive species to the islands, including various rodents, insects, and plants, which should be removed for the survival of the native species.

For example, two fishing vessels that grounded in the Pacific Remote Islands Marine National Monument have yet to be removed and are currently devastating the surrounding coral ecosystems. In 1991, a 121-foot Taiwanese fishing boat sank on Palmyra Atoll; in 2007 an abandoned 85-foot fishing vessel was discovered on Kingman Reef. These two islands are home to coral reefs that are some of the most pristine in the world. The Palmyra wreck sits directly on the reef and continues to damage the ecosystem by leaching iron into the water which has accelerated the rapid growth of a nuisance corallimorph, Rhodactis howesii. According to the report by the U.S. Geological Service and the University of Hawaii, greater than 100 million corallimorph individuals cover more than 247 acres of the bottom. The most recent expedition to the atoll shows that the corallimorph doubled coverage in 1 year (within 500 meters of the ship in 2007 to 1,100 meters in 2008). Refuge managers recently reported that the corallimorph is continuing to spread out of control and the ship must be removed immediately to avoid further damage to the ecosystem.

The Kingman Reef wreck's initial grounding gouged the reef and has continued to cause physical and ecological damage. The area is showing early signs of the nuisance corallimorph, as well as an elevated growth of algae. The algae and the corallimorph become very abundant when stimulated by increases in limited nutrients, such as iron from corroding ship, and in time smother and kill the surrounding coral reefs. The algae are present on nearly 10 percent of the metal debris (metallic engine parts, piping, cookware, etc.). Both the algae and corallimorph are present within 200 meters of the abandoned shipwreck. As the ship continues to break apart, more steel will be scattered over the reef crest encouraging algae and corallimorph growth. If this growth continues unabated, it is expected to spread towards the north facing shoreline where more fragile coral gardens are located.

APPROPRIATION NEEDS

MCBI requests that the subcommittee increase funding for NWRS operations to $9.03 million in fiscal year 2012 to begin to properly manage and restore the four Pacific monuments. Of the approximately $7.5 million that USFWS received in fiscal year 2010 to manage Papahanaumokuakea Marine National Monument, over half contributed to the maintenance and operation of Midway Atoll Airfield and upkeep of historic buildings, which is managed and funded jointly with the Federal Aviation Administration. The remaining USFWS funds were inadequate for monument resource management needs. For instance, USFWS does not currently have adequate funds to hire a biologist for the monument.

MCBI recommends a small increase of $0.5 million to continue to co-manage Midway Atoll Airfield and more adequately manage the natural resources of the monument. The requested amount is in line with the National Oceanic and Atmospheric Administration's funding to co-manage the monument.

Furthermore, USFWS received less than $200,000 in fiscal year 2010 for management of the three new marine monuments. It has been more than 2 years since the establishment of the newest monuments and an increase of less than $200,000 to manage these three extraordinary marine monuments is unacceptable. To properly manage and restore these monuments, the monuments at minimum need $1.03 million to hire a manager to oversee each new monument (a Rose Atoll Manager was funded in fiscal year 2010), one public planner position to aid in management responsibilities, and associated administrative costs such as office space costs and travel expenses. Additional funds would begin to address restoration measures to remove nuisance and invasive species that are impacting native wildlife populations. Funds will also fund an initial assessment for the removal of the two shipwrecks mentioned above that are damaging coral habitats.

In summary, the USFWS has not requested sufficient funds in fiscal year 2012 to meet its stewardship responsibilities to manage the four marine national monuments and associated refuges.

MCBI respectfully recommends that the subcommittee appropriate a total of $9.03 million to USFWS NWRS to protect and restore these marine conservation areas for current and future generations.

Thank you for the opportunity to share our views.

Sincerely,

WILLIAM CHANDLER,
*Vice President for Government Affairs.*

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PREPARED STATEMENT OF THE MICCOSUKEE TRIBE OF INDIANS OF FLORIDA

Chairman Reed, Ranking Member Murkowski, members of the subcommittee, on behalf of the Miccosukee Tribe of Indians of Florida, thank you for the opportunity to submit testimony to the subcommittee to address several issues of importance to the Miccosukee Tribe of Indians of Florida. When I was sworn in as Chairman in January 2010, I made several commitments to the Miccosukee people including good governance, protecting and enhancing our sovereignty, economic development, and environmental stewardship. As elected officials, you understand the great honor, but also the great responsibilities of leadership. We need your support in several areas related to our tribe, Indian country, as well as our home, the Florida Everglades. These remarks focus on programs at the Interior Department including the National Park Service (NPS), the Bureau of Indian Affairs, among other matters including the Congressional trust relationship with Indian country.

*CARCIERI* V. *SALAZAR* FIX: ACTION NEEDED IN THE 112TH CONGRESS

I urge the Senate to try again this Congress to enact a legislative fix to address the harmful effects of the U.S. Supreme Court decision, *Carcieri* v. *Salazar*. As you are aware, since 1934, the Department of Interior has construed the Indian Reorganization Act to allow the Secretary of the Interior to place lands into trust status for all federally recognized Indian tribes. The *Carcieri* decision has overturned this principal by not allowing the placement of lands into trust for certain tribes. If this mistaken interpretation of the Indian Reorganization Act is not corrected, it will lead to unequal treatment of currently federally recognized tribes; threatening tribal sovereignty, economic self-sufficiency, and self-determination. It will also create long-term challenges to public safety and criminal jurisdiction across Indian country, and put in serious risk important and much needed land acquisitions for schools, housing, health clinics, and protection of tribal sacred sites. On behalf of the Miccosukee people, I strongly urge the 112th Congress to take concrete and im-

mediate steps to correct this issue. The longer you delay action, the more Indian country will suffer.

DISPELLING MYTHS ABOUT FEDERAL TRIBAL PROGRAMS

I want to commend this subcommittee's oversight efforts. Your taking a closer look at the management practices of the Department of the Interior, as well as regulatory overreach by the NPS, is necessary and long overdue. We are living in challenging economic times and, as I will detail shortly, the Department of the Interior and its many bureaus are unnecessarily making everyday life more difficult for the Miccosukee Tribe and the Miccosukee people. Working together, in substantive government-to-Government and sovereign-to-sovereign partnership, we will begin to fix these problems through better communication and consultation. As chairman of the Miccosukee Tribe, on behalf of the Miccosukee people, I have already met with several Members of Congress and agency officials to discuss some of these issues. But we need to do much more. And the Congress, particularly, needs to step-up and do more to correct the mismanagement.

I have two issues that I would like to discuss in more detail. One, we need to dispel the myth that Federal tribal assistance programs are no longer needed because of Indian gaming. Two, I will ask for your support about an environmental catastrophe in the making in our home, the Florida Everglades. On this latter point, I am sure that it is not everyday that witnesses come before this subcommittee not to ask for funding, but rather to save the Federal Government millions of dollars. As you are all well aware, the U.S. Constitution explicitly recognizes Indian tribes as sovereign governments. Furthermore, the United States has historically developed a legal policy based on Federal trust responsibility towards Native Americans and Indian tribes. In 1942, the Supreme Court held in *Seminole Nation* v. *United States*, that the Federal Government has charged itself with moral obligations of the highest responsibility and trust. The Congress has a unique and important role in this process. Nevertheless, we all know that in practice, this Federal trust responsibility has not worked as well as it should.

There is a misperception in popular culture and, regrettably, among some in the Congress, that Federal tribal assistance programs are comparable to welfare. Nothing could be further from the truth. Federal tribal assistance programs are designed and used to further assist the Federal Government to carry out its legal and moral duty towards Indian country—legally binding special relationship that the United States has voluntarily created by its actions and policies.

Some tribes, like the Miccosukee Tribe, have Indian gaming. Through Indian gaming, many Indian tribes have been able to defeat the vicious cycle of poverty and economic stagnation. These enterprises help achieve significant improvements in the areas of health, housing and education. While not all Indian tribes have Indian gaming, even those that have successful gaming businesses have been severely affected by worldwide economic crisis.

Federal tribal assistance programs should never be considered gifts by the Federal Government, but rather well established commitments. Federal tribal assistance programs are simply what the word means: assistance. This program provides much needed supplemental funds for vital tribal programs for the young, elder and infirm, as well as for tribal judicial systems. The proceeds from Indian gaming, even for those gaming enterprises that are very successful, are simply not enough to provide for all of these vital services.

We applaud subcommittee efforts to maintain and increase Federal funding for tribal healthcare, education, social services, and other vital programs. I urge you to take a close and hard look at these programs and make sure that they are not defunded or underfunded. The incidence of Indian country poverty continues to be among the highest of any minority group in the United States. Federal tribal assistance programs are a critical component of the tribes' plan to achieve self-sufficiency. Therefore, Federal tribal assistance programs must be maintained at the current levels or increased. The Miccosukee people, however, recognize that in this new era of fiscal responsibility and spending restraints, there may come a time when a program needs to be de-funded. The Miccosukee people have such program for you: a very expensive, scientifically un-sound and arbitrary Interior Department bridging project that will cause great harm to the Florida Everglades and to the Miccosukee people.

EVERGLADES BRIDGING—AN ENVIRONMENTAL DISASTER IN THE MAKING

As many of you in this subcommittee are aware, in addition to utilizing the proceeds from Indian gaming to finance vital services for the community, the Miccosukee Tribe and the Miccosukee people also use these proceeds to honor and

protect our sacred, religious, and traditional stewardship of the land. We do this by supporting sound projects that are designed to protect and save our ancestral home, the Florida Everglades.

As the chairman of the Miccosukee Tribe, I am humbled, but at the same time, proud to represent to you that no one in the history of the United States has done more to protect the Florida Everglades than the Miccosukee people. Our unwavering commitment to protect, save, restore, and preserve the Florida Everglades is based on well-rooted historical and religious reasons. The Florida Everglades is today, as it has been for centuries, the home of the Miccosukee people. We have invested, and continue to invest, our human and economic resources in making sure that future generations of Miccosukees, Floridians, and the world will have a clean and environmentally sound Everglades.

"We must honor the earth, from where we are made" is not a slogan but a central tenet of the Miccosukee people. When the Everglades hurt, we hurt. For years our tribe has struggled to have an equal place at the table with regards to Everglades restoration. As this subcommittee well knows, the Miccosukee people's commitment to the protection of the Florida Everglades is well-documented. Our commitment to Everglades conservation is unwavering.

In 2008, the Interior Department and U.S. Army Corps of Engineers decided to build a 1 mile-long bridge at the eastern end of the Tamiami Trial (U.S. Highway 41), which runs east to west through the Florida Everglades and the Miccosukee Tribe, connecting Miami-Dade County and Collier County. The price tag at the time was $81 million. The Miccosukee Tribe immediately realized that this project was fiscally and scientifically unsound. We filed for a declaratory and injunctive action in Federal District Court. The judge agreed with our arguments, labeling the project as an "environmental bridge to nowhere". On November 13, 2008, the judge issued a temporary injunction against the project and temporarily stopped further construction until all Federal laws, rules and procedures, such as the National Environmental Policy Act (NEPA), were complied with. Unfortunately, the Congress was misinformed and mistakenly led to intervene the following year.

On March 11, 2009, the Congress passed the Omnibus Appropriations Act of 2009. In this appropriations act, language was inserted that authorized the expenditures of funds already allocated for this project and to continue construction, "notwithstanding any other provision of law." By inserting this provision, the Congress deliberately overruled the Federal injunction and divested the Federal courts of subject matter jurisdiction over this important matter. This legislative maneuver was done without any input from the Miccosukee Tribe, its representatives or other advisors in Florida and Washington, DC. We believe that the "notwithstanding any other provision of law" language used to start this bridge work violates our Constitutional rights and goes against several existing Federal laws including NEPA; Native American Graves Protection and Reparation Act ("NAGPRA"); the American Indian Religious Freedom Act ("AIRFA"); and the National Historic Preservation Act ("NHPA"), among others.

The Miccosukee Tribe can find no better example in recent Everglades restoration history of the dangers of misguided Federal largesse and counter-productive environmental legislation than this One Mile Bridge. It symbolizes all that is wrong with an arbitrary appropriation maneuver conducted without consultation with the government and people that the legislation will affect. It is emblematic of the what the Government Accountability Office (GAO) said in 2007 about the Comprehensive Everglades Restoration Plan (CERP): there is "little assurance" that the CERP will be effective because the agencies and officials are not using any overarching sequencing criteria for the work, but rather focus on availability of funds. *See* South Florida Ecosystem: Restoration Is Moving Forward but Is Facing Significant Delays, Implementation Challenges, and Rising Costs (GAO–07–520, May 31, 2007).

In this One Mile Bridge project, the Department of the Interior, the NPS and the United States Corps of Engineers have, like in previous occasions, instead of working with the Miccosukee as true partners to save the Everglades, largely ignored our ideas. The concerns of the Miccosukee people were ignored. Less expensive, safer and scientifically available alternatives supported by the Miccosukee Tribe and the former Commandant of the U.S. Army Corp of Engineers for the region were also ignored.

In January 2010, the University of Miami released a study that supports our position that a Culvert Approach will be just as effective as bridging. Under the Culvert Approach, the focus will be on clearing existing culverts, which are small tunnels or bridges under the Tamiami Trail. Also adding additional culverts where necessary, and clearing a large swale area south of each culvert. This will be accomplished following the Time Sequence Plan detailed in CERP. The Culvert Approach will save millions of dollars of taxpayers' money and will deliver the same amount

of water to the Everglades National Park as the current proposal. In contrast to the elevated bridge approach represented by the One Mile Bridge, or any future bridges, the cost of the Culverts Approach will be significantly less and will potentially save the Federal Government close to $400 million.

We have yet to receive a detailed, verifiable cost-estimate on the One-Mile Bridge. There seems to be $60 million in the President's current budget for Mod Waters, $8 million of which will be used for Limited Reevaluation Report (LRR) work that specifically includes the One-Mile Bridge. In 2009, the fiscal year 2010 omnibus included $234 million for NPS construction projects, including the One-Mile Bridge. This subcommittee has the power to direct the Secretary of the Interior to exercise his discretionary authority to stop construction of this One Mile Bridge and to do the required studies. This is the right thing to do from a scientific, fiscal, and practical perspective. With the aforementioned in mind, no additional bridging should be authorized or appropriated by the Congress for the Florida Everglades. We strongly recommend using the Culverts Approach first while simultaneously performing all the necessary studies. Thank you for allowing me this opportunity to share the thoughts of the Miccosukee people with you. There is much good work to be done. The Miccosukee people and I look forward to working with you.

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PREPARED STATEMENT OF THE MONTANA WILDLIFE FEDERATION

Mr. Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony in support of the Forest Legacy Program (FLP) in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. FLP works with landowners, the States, and other partners to protect critical forestlands with important economic, recreation, water quality, and habitat resources through conservation easement and fee acquisitions. The program has protected more than 2 million acres in 43 States and territories, consistently with a 50 percent non-Federal cost share, double the required 25 percent cost share. For several years this important conservation program has been funded under the umbrella of the Land and Water Conservation Fund (LWCF).

In an historic embrace of conservation, the President's budget request includes full funding of LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans. Of that $900 million, the President requested $135 million for FLP.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in FLP is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF and FLP in fiscal year 2012, the U.S. Forest Service included $6.5 million for the Stimson Forestland Conservation project in Montana in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for FLP so that this important project can receive this needed funding.

Montana's FLP is dedicated to maintaining working forests while conserving and enhancing natural and public values including land, water, wildlife, and timber resources. The State of Montana has participated in the program since 1999 and has successfully protected more than 173,350 acres of forestland through 15 projects across the State. This year, Montana has identified the Stimson Forestlands Conservation Project-lands that support remarkable public resources and face very real development and conversion pressures—as its top—ranked FLP.

The Stimson Forestlands Conservation Project will permanently conserve approximately 28,000 acres of highly productive forestlands in the lower Kootenai River watershed of northwest Montana for wildlife and fisheries habitat protection, continued sustainable forest management activities, water quality protection, and public recreation. The project lands consist of various parcels stretching from the south end of Bull Lake, north through the Lake Creek drainage to the city of Troy, and then northwest along both sides of the Kootenai River all the way to the Idaho border. The parcels range in size from 70 to 7,200 acres, and share more than 70 miles of common boundary with adjoining National Forest System (NFS) lands. The landowner, Stimson Lumber Company, has agreed to convey a conservation easement over the entire 28,000 acres to Montana Fish, Wildlife and Parks if timely funding for the purchase can be identified and secured.

The Stimson project area contains some of the best wildlife and fisheries habitat in Montana. The area supports a wide range of signature wildlife species including elk, mule deer, moose, gray wolf, black bear, bighorn sheep, mountain goat, fisher, and wolverine. It also serves as a core recovery area for the federally listed threatened Canada lynx and bull trout and an endangered population of grizzly bear. Grizzly bear populations south of Canada are currently listed as "threatened" under the Endangered Species Act, except for the Cabinet/Yaak population, which is listed as "endangered". The Stimson project area represents the largest block of privately owned land in the Cabinet-Yaak recovery zone and includes four grizzly bear linkage zones identified by the FWS as critical to the survival of this population of bears.

Native fish species on the property include westslope cutthroat trout, interior redband rainbow trout, and a remnant population of white sturgeon. Montana Fish, Wildlife and Parks has identified almost 10 miles of "outstanding" bull trout habitat and just more than 4 miles of "substantial" westslope cutthroat trout habitat on the Stimson project lands alone. Further, the interior redbands in this area represent Montana's only native rainbow trout population. Importantly, Trout Unlimited scientists have reviewed the coldwater habitat areas on this property for future security from climate change impacts, and consider much of the project area to be on the breaking point between serving as climate refugia for westslope cutthroat and bull trout versus being lost as effective habitat. The property contains some areas of core refugia, but climate-driven threats from elevated winter flooding are high. The proposed conservation easement will enhance opportunities for needed restoration activities that will improve overall watershed health and function, and thereby increase the resilience of this area to climate change.

The area also supports a wide range of wetlands and forest-dependent birds, many of which are listed as priority species in the Montana Partners In Flight Bird Conservation Plan, including bald eagle, peregrine falcon, trumpeter swan, and flammulated owl.

The entire Kootenai drainage is widely regarded as one of the best timber growing regions in Montana. With its modified Pacific maritime climate and abundant rain and snowfall, the region grows trees faster and in greater volume than almost any other place in the State. By keeping 28,000 acres in active forest management, the Stimson project will help to support the timber industry and forest products infrastructure in Montana (and nearby north Idaho) while prohibiting subdivision and development activities that would further fragment the forest landscape. Recent trends in Lincoln County indicate that the Stimson-owned lands near Bull Lake and in the Lake Creek and Kootenai River corridors would be highly susceptible to development if they were ever sold off. The proposed conservation easement would permanently remove this risk and prevent habitat fragmentation and fire management costs resulting from increased development within and expansion of the wildland-urban interface.

Outdoor recreation opportunities in the Stimson project area abound. Hunting and angling are favorite activities given the area's superb fisheries and wildlife values. Deer and elk hunting alone generate approximately 31,000 hunter days per year in the area, contributing an estimated $600,000 to the local economy. The area's healthy populations of black bear, mountain goat, moose, mountain lion, diverse upland game birds, and its robust trout fisheries make it a popular destination for other sportsmen as well. Hiking, mountain biking, camping, skiing, snowmobiling, ATV use, floating, wildlife viewing, horse-back riding, and other outdoor recreational pursuits are also very popular. The Kootenai River, which is today eligible for wild and scenic designation, flows through the Stimson project lands for almost 20 miles as it cascades down from the famous Kootenai Falls. Highway 2 follows the river through rugged canyons all the way to the Idaho border and is truly one of the most scenic routes in the State. Recreational activities not only provide enjoyment for residents and visitors but also contribute significantly to the local economy, allowing local outfitters, guides, and other outdoor recreation businesses to thrive and prosper. Making the Stimson project lands permanently accessible to the general public will enhance local recreational opportunities and improve access to thousands of acres of adjoining NFS lands.

The total cost for the overall 28,000-acre Stimson Forestlands Protection Project is estimated to be $16 million. An allocation of $6.5 million from FLP is needed in fiscal year 2012 and would be matched with a 25 percent in-kind contribution from Stimson in the form of donated easement value. Additional funding is being sought from the Federal Habitat Conservation Plan (HCP) Land Acquisition Program; the Bonneville Power Administration (BPA); and possibly the National Fish and Wildlife Foundation (NFWF). Successfully protecting the Stimson project lands will conserve

critical habitat and scenery, while greatly enhancing public access and recreational opportunities in this exceptional natural resource area.

I want to thank the chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Montana, and I appreciate your consideration of this funding request.

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PREPARED STATEMENT OF MOREY ZUBER

Mr. Chairman and members of the subcommittee: We have volunteered at four different National Wildlife Refuges during the last 2 years and are scheduled to volunteer at two more in 2011. These hours are not paid and allow us to give back to our beautiful country's wildlife and habitat. There are many areas of the budget, especially defense, where you can eliminate waste and maintain your support for this area of the economy, which will benefit us here at home. We respectfully request that you consider the following in your appropriations:

—Increase the funding levels for the National Wildlife Refuge System (NWRS) by $8 million more than the fiscal year 2010 funding levels bringing the funding to $511 million for fiscal year 2012.
—Fully fund the Land and Water Conservation Fund (LWCF) at $900 million.
—Fund the State Wildlife Grants (SWG) program at $95 million for fiscal year 2012.
—Fund the North American Wetlands Conservation Act (NAWCA) grants at $50 million for fiscal year 2012.

NWRS needs a budget of at least $900 million annually in operation and maintenance funding in order to properly administer its 150 million acres as mandated in the Refuge Improvement Act. The current budget is far short of the amount actually required to effectively operate and maintain the Refuges. An $8 million increase more than fiscal year 2010 levels for the fiscal year 2012 appropriation will allow the refuges to maintain status quo without drastic cuts. This is a reduced amount from the $15 million minimum increase each year that the NWRS actually requires just for management capabilities. In this time of tight budgets, we feel that an $8 million increase to $511 would be appropriate and appreciated.

The LWCF was created in 1965 and authorized at $900 million. These funds are used for land acquisition to protect wildlife and their habitats. With the effects of a changing climate, it is more important now than ever to establish key wildlife corridors between protected areas so wildlife can migrate to more suitable habitat as their historic ones changes. The price of real estate is low at this time and the $900 million can go much further in protecting habitats than it can in a higher market. When we start to lose species due to lack of food, water, shelter, or space, we are changing the balance of nature. We urge you to pass legislation to permanently fund the LWCF at $900 million per year as it was originally authorized.

Through partnerships including SWGs the Fish and Wildlife Service (FWS) is able to work together with the States to protect wildlife. This increases the amount of protection that can be afforded to wildlife. By increasing the SWG program to $95 million, you are helping fulfill the responsibility to keep our wildlife from becoming endangered or extinct.

NAWCA grants will also help create space, clean water, food, and shelter for wildlife by acquiring and restoring critical wetlands. Funding of this program at $50 million in fiscal year 2012 will create additional habitat for wildlife. This partnership through acquisition and restoration of critical wetlands also improves water quality and carbon sequestration.

In conclusion, we, as full time volunteers, believe the NWRS can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge staff and volunteers. We again extend our appreciation to the subcommittee for its ongoing commitment to our NWRS. We encourage you to approve a $511 million for the fiscal year 2012 NWRS operations and maintenance budget managed by FWS and to approve $900 millions for fiscal year 2011 for LWCF land acquisition budget as well as funding the SWG program at $95 million and NAWCA grants at $50 million.

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PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

My name is Michael Garner and I am director of Maryland's Abandoned Mine Land program. I also serve as president of the National Association of Abandoned Mine Land Programs (NAAMLP). NAAMLP represents 30 States and tribes with federally approved abandoned mine land reclamation (AML) programs authorized

under title IV of the Surface Mining Control and Reclamation Act (SMCRA). Title IV of SMCRA was amended in 2006 and significantly changed how State AML grants are funded. State AML grants are still based on receipts from a fee on coal production, but beginning in fiscal year 2008, the grants are funded primarily by mandatory appropriations. As a result, the States should receive $498 million in fiscal year 2012. We adamantly oppose the Office of Surface Mining Reclamation and Enforcement's (OSM) proposed budget amount of $313.8 million for State AML grants, a reduction of $184.2 million, and reject the notion that a competitive grant process would improve AML program efficiency. The proposed spending cuts would eliminate funding to States and tribes that have "certified" completion of their highest-priority coal reclamation sites. OSM has also proposed a $6.8 million reduction in discretionary spending that would eliminate the Federal emergency program under section 410 of SMCRA. I appreciate the opportunity to testify before the subcommittee and outline some of the reasons why NAAMLP opposes OSM's proposed fiscal year 2012 budget.

SMCRA was passed in 1977 and set national regulatory and reclamation standards for coal mining. The act also established a reclamation fund to work toward eliminating the innumerable health, safety and environmental problems that exist throughout the Nation from the mines that were abandoned prior to the act. The Fund generates revenue through a fee on current coal production. This fee is collected by OSM and distributed to States and tribes that have federally approved regulatory and AML programs. The promise the Congress made in 1977, and with every subsequent amendment to the act, was that, at a minimum, half the money generated from fees collected by OSM on coal mined within the boundaries of a State or tribe, referred to as "State Share", would be returned for uses described in title IV of the act if the State or tribe assumed responsibility for regulating active coal mining operations pursuant to title V of SMCRA. The 2006 amendments clarified the scope of what the State share funds could be used for and reaffirmed the promise made by the Congress in 1977.

If a State or tribe was successful in completing reclamation of abandoned coal mines and was able to "certify" under section 411 of SMCRA, then the State share funds could be used to address a myriad of other abandoned mine issues as defined under each State or tribes approved Abandoned Mine Reclamation Plan. These Abandoned Mine Reclamation Plans are approved by OSM and they ensures that the work is in accordance with the intent of SMCRA. Like all abandoned mine reclamation, the work of certified States and tribes eliminates health and safety problems, cleans up the environment, and creates jobs in rural areas impacted by mining.

This reduction proposed by OSM in certified State and tribal AML grants not only breaks the promise of State and tribal share funding, but upsets the balance and compromise that was achieved in the comprehensive restructuring of SMCRA accomplished in the 2006 amendments following more than 10 years of discussion and negotiation by all affected parties. The funding reduction is inconsistent with the administration's stated goals regarding jobs and environmental protection. We therefore respectfully ask the subcommittee to continue the funding for certified States and tribes at the statutory authorized levels and turn back any efforts to amend SMCRA in this regard.

In addition to the $184.2 million reduction, the proposed fiscal year 2012 budget would terminate the Federal AML emergency program, leaving the States and tribes to rely on funds received through their nonemergency AML grant funds. This contradicts the 2006 amendments, which require the States and tribes to maintain "strict compliance" with the nonemergency funding priorities described in section 403(a), while leaving section 410, Emergency Powers, unchanged. Section 410 of SMCRA requires OSM to fund the emergency AML program using OSM's "discretionary share" under section (402)(g)(3)(B), which is entirely separate from State and tribal nonemergency AML grant funding under sections (402)(g)(1), (g)(2), and (g)(5). SMCRA does not allow States and tribes to administer or fund an AML emergency program from their nonemergency AML grants, although, since 1989, 15 States have agreed to implement the emergency program on behalf of OSM contingent upon OSM providing full funding for the work. As a result, OSM has been able to fulfill their mandated obligation more cost effectively and efficiently. Ten States and 3 tribes continue to rely solely on OSM to operate the emergency program within their jurisdiction.

Regardless of whether a State/tribe or OSM operates the emergency program, only OSM has the authority to "declare" the emergency and clear the way for the expedited procedures to be implemented. In fiscal year 2010, OSM made 153 emergency declarations in Kentucky and Pennsylvania alone, States where OSM had operated the emergency program. In fiscal year 2011, OSM issued guidance to the States that

the agency "will no longer declare emergencies". OSM provided no legal or statutory support for its position. Instead, OSM has "transitioned" responsibility for emergencies to the States and tribes with the expectation that they will utilize nonemergency AML funding to address them. OSM will simply "assist the States and tribes with the projects, as needed". Of course, given that OSM has proposed to eliminate all funding for certified States and tribes, it begs the question of how and to what extent OSM will continue to assist these States and tribes.

If the Congress allows the elimination of the emergency program, States and tribes will have to adjust to their new role by setting aside a large portion of their nonemergency AML funds so that they can be prepared for any emergency that may arise. Emergency projects come in all shapes and sizes, vary in number from year to year and range in cost from thousands of dollars to millions of dollars. Requiring States and tribes to fund emergencies will result in funds being diverted from other high-priority projects and delay certification under section 411, thereby increasing the backlog of projects on the Abandoned Mine Land Inventory System. For minimum program States and States with small AML programs, large emergency projects will require the States to redirect all or most of their AML resources to address the emergency, thereby delaying other high-priority reclamation. With the loss of stable emergency program funding, minimum program States will have a difficult, if not impossible, time planning, budgeting, and prosecuting the abatement of their high-priority AML problems. In a worst-case scenario, a minimum program State would not be able to address a costly emergency in a timely fashion and would have to "save up" multiple years of funding before even initiating the work to abate the emergency, in the meantime ignoring all other high-priority work.

OSM's proposed budget suggests addressing emergencies, and all other projects, as part of a competitive grant process whereby States and tribes compete for funding based on the findings of the proposed AML Advisory Council. OSM believes that a competitive grant process would concentrate funds on the highest-priority projects. While a competitive grant process may seem to make sense at first blush, further reflection reveals that the entire premise is faulty and can only undermine and upend the deliberate funding mechanism established by the Congress in the 2006 amendments. Since the inception of SMCRA, high-priority problems have always taken precedence over other projects. The focus on high priorities was further clarified in the 2006 amendments by removing the lower-priority problems from the act and requiring "strict compliance" with high-priority funding requirements. OSM already approves projects as meeting the definition of high priority under its current review process and therefore an AML Advisory Council would only add redundancy and bureaucracy instead of improving efficiency.

We have not been privy to the particulars of OSM's legislative proposal, but there are a myriad of potential problems and implications for the entire AML program based on a cursory understanding of what OSM has in mind. They include the following:

—Has anyone alleged or confirmed that the States/tribes are not already addressing the highest-priority sites? Where have the 2006 amendments faltered in terms of high-priority sites being addressed as envisioned by the Congress? What would remain unchanged in the 2006 amendments under OSM's proposal?

—If the current AML funding formula is scrapped, what amount will be paid out to the noncertified AML States and tribes over the remainder of the program? What does OSM mean by the term "remaining funds" in its proposal? Is it only the AML fees yet to be collected? What happens to the historic share balances in the Fund, including those that were supposed to be re-directed to the Fund based on an equivalent amount of funding being paid to certified States and tribes each year? Would the "remaining funds" include the unappropriated/prior balance amounts that have not yet been paid out over the 7-year installment period?

—Will this new competitive grant process introduce an additional level of bureaucracy and result in more funds being spent formulating proposals and less on actual AML reclamation? The present funding formula allows States and tribes to undertake long-term strategic planning and efficiently use available funds.

—How long will OSM fund a State's/tribe's administrative costs if it does not successfully compete for a construction grant, even though the State/tribe has eligible high-priority projects? How will OSM calculate administrative grant funding levels, especially since salaries and benefits for AML project managers and inspectors predominantly derive from construction funds? Would funding cover current staffing levels? If not, how will OSM determine the funding criteria for administrative program grants?

—How does OSM expect the States and tribes to handle emergency projects under the legislative proposal? Must these projects undergo review by the Advisory Council? Will there be special, expedited procedures? If a State/tribe has to cut back on staff, how does it manage emergencies when they arise? If emergency programs do compete for AML funds, considerable time and effort could be spent preparing these projects for review by the Advisory Council rather than abating the immediate hazard. Again, how can we be assured that emergencies will be addressed expeditiously?

—One of the greatest benefits of reauthorization under the 2006 amendments to SMCRA was the predictability of funding levels through the end of the AML program. Because State and tribes were provided with hypothetical funding levels from OSM (which to date have proven to be quite accurate), long-term project planning, along with the establishment of appropriate staffing levels and project assignments, could be made accurately and efficiently. How can States/tribes plan for future projects given the inherent uncertainty associated with having to annually bid for AML funds?

Given these uncertainties and the negative implications for the accomplishment of AML work under title IV of SMCRA, the Congress should reject the proposed amendments to SMCRA as being counterproductive to the purposes of SMCRA and an inefficient use of funds. We request that the Congress continue mandatory funding for certified States and tribes and provide funding for AML emergencies. A resolution to this effect adopted by the NAAMLP at its recent winter meeting is attached, as is a more comprehensive list of questions concerning the legislative proposal. We ask that they be included in the record of the hearing.

One of the more effective mechanisms for accomplishing AML restoration work is through leveraging or matching other grant programs, such as the Environmental Protection Agency'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 an ongoing, and often expensive, problem, especially in Appalachia. NAAMLP therefore requests the subcommittee to once again include language in the fiscal year 2012 appropriations bill that would allow the use of AML funds for any required non-Federal cost-share required by the Federal Government for AMD treatment or abatement.

We also urge the subcommittee to support funding for OSM's training program and TIPS, including moneys for State/tribal travel. These programs are central to the effective implementation of State and tribal AML programs, as they provide necessary training and continuing education for State/tribal agency personnel, as well as critical technical assistance. Finally, we support funding for the Watershed Cooperative Agreements in the amount of $1.55 million because it facilitates and enhances State and local partnerships by providing direct financial assistance to watershed organizations for acid mine drainage remediation.

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## PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES

The National Association of Clean Air Agencies (NACAA), an association of air pollution control agencies in 51 States and territories and more than 165 metropolitan areas across the country who have the primary responsibility under the Clean Air Act (CAA) for implementing our Nation's clean air program, appreciates this opportunity to provide testimony on the fiscal year 2012 proposed budget for the United States Environmental Protection Agency (EPA). The NACAA supports the President's request for a $78.9 million increase more than fiscal year 2010 levels in Federal grants for State and local air pollution control agencies under sections 103 and 105 of the CAA—part of the State and Tribal Assistance Grant (STAG) program. This would raise to $305.5 million the total amount of section 103/105 air grants to State and local air agencies.

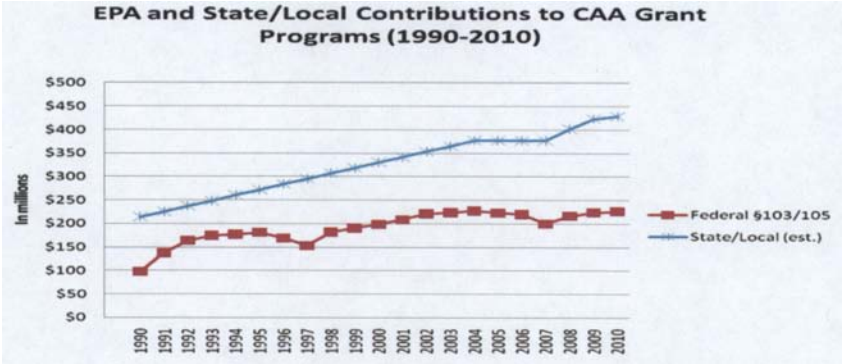
### AIR POLLUTION THREATENS PUBLIC HEALTH

Simply put, air pollution kills people. In the United States, exposure to dirty air causes tens of thousands of premature deaths each year and results in serious health problems, such as the aggravation of respiratory and cardiovascular diseases; difficulty breathing; increased susceptibility to respiratory infections; adverse effects on learning, memory, IQ, and behavior; and cancer. Air pollution also harms vegetation and land and water systems, impairs visibility and causes other adverse impacts.

There are few places, if any, where one can escape dirty air in this country. According to the EPA, approximately 127 million people lived in counties that exceeded at least one of the health-based National Ambient Air Quality Standards (NAAQS) in 2008.[1] With a new health-based standard for ozone, this number will likely be higher. With respect to hazardous air pollutants, or "air toxics", the EPA data show that everyone in the United States has an increased cancer risk of more than 10 in 1 million (1 in 1 million is generally considered "acceptable").[2] We doubt this subcommittee addresses any other issues that cause more preventable deaths each year.

SUBSTANTIAL FUNDING INCREASES FOR STATE AND LOCAL AIR QUALITY PROGRAMS ARE ESSENTIAL

State and local air quality agencies have been faced with insufficient budgets for many years. Section 105 of the CAA authorizes the Federal Government to provide grants for up to 60 percent of the cost of State and local air programs, while States and localities must provide a 40 percent match. But the truth is that State and local air programs, on average, supply 77 percent of their budgets (not counting permit fees under the Federal title V program), while Federal grants equal only 23 percent. State and local agencies provide far more than their fair share of the funding. The graph below illustrates this funding disparity.




Due to the budget crisis, State and local governments are increasingly strapped for resources and finding it ever more difficult to carry the Federal Government's share of the funding responsibility. According to data from the Environmental Council of the States (ECOS), State environmental budgets are declining significantly, decreasing 11.6 percent from fiscal year 2009 to fiscal year 2011.[3] From a survey of 37 States, ECOS found that 2,112 environmental agency positions have been eliminated or held vacant due to budget limitations in fiscal year 2010.[4] Because of the continuing adverse impact of the recession on States and localities, air agencies will continue to make more painful decisions, such as reducing or cutting air programs that protect public health.

As a result of these funding woes, States and localities must increasingly rely on Federal contributions. Unfortunately, Federal grants to State and local air agencies (as the graph shows) have been relatively stagnant and the purchasing power has actually decreased due to inflation. In fact, Federal grants decreased by nearly 10 percent in purchasing power between fiscal year 2000 and fiscal year 2010. At the same time, the responsibilities air agencies face have increased dramatically.

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[1] *Our Nation's Air: Status and Trends Through 2008* (February 2010), EPA, www.epa.gov/airtrends/2010/.

[2] National Air Toxics Assessment for 2005—Fact Sheet, www.epa.gov/ttn/atw/nata2005/05pdf/sum_results.pdf.

[3] *ECOS Green Report—Status of State Environmental Agency Budget, 2009–2011* (August 2010), Environmental Council of the States, http://ecos.org/files/4157_file_August_2010_Green_Report.pdf.

[4] *ECOS Green Report—Impacts of Reductions in FY 2010 on State Environmental Agency Budgets* (March 2010), Environmental Council of the States, http://ecos.org/files/4011_file_March_2010_ECOS_Green_Report.pdf.

A 2009 NACAA funding study showed that there is an annual shortfall of $550 million in Federal grants for State and local air programs.[5] While the proposed increase would not solve all our funding problems, it would be very helpful in our efforts to obtain and maintain healthful air quality. Because State and local agencies already provide 77 percent of their budgets, meeting the 40 percent match associated with this increase nationally should not be a problem.

We recognize that the Congress must choose among many worthy programs in determining how to appropriate scarce resources. But we also note that air quality programs are extremely cost effective and improvements in public health advance the health of our economy. Fewer sick days, less spending for healthcare costs and a healthier and more productive workforce have great economic benefits. An EPA analysis from March 2011 shows that the benefits of the CAA since 1990 have exceeded the cost by more than 30 to 1.[6] This is a substantial return on our investment. Additionally, a University of Massachusetts/Ceres study showed that upcoming CAA rules will create almost 1.5 million new jobs.[7] The additional grants will also stimulate the economy by creating new jobs within air quality agencies across the country. While not all grants will be used for personnel, they could fund up to 700 new jobs, averaging 14 per State. Finally, well-funded and well-run air agencies are better able to serve the community, including through more effective permitting and compliance assistance. These services help fuel the recovery of our local economies. Considering this and the fact that the public's health and welfare are at stake, we simply cannot afford to underfund these important programs.

THE ADMINISTRATION'S REQUEST INCLUDES INCREASES FOR ESSENTIAL PROGRAMS

The President's proposed budget includes increases over fiscal year 2010 levels in four primary areas: core activities, increasing capacity for greenhouse gas permitting, monitoring, and support for the greenhouse gas reporting rule. These are all extremely important efforts in need of increased financial support.

*Core Activities ($37.4 million)*.—The President's request rightfully recognizes the importance of State and local air agencies' core programs by calling for additional grant funds to support them. Without a doubt, new and innovative efforts are necessary, but ongoing core programs are critical as well, including the day-to-day activities that are the foundation of our programs. The additional funds will support continuing program responsibilities and the increased workload that State and local air agencies face as the EPA updates its health-based NAAQS. Agencies must update or prepare new State Implementation Plans (SIPs) for ozone, nitrogen dioxide ($NO_2$), sulfur dioxide ($SO_2$), lead and fine particulates. For example, SIPs for the 2006 $PM_{2.5}$ standard are due in December 2012, for the new lead standard in late 2011, 2012 and 2013, and for the new $SO_2$ and $NO_2$ standards in 2013 and 2014. State and local agencies must develop these plans, which require complex tasks, such as compiling emission inventories, carrying out sophisticated modeling, significantly expanding and operating monitoring networks, adopting and enforcing regulations and addressing multi-pollutant and multi-State transport issues, among other things.

*Increasing Capacity for Greenhouse Gas Permitting ($25 million)*.—State and local agencies must continue to expand their capacity to issue greenhouse gas (GHG) permits for new and modified sources under the "Prevention of Significant Deterioration" Program and title V operating permits for existing sources. The increase would be used as States take on these tasks by supporting staff development and training, program planning and analysis, source identification, outreach to industry and responding to the public.

*Support for the Greenhouse Gas Reporting Rule ($1.5 million)*.—The President's proposed budget includes funding to assist State and local agencies in the collection, review, analysis, and use of greenhouse gas registry emissions data and linking State-based reporting systems to the EPA's new system.

*Monitoring ($15 million)*.—State and local agencies must increase monitoring activities to address new and revised standards for ozone, lead, $NO_2$, and $SO_2$. Additionally, more monitoring of hazardous air pollution is needed in locations where the

[5] *Investing in Clean Air and Public Health: A Needs Survey of State and Local Air Pollution Control Agencies,* (April 2009), NACAA, http://www.4cleanair.org/Documents/Reportneeds survey042709.pdf.

[6] *The Benefits and Costs of the Clean Air Act Amendments from 1990 to 2020* (March 1, 2011), EPA, http://www.epa.gov/air/sect812/feb11/summaryreport.pdf.

[7] *New Jobs—Cleaner Air: Employment Effects under Planned Changes to the EPA's Air Pollution Rules* (February 2011), Ceres and the Political Economy Research Institute of the University of Massachusetts, Amherst, http://www.peri.umass.edu/fileadmin/pdf/other__publication__types/green__economics/CERES__PERI__Feb11.pdf.

public lives, works, attends school, and carries out daily activities. These efforts require purchasing additional ambient air monitoring equipment that provides essential information about the levels of pollutants in the air, and later, the success of control measures. While the President's request for increased grants to acquire new monitoring equipment in fiscal year 2012 is not sufficient to address all the additional monitoring needs, it will be very helpful as State and local agencies expand their monitoring capabilities to address the new and revised standards and hazardous air pollutants. The increases are especially critical since they were needed in fiscal year 2011 but have not been appropriated, putting State and local agencies behind in their schedules for acquiring and deploying this equipment.

The EPA is once again recommending that fine particulate monitoring funds be shifted from section 103 authority, where no match is needed, to section 105, which would require additional matching funds. We request that these funds remain under section 103 authority, as they have in the past, rather than the EPA beginning a phased-in shift of these funds to section 105 authority. For individual agencies that have concerns about the matching requirements, this will ensure that they can continue receiving these monitoring funds.

DIESEL RETROFIT FUNDING SHOULD BE RESTORED

The NACAA is a member of a broad coalition representing public-interest, environmental, business and governmental organizations, among others, supporting funds for diesel retrofits. The coalition is disappointed that the President did not request grant funds authorized by the Diesel Emissions Reduction Act (DERA). The DERA programs have a successful record of substantially decreasing harmful particle pollution from diesel exhaust. We ask that the Congress provide $50 million in fiscal year 2012 for the DERA funding. Of course, funding for the DERA should supplement, and not come at the expense of, State and local air agency grants.

CONCLUSION

The President's budget request calls for essential increases in grants for State and local air quality programs at a time when these agencies must handle both continuing and significant new responsibilities. While the proposed increases would not fully address the enormous deficit that these programs face, they would provide additional support when it is desperately needed.

The NACAA recommends, therefore, that the Congress appropriate the President's fiscal year 2012 request for Federal grants to State and local air quality agencies under sections 103 and 105 of the CAA, which is $305.5 million ($78.9 million above fiscal year 2010 levels). Additionally, the NACAA recommends that the DERA programs be funded in the amount of $50 million.

Thank you for this opportunity to testify and for considering the efforts of State and local air quality programs as they improve and protect public health.

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PREPARED STATEMENT OF THE NATIONAL ASSEMBLY OF STATE ARTS AGENCIES

The National Assembly of State Arts Agencies (NASAA), representing the State and special jurisdictional government arts agencies, is pleased to submit testimony in support of funding at $167.5 million for the National Endowment for the Arts (NEA) in fiscal year 2012. The President's budget request would reduce current NEA support to $146.255 million in 2012. Funding the NEA at $167.5 million would hold the agency at its 2010 level and would provide support to help sustain a healthy nonprofit arts sector contributing to communities nationwide.

*Appropriations Request*.—We are encouraged that the Congress has voted in recent years for incremental increases in funding for the NEA. We urge the Congress to maintain those gains at $167.5 million for the NEA in the fiscal year 2012 Interior, environment, and related agencies appropriations bill to continue the critical level of funds to the State arts agencies, working with the NEA to extend the reach of Federal arts dollars and broaden public access to the arts in every State, translating national leadership into local benefit.

THE FEDERAL-STATE PARTNERSHIP

It is through State arts agencies that the NEA is able to reach beyond its own direct grants into communities throughout the Nation. The NEA funds granted to State arts agencies ensure that every State receives a significant share of Federal arts support. By statute, the NEA allocates 40 percent of its annual grant making dollars to State arts agencies. These Federal funds combine with State legislative appropriations and other dollars to ensure that Federal funding reaches far, broad-

ening access to the arts for communities throughout the State and strengthening the State's arts infrastructure.

States help the NEA achieve its own goals, especially in arts education, reaching underserved constituencies, strengthening the cultural infrastructure, and preserving America's cultural heritage.

Proposals in the administration's 2012 budget request, discussed below, include a disregard for the congressional mandate that the NEA allocate 40 percent of program funds to the State and regional arts agencies. This departure from the mandate poses negative financial consequences for the States and compromises the capacity of State arts agencies to fulfill the Federal mission.

State arts agencies work to address the objectives of the NEA and help Government to achieve broad public policy goals, such as promoting education excellence, expanding access to the arts, stimulating economic growth and strengthening communities. State arts agencies use Federal funds to increase access to the arts and support the arts programs and artists in their communities, greatly extending the NEA's reach and benefits.

The funding from State arts agencies reaches broader and deeper than the NEA direct program grants, greatly enhancing the impact and effectiveness of the Federal arts funding. Each year in partnership with the NEA, State arts agencies support more than 22,000 projects, almost 10 times the number of grants awarded directly by the NEA. Funds go to 17,500 organizations, schools, and artists in nearly 5,000 communities across the United States, and in every congressional district. State arts agencies will manage $346 million in Federal, State, and other funds for distribution in 2011.

Communities across the Nation benefit deeply from this Federal-State relationship. Combined Federal and State funds—distributed through State arts agency grants and services—bring the benefits of the arts to many more communities than the NEA is able to reach directly. State arts agencies fund the arts in small towns and rural communities untouched by direct NEA grants, enabling arts organizations and programs in those communities to receive the benefits of public support otherwise unavailable to them.

*State Arts Agency Grant Making*.—Through services and grant making, State arts agencies, enabled by Federal dollars, increase citizen access to the arts and help each State to recognize, cultivate, and promote its unique creative assets. State arts agency grant requirements encourage local investment in the arts. Applicants match—and usually exceed—the funds granted by the State with funds from local government, the private sector, or earned-income activities.

*Arts in Education*.—Supporting lifelong learning in the arts, with assistance from the NEA, is a top priority for State arts agencies. State arts agencies invest more than $74 million in arts education grants to more than 2,800 communities. More than one-third of all State arts agency grants (about 8,500 grants) have a significant arts education component. These grants support a wide range of activities, including performances, exhibitions, residencies (both school and nonschool), instruction, and curriculum development. Other types of grants—unique to State government—support the design of assessment and evaluation tools and fund professional development programs. State arts agencies also support after-school/out-of-school arts programs, early childhood arts learning, the arts in higher education, and many programs that teach the arts to adults and seniors. In 2010, State arts agencies awarded more than 8,900 grants in arts education, compared with 255 direct grants from the NEA.

*Access to the Arts*.—State arts agencies use their funds to broaden and diversify participation in a wider variety of art forms through support for touring and presentation of more than 7,000 exhibits and performances within their States. Public arts spending is especially important, for example, in rural areas which are often artistically underserved due to geographic and economic isolation. In 2009, State arts agencies invested more than $32 million in programs to widen the availability of the arts. With 16 percent of the U.S. population residing in rural, nonmetropolitan areas, State arts agencies award 24 percent of grants to these areas; the NEA awards 7 percent of its grants outside of metropolitan areas.

SUPPORT FOR LOCAL ARTS AGENCIES

Local arts agencies—nonprofit organizations and municipal or county governmental agencies—are important State arts agency partners. State arts agencies invest more than $39 million—14 percent of all State arts agency grant dollars—in local arts agencies. About one-third of the dollars awarded to local arts agencies by State arts agencies is operating support—flexible dollars that can be used to support

community arts activities and operations in accordance with local needs and circumstances.

*Supporting the Cultural Infrastructure*.—Public spending on the arts is a good investment in the economic growth of every community. State arts agencies recognize that cultural development is a vital part of economic development strategies, attracting businesses and new residents and generating jobs.

*Individual Artists*.—State arts agencies recognize the vital role that professional artists and traditional artists have in their communities, and the importance of supporting the creativity of individual artists in their States. Through fellowship grants and residencies, State arts agencies help artists further their work, encourage the excellence of individual artists in their States, promote and showcase the artistic creations of their artists, and acknowledge the diversity of cultural and artistic expression throughout their States.

*Cultural Heritage Preservation*.—State arts agencies help to document and preserve cultural heritage by investing more than $7 million in 2009 in the preservation of cultural traditions to support the work of master folk artists and folklorists; apprenticeships in the traditional arts; and supporting festivals, online sites, and heritage trails. In 2010, the States awarded 1,326 grants for heritage and traditional arts, compared with 142 directly awarded from the NEA.

*2012 Budget Request: Implications for State Arts Agencies*.—The NEA has proposed in the President's 2012 budget a number of changes that we, the NASAA and our member State agencies, consider ill-advised. These changes directly affect the work of State arts agencies in every State and jurisdiction. It is through State arts agencies that the NEA is able to reach beyond its own direct grants into communities throughout the Nation. Any action that hampers the capacity of State arts agencies should be examined in cooperation with the field.

*Allocation of Program Funds to States*.—The NEA budget requests $5 million for the Our Town initiative to be funded in 2012 in a new category not considered part of program funds. In 2011, funding for Our Town at $5 million is included in the total amount of program funding. The proposal to exempt Our Town funding from the State allocation violates the current policy that was established consistent with congressional directives to allocate 40 percent of program funds to the State arts agencies. This budgetary shift in funding effectively reduces support to State arts agencies by $2 million. This shift from established policy is inconsistent with the NEA's own stated budget priority that "State funding will be adjusted commensurate with the overall program reduction." It is through State arts agencies that the NEA is able to reach beyond its own direct grants into communities throughout the Nation. The NASAA urges the Congress to include any funding for Our Town with program funds for allocation of the full 40 percent share of program funds to State arts agencies.

*Matching Requirements*.—The NEA is seeking statutory clarification regarding the allowed matching requirements of State arts agencies. The administration's intention is to "clarify that match must come from funds controlled and managed by the State and that funds from third parties not directly controlled and managed by the State are not eligible (such as subgrant match.)" The proposed clarifying language would allow States to match with such funds as appropriated funds, donated funds, and trust funds. Clarification of matching requirements is desirable, provided some flexibility is provided to States during the short term. The NASAA requests that the Congress require the NEA to consult with the NASAA and the State arts agencies about how to craft this language for the appropriate identification of eligible matching funds.

*Match Waivers*.—The administration's 2012 budget document seeks permission from the Congress to develop criteria on the "waive-of-match" provision for States and regions. The administration explains that while States may seek a waiver authority, it does not appear to be the intent of the NEA's authorizing legislation "to allow waiver of match in perpetuity," and guidance is desirable as to the circumstances around the ability of States and regions to seek a waiver of match. Again, the NASAA requests that the Congress require the NEA to consult with the NASAA and the State arts agencies about how to develop these criteria for waiver of matching funds.

*Poetry Out Loud!*.—The NEA proposes to reduce funding to Poetry Out Loud!—the national poetry recitation contest. The program was initiated by the NEA and made a national competition with cooperation of State arts agencies. Poetry Out Loud! is worthy of maintaining at its current budget level. The NEA should first seek other sponsors for this event before considering any reductions to State arts agencies. If any reduction is to be made, Poetry Out Loud! grants to States should not be reduced by a percentage greater than the overall agency cut to program funds.

*Arts in Education*.—Similarly, the NEA is proposing to reduce its support to State arts agencies for arts in education. Prior to the cuts in the NEA budget in the 1990s, the NEA invested an amount of $5 million for arts education. This amount has been reduced over the years to an amount of $1.7 million in fiscal year 2010. Any reduction taken in support to the States for arts in education should be no greater than proportional to funding cuts taken in other NEA programs.

*Heritage and Jazz Awards*.—The NEA proposes to replace national honors in Jazz and Folk/Traditional Arts with combined awards that address all art forms. The NASAA supports the position to maintain the National Heritage Awards and the Jazz Masters Awards. These singular awards are vitally important to promoting the continued health of these efforts, which are typically outside the mainstream of the arts. Many State arts agencies consider their folk and traditional arts programs to be among their highest priorities. Jazz has been called America's classical music and is arguably Americas' most important original contribution to the arts.

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PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS

Mr. Chairman and members of the subcommittee, I am Phil Giudice of Massachusetts, and Chair of the National Association of State Energy Officials (NASEO). The NASEO represents the energy offices in the United States, its territories, and the District of Columbia. The 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). The NASEO supports funding of at least $55 million, including specific report language directing that the funds be utilized only for the ENERGY STAR program. The ENERGY STAR program is voluntary, successful and cost-effective. 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 business to achieve these goals in a cooperative manner. The NASEO has worked very closely with the EPA and more than 40 States are ENERGY STAR partners. In 2005, the EPA and the NASEO announced a State partnership program, which has many State members. We are also working closely with the EPA on home performance with ENERGY STAR. With very limited funding, the 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 the 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 14,000 voluntary partners including more than 2,000 manufacturers using the label, more than 1,000 retail partners, more than 5,000 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. We are also working closely with the 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 the EPA and in our States to promote programs to make schools more energy efficient, in addition to an expanding ENERGY STAR business partners program. Hopefully, this expansion will continue. The EPA has been expanding the technical assistance work with the State energy offices in such areas as benchmark training (how to rate the per-

formance 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 the EPA to address these issues. The level of cooperation from the agency has been extraordinary and we encourage these continued efforts.

CONCLUSION

The ENERGY STAR program saves consumers billions of dollars every year. The payback is enormous. The NASEO supports robust program funding in fiscal year 2012. Funding for the ENERGY STAR program is justified. The NASEO endorses these activities and the State energy offices are working very closely with the EPA to cooperatively implement a variety of critical national programs without mandates.

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## PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF STATE FORESTERS

### FISCAL YEAR 2012 APPROPRIATIONS RECOMMENDATIONS FOR THE UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE

The National Association of State Foresters (NASF) appreciates the opportunity to submit written public testimony to the Senate Appropriations Subcommittee on the Interior, Environment, and Related Agencies regarding our fiscal year 2012 appropriations recommendations. Our priorities center on appropriations for the USDA Forest Service (USFS) State and Private Forestry (S&PF) programs. As States face the most challenging fiscal environment since the Great Depression, the NASF fully appreciates the difficult choices that come with spending decisions. We therefore recommend that fiscal year 2012 appropriations for S&PF be held at $306 million, representing similar funding levels enacted in fiscal year 2010.

The NASF delivers technical and financial assistance and forest health, water, and wildfire protection for more than two-thirds of America's forests. The USFS S&PF mission area provides vital support for delivering these services alongside other socioeconomic and environmental health benefits in both rural and urban areas. The S&PF programs provide a significant return on the Federal investment by leveraging the boots-on-the-ground and financial resources of State agencies to deliver assistance to forest landowners, tribes, and communities. As States and the Federal Government face extremely tight fiscal conditions, the NASF, in partnership with the S&PF mission area of the USFS, are best positioned to maximize the effectiveness of the limited resources available to respond to priority forest issues and focus efforts in those areas where they are needed most.

### RESPONDING TO PRIORITY FOREST ISSUES, TRENDS, AND THREATS

The NASF has completed the Statewide Forest Resource Assessments and Strategies called for in the Food, Conservation, and Energy Act of 2008 (2008 farm bill). Management activities are underway to implement these "forest action plans" and respond to the following trends, issues, and priorities:

*Forest Pests and Invasive Plants*

Among the greatest threats identified in the forest action plans are exotic forest pests and invasive species. The growing number of damaging pests is often a result of the introduction and spread by way of wooden shipping materials, movement of firewood and through various types of recreation. A new damaging pest is introduced every 2 to 3 years. These pests have the potential to displace native trees, shrubs and other vegetation types in forests. Estimates indicate that 138 alien tree and shrub species have invaded native U.S. forest and shrub ecosystems while more than 20 alien species of plant pathogens attack woody plants. Plant pathogens alone have been estimated to result in the loss of $7 billion of forest products each year. These losses do not account for the value of clean and abundant water, wildlife habitat, clean air, and other environmental services that may be lost or impacted due to insect and disease infestation.

In response, the Cooperative Forest Health Management Program (CFHP) provides technical and financial assistance to States and territories to maintain healthy, productive forest ecosystems on non-Federal forest lands. The CFHP treated native pest species on more than 150,000 acres and non-native invasive species on more than 500,000 acres in fiscal year 2010. Funding for the CFHP supports ac-

tivities related to prevention, suppression, and eradication of insects, diseases, and plants as well as conducting forest health monitoring through pest surveys.

The NASF supports funding the CFHP at the fiscal year 2010 enacted level of $60 million (i.e. $49 million through S&PF and $11 million through Wildland Fire Management). We believe the proposed reduction included in the President's fiscal year 2012 budget will expose more of the Nation's forests to exotic and invasive pests such as the emerald ash borer, hemlock woolly adelgid, thousand cankers disease, goldspotted oak borer and others that—in some cases—are already eliminating certain tree species. This request is supported by a strong diversity of organizations including members of the Continental Dialogue on Non-native Forest Insects and Diseases (see letter of support at www.stateforesters.org).

*Fuel Loads and Wildland Fire*

More people in fire-prone landscapes, high fuel loads, drought, and unhealthy landscapes are among the factors that have led the NASF to identify wildland fire as a significant priority issue in their State forest action plans. These factors have created a wildland fire situation that has become increasingly expensive and complex and, in many cases, threatens human life and property. The NASF alongside many other organizations in the forestry, conservation and environmental community agree that the USFS State Fire Assistance (SFA) Program and the Wildfire Suppression Reserve Fund established under the Federal Land Assistance, Management and Enhancement (FLAME) Act are key tools in addressing the threat of wildland fire (see letter of support at www.stateforesters.org).

The SFA is the fundamental Federal assistance mechanism that States and local fire departments use to develop preparedness and response capabilities for wildland fire management on non-Federal lands. The program has helped more than 11,000 communities prioritize their preparedness and mitigation efforts through the development of Community Wildfire Protection Plans (CWPPs); yet, the threat of wildfire to life and property remains in more than 69,000 communities.[1] The NASF recommends $39 million for Cooperative Fire Protection SFA and $71 million for Wildland Fire Management SFA to address the mitigation and preparedness backlog in communities at risk from wildland fire.

In 2009, the FLAME Act established two funds—one for the USFS and another for the Department of the Interior (DOI)—to reduce the need for the agencies to transfer funds to wildfire suppression from other agency programs, which had historically led to considerable disruptions to important program functions. The Congress included specific instructions that FLAME should be funded with improved estimates and that funding should not come at the expense of other agency programs. For fiscal year 2010, the USFS received $413 million. The NASF and its partners support funding at equivalent levels for fiscal year 2012.

*Working Forest Landscapes*

Working forest landscapes are a key part of the rural landscape and provide jobs, clean water, wood products, and other essential services to millions of Americans. For instance, 80 percent of renewable biomass energy comes from wood, 53 percent of all freshwater in the United States originates on forest land and more than $200 billion in sales of consumer products and services are provided through the Nation's forests each year.[2] Working forest landscapes contribute to a healthy forest products industry that employs more than 1 million people.[3]

Private forests make up two-thirds of all the forestland in the United States. Totaling 423 million acres, private forests support an average of eight jobs (per 1,000 acres) and provide 92 percent of trees harvested for wood products.[4] The ability of working forests to continue providing jobs, renewable energy, clean and abundant water and other important services is in jeopardy as private forests are lost to development. The USFS estimates that 57 million acres of private forests in the United States are at risk of conversion to urban development over the next two decades. The Forest Stewardship Program, Forest Legacy Program (FLP), and other programs within USDA are key tools identified in the forest action plans to keep working forests intact.

The Forest Stewardship Program (FSP) is the most extensive family forest-owner assistance program in the country. Planning assistance is delivered in cooperation with State forestry agencies primarily through the development of the FSP Plans.

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[1] *NASF FY2009 Communities at Risk Report,* February 2010.

[2] Society of American Foresters. *The State of America's Forests.* 2007.

[3] American Forest and Paper Association. "Our Industry: Economic Impact." http://afandpa.org (accessed Friday April 1, 2011)

[4] Forest2Market. *The Economic Impact of Privately-Owned Forests.* 2009.

The program provides information to private landowners to help them manage their land for wildlife, recreation, aesthetics, timber production, and many other purposes. The technical assistance provided through the FSP is a gateway to other effective USDA, State and private sector programs designed to help keep working forests intact. For instance, the FSP enables landowners to participate in the FLP, Environmental Quality Incentives Program, and the Biomass Crop Assistance Program. The FSP also increasingly serves as the gateway to participating in forest certification programs and accessing renewable energy and carbon markets. The NASF recommends $29 million for the FSP in fiscal year 2012.

*Urban and Community Forest Management Challenges*

Urban forests include the tree canopy cover above every neighborhood, town and city in America. They provide environmental, social and economic benefits to more than 80 percent of the Nation's population. The forest action plans identified a number of benefits associated with urban forests including energy savings, improved air quality, neighborhood stability, aesthetic values, reduced noise, and improved quality of life for communities across the country. At the same time, the forest action plans reported a number of threats to urban and community forests including fire in the Wildland Urban Interface (WUI), urbanization and development, invasive plants and insects, diseases and others.

Since its expansion under the Cooperative Forestry Assistance Act of 1990 (CFAA), the USFS's Urban & Community Forestry (U&CF) Program has provided technical and financial assistance to promote stewardship that is critically important green infrastructure. The program is delivered in close partnership with the NASF and leverages existing local efforts that have helped thousands of communities and towns manage, maintain, and improve their tree cover and green spaces. For instance, the program leveraged an additional $40 million in State and local support and provided 1,250 small grants to local communities in fiscal year 2010 to help communities manage risk, respond to storms and disturbances, and contain threats from invasive pests. The NASF and the broad urban forestry community support an appropriation of $32 million in fiscal year 2012 for the Urban and Community Forestry Program (see letter of support at www.stateforesters.org).

FLEXIBILITY FOR STATES TO APPLY RESOURCES WHERE THEY ARE NEEDED MOST

As part of the development of the forest action plans, each State underwent a comprehensive process that involved a wide range of partners and interagency cooperation to examine issues, structure priorities, and provide direction for those programs authorized under the CFAA. The NASF is now in the operational phase of this process that includes implementation of the respective CFAA Programs consistent with national and State-specific priorities identified in forest action plans. While there is some consistency among States in program direction, the mix and configuration of CFAA programs and services that can deliver the greatest public value varies among States.

With completed forest action plans, States are now in a position to maximize the total public value from Federal investment across the Nation. The NASF supports providing increased flexibility within CFAA program implementation through the States in order to ensure States collectively maximize their contributions to achieving the national priorities expressed in the 2008 farm bill. We would like to see continued discussion and guidance from the subcommittee on possible alternative approaches to this matter that meet our shared desire to maximize the public's return on the investment of Federal funds. Strong performance metrics for both the States and the USFS should be part of this effort.

IMPORTANCE OF FOREST INVENTORY DATA IN MONITORING FOREST ISSUES

The Forest Inventory and Analysis (FIA) Program, managed by Forest Service Research, is the Nation's only comprehensive forest inventory system for assessing the health and sustainability of the Nation's forests across all ownerships. The FIA provides essential data related to forest species composition, forest growth rates, and forest health data and is the baseline inventory estimates used in State forest action plans. The program provides unbiased information that serves as the basis for monitoring trends in wildlife habitat, wildfire risk, insect and disease threats, predicting spread of invasive species and for responding to priorities identified in the forest action plans.

The Agricultural Research, Extension, and Education Reform Act of 1998 (Public Law 105–85) mandated the USFS to partner with the States and nongovernmental interests to implement a nationally consistent, annual inventory program in all States, ensuring timely availability of data and developing State-level reports every

5 years. Unfortunately, the President's fiscal year 2012 budget proposes an overall $10 million reduction to the FIA that will disrupt the inventory cycle length and otherwise dismantle program delivery. A solid inventory is essential to responding to contemporary forest issues such as estimating sustainable woody biomass supplies for renewable energy production, forest carbon inventories, and determining the timber supply available to support local mills and local jobs. The NASF and many others in the forestry, conservation, and environmental community recommend $72 million for the FIA Program in fiscal year 12, with $67 million funded through Forest and Rangeland Research and $5 million through the S&PF (see letter of support at www.stateforesters.org).

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PREPARED STATEMENT OF THE NATIONAL CONGRESS OF AMERICAN INDIANS

On behalf of the National Congress of American Indians (NCAI), thank you for the opportunity to testify on tribal programs in the fiscal year 2012 budget under the Interior, environment, and related agencies appropriations bill. This testimony will address programs in the Department of the Interior, Environmental Protection Agency (EPA), and Indian Health Service (IHS).

Despite reductions for many Federal agencies and programs, the President's fiscal year 2012 budget proposal largely protects funding for many Indian programs, and even contains some proposed increases for Indian health and public safety. NCAI commends the administration for these proposed increases, especially given diminished Federal resources. But as the Congress deliberates over the fiscal year 2012 budget, we ask that you remember that funding for Indian programs supports the trust responsibility—and that trust responsibility is not a line item—it is a solemn duty.

Although the Congress will begin deliberations on the fiscal year 2012 Federal budget in a very tight budget atmosphere, it also follows one of the most significant years of bipartisan accomplishments for Indian country in recent memory. As you know, in 2010, the U.S. Government took historic steps to address numerous longstanding challenges faced by tribal nations. The Congress made permanent the Indian Health Care Improvement Act (IHCIA) and President Obama signed into law the Tribal Law & Order Act (TLOA). But, like other laws, TLOA and IHCIA will not mean much if they are not implemented, and effective implementation is contingent upon adequate Federal funding for authorized programs. This moment presents the Federal Government with an extraordinary opportunity to further tribal self-determination and honor the promises of the Federal trust responsibility.

A key theme of the last election was that the Congress and the Federal budget should focus on programs that are undeniably part of the Federal Government's constitutional role. Federal obligations to tribal citizens—largely funded by the Federal budget—are the result of centuries-old treaties negotiated and agreements made between Indian tribes and the United States in exchange for land and resources. Together, these obligations make up the trust responsibility. The authority to fund programs that help fulfill this responsibility is founded in the Constitution, specifically the Indian Commerce Clause, the Treaty Clause, and the Property Clause.

Meeting this constitutional responsibility and empowering citizens and communities to meet the challenges that they face is a priority tribal nations share with many new Members of Congress. In this context, NCAI commends the administration for including language for the *Carcieri* fix in the fiscal year 2012 budget request and urges immediate passage of a clean *Caricieri* fix.

NCAI has compiled recommendations on many specific programs and agencies that affect Indian country, but, in general, NCAI urges the Congress to hold Indian programs harmless in the fiscal year 2012 appropriations process and exempt them from across-the-board rescissions. Tribal programs have endured tremendous fluctuations in recent decades, making it difficult for tribes to achieve community stability. Each year, tribes should receive resources at least equal to those appropriated to State and local governments so that tribes, too, may meet the critical needs of their citizens and so that the Federal Government may fulfill its sacred trust responsibility. As Members of Congress begin considering the Nation's Federal budgetary priorities, the debate should acknowledge the solemn agreements made with Indian tribes that are backed by the Constitution.

BUREAU OF INDIAN AFFAIRS (BIA)—PUBLIC SAFETY

The recent passage of TLOA is proof that the calls of tribal leaders have not fallen on deaf ears. The Congress and the Obama administration have heard the concerns of Indian people and attempted to address them in this new law. The intended ends of the TLOA cannot be achieved unless tribes have the means to implement them.

This requires adequate Federal funding for TLOA-authorized programs, as well as full funding of other critical tribal justice programs that will support the overarching TLOA vision of comprehensive law enforcement reform.

Under Public Safety and Justice activities in the Bureau of Indian Affairs, the President has proposed a net $25.8 million increase from the fiscal year 2010 level, which includes $20 million in programmatic increases and $10.6 million for fixed costs. NCAI supports increases for BIA Public Safety and Justice programs.

IHS

The fiscal year 2012 request for IHS is $4.6 billion in discretionary budget authority—a significant increase of $571 million, or 14.1 percent, more than the fiscal year 2010 enacted level. Indian country won a substantial victory in 2010 with the passage and permanent reauthorization of the Indian Health Care Improvement Act (IHCIA) as part of the Patient Protection and Affordable Care Act (PPACA). American Indians and Alaska Natives realized a number of positive provisions in the overall PPACA legislation. As such, Indian country seeks to ensure that the Indian healthcare delivery system is strengthened so that Indian people and Indian health programs benefit from reformed systems. In order to achieve these results, fundamental components are necessary to fully implement IHCIA and PPACA in Indian country. In the current fiscal environment, NCAI and tribal leaders are encouraged to see strong support in the fiscal year 2012 budget request for IHS and urge the Congress to enact the 14.1 percent increase for IHS overall.

*Contract Support Costs (CSC).*—The fiscal year 2012 request for IHS contract support costs is $461.8 million, an increase of $63.3 million and 16 percent. The IHS recently projected that the shortfall in fiscal year 2012 will be $153 million, which would result in a cut of $153 million in tribally contracted programs, not IHS-administered programs. NCAI recommends the IHS CSC line item be increased to $615 million.

EPA

The President's fiscal year 2012 budget request for EPA includes proposed funding for a Multimedia Tribal Implementation Grants program to support on-the-ground implementation of environmental protection on tribal lands. These grants, for which $20 million is requested, are tailored to address an individual tribe's most serious environmental needs. This new grant program will advance negotiated environmental plans, measures, and results as agreed upon by tribes and EPA, thus ensuring that tribal environmental priorities are addressed to the fullest extent possible. An additional $2.9 million is requested for tribal capacity building and implementation of this new grant program. NCAI supports this initiative and the proposed fiscal year 2012 levels for grants and implementation.

The Multimedia Tribal Implementation Grants program will complement the environmental capacity developed under EPA's Indian Environmental General Assistance Program, for which the administration requests an $8.5 million increase, for a proposed fiscal year 2012 level of $71.4 million. This requested increase will assist tribal environmental programs that have the capacity to take on additional responsibilities. NCAI supports this requested increase.

BIA—NATURAL RESOURCES

After years of natural resources program cuts, several meaningful increases were provided in fiscal year 2010. An increase of $12 million was provided for rights protection implementation and $4 million for fish hatchery operations and maintenance.

Several modest but helpful increases are requested in the fiscal year 2012 budget request. These include $1 million for rights protection implementation; $1 million for tribal management/development; $1 million for forestry; $1 million for water management planning and pre-development; $1 million for wildlife and parks; $1 million for wildlife and parks fish hatchery maintenance projects; and $500,000 for invasive species. Yet, even with these increases, the base TPA programs that fund tribes' day-to-day conservation responsibilities:

—Tribal management/development;
—Natural resources TPA;
—Wildlife and parks TPA; and
—Forestry would still remain at funding levels lower than they were a decade ago.

NCAI supports the requested increases, and urges sustained, increased funding in future years, especially given the level funding for BIA natural resources programs over a number of years.

In fiscal year 2012, there is a provision of $200,000 for Cooperative Landscape Conservation to address climate change adaptation in the Northwest. Compared to the $131 million provided to Interior in fiscal year 2010 and the $175 million requested in fiscal year 2012 for climate change adaptation, the $200,000 is woefully inadequate. This amount of funding must be increased as it is well established that tribes are disproportionately impacted by climate change, and tribal lands make up 4 percent of the entire land area of the United States, and 16 percent of the lands managed by Interior. NCAI supports a significant increase proportionate to the climate impacts on tribal lands and the size of the Indian country land base to enable tribes to address the impacts of climate change.

SUPPORT FOR TRIBAL GOVERNMENTS

Every tribe in the United States, directly or through intertribal consortia, operates one or more contracts with the IHS or the BIA under the Indian Self-Determination and Education Assistance Act (ISDA, Public Law 93–638). The statute requires that IHS and BIA fully reimburse every tribal contractor for CSCs' that are necessary to carry out the transferred Federal activities. Cost-reimbursable government contracts similarly require payment of "general and administrative" costs. Full payment of fixed contract support costs is essential. Without this support, offsetting program reductions must be made, vacancies cannot be filled, and services must be reduced—all to make up for the shortfall.

BIA reports that its CSC shortfall exceeded $62 million in fiscal year 2010, meaning full contract support cost requirements that year totaled $228 million. Yet, the fiscal year 2012 budget requests only $195.5 million, which would result in a $33 million cut to tribally operated BIA programs next year. Based on this data, NCAI recommends the BIA CSC line item be increased to $228 million.

TRIBAL GRANT SUPPORT COSTS (TGSC) FOR TRIBALLY OPERATED SCHOOLS

The operation of schools by tribes or locally elected tribal school boards is a major exercise of tribal self-determination, encouraged by Federal Indian policy for the last 35 years. Tribes and tribal organizations that exercise this option are entitled by law to receive TGSC (formerly known as Administrative Cost Grants) to cover the administrative or indirect costs incurred when they take over a school. In fiscal year 2010 the funding available for TGSC met only 60 percent of need, the lowest rate to date. For current contract and grant schools, $70.3 million should be appropriated to fully fund TGSC need, with an additional $2 million to fund the administrative needs of those schools that convert to contract or grant status in fiscal year 2012, to avoid diverting funds from existing tribally operated schools.

BIA, OVERALL

The administration and the Congress have listened to the calls from tribes to provide meaningful increases to BIA overall in fiscal year 2010. Efforts have also been made to address tribal priorities in the fiscal year 2012 budget in the face of overall budget constraints. The fiscal year 2012 budget request includes increases for natural resources, law enforcement and courts, and contract support costs. However, from a broader view, BIA and tribes continue to receive less funding in the President's budget requests (and in reality) relative to other bureaus and agencies in the Department of the Interior. For instance, the President's fiscal year 2012 budget requests an increase of $138 million for the National Park Service (NPS), an increase of $48 million for the Fish and Wildlife Service (FWS), and a decrease of $119 million for the BIA. Additionally, over the last nine fiscal years the budget for the FWS has grown by 30 percent; NPS by 28 percent; U. S. Geological Survey by 19 percent; Bureau of Land Management by 13 percent. Meanwhile, BIA has seen an increase of only 8 percent. NCAI and tribal leaders recognize and appreciate that reductions to Indian Affairs funding could have been steeper, but urge this committee and appropriators to reverse this disproportionate funding trend (relative to other agencies) and provide an increase to the overall BIA budget to support tribal self-determination and communities throughout Indian country.

*Indian Guaranteed Loan Program*.—The President's budget includes a reduction to this program of $5.1 million. The Indian Guaranteed Loan program is a very successful program. It is leveraged money so it makes no sense to cut money that represents a ten to one financing for tribes. Cutting $1 million is the same as cutting $10 million. These are guarantees which went unused; however, the issue was not with tribes not utilizing the funds but with Interior not getting them out. The individual business program utilizes a 10:1 funding ratio, meaning a $10 million investment could guarantee $100 million in business loans. This has worked well for individuals; however, tribes with limited resources willing to develop community-wide

businesses and grow their local economies have to turn to the bond market for financing. The market, along with the rating agencies, has not gauged tribal risk effectively, making capital expensive or nonexistent. Guaranteed financing is needed for tribal development projects. This applies to loans and surety or performance guarantees, which have a lower 3:1 ratio. The surety guarantees are needed because the surety bond industry excludes tribally owned construction companies in underwriting. NCAI requests that the Congress restore funding for the Indian Guaranteed Loan program for fiscal year 2012.

## PREPARED STATEMENT OF THE NATIONAL COOPERATORS' COALITION

### SUMMARY

The National Cooperators' Coalition (NCC) urges the Subcommittee on the Interior, Environment, and Related Agencies to increase the funding of the U.S. Geological Survey's (USGS) Cooperative Fish and Wildlife Research Units (CFWRUs) by $2.7 million more than the amount in the fiscal year 2010 continuing resolution to fill vacant scientist positions. At a time when Federal spending needs to be reduced, the CFWRUs are precisely the type of program that should receive greater support because they successfully leverage $3 for every $1 of Federal funds appropriated for the program. With typically just three Federal scientists, each of the 38 CFWRUs is lean and highly productive and uses partnerships to avoid the need for Federal spending on administrative personnel, building space, and much of the operating expenses. This cost-effective program, however, is in jeopardy unless funds are provided to replace its retiring scientists.

The NCC also recognizes the efforts of several States that want to establish new unit capacity. Contingent on full funding of the base CFWRU Program, it is vital to these efforts that an additional $2.5 million be appropriated for the new capacity which will add units in Nevada, New Jersey, and North Dakota, and complete the wildlife mission at existing units in Hawaii and California.

The NCC is an alliance of non-Federal CFWRU Program cooperators and other supporters. Its members include State fish and wildlife agencies, universities, and nongovernmental organizations. The mission of the NCC is to build a stronger and more coordinated base of support to serve research, education, and technical assistance needs of the non-Federal CFWRU program cooperators.

### CONTINUE TO BUILD ON THIS SUBCOMMITTEE'S EFFORTS

We greatly appreciate your leadership in adding funding in fiscal years 2008, 2009, and 2010 for the CFWRU research and training partnership, which for more than 75 years has brought together State fish and wildlife agencies, State universities, and Federal agencies around a local, applied research agenda. As a result, to provide the capacity in the CFWRU Program that existed a decade ago, the fiscal year 2012 USGS appropriation now needs just $2.7 million more than the fiscal year 2010 enacted level.

Each of the CFWRUs in 38 States is a true Federal/State/university/private partnership among the USGS, a State natural resource agency, a host university, and the Wildlife Management Institute. The CFWRUs build on these partner contributions to leverage more than $3 for every $1 appropriated to the program by the Congress. The CFWRUs have established a record of educating new natural resource professionals who are management-oriented, well-versed in science, grounded in State and Federal agency experience, and able to assist private landowners and other members of the public. Restoration of funding support would ensure that the Interior Department provides the Federal scientist staffing agreed to with the CFWRU partners so that the return on the continuing investment in the program by those partners is realized and fully leveraged. At a time when Federal spending needs to be reduced, the role of the CFWRU Program in facilitating solutions to natural resources management challenges and training the fish and wildlife managers of tomorrow should be expanded rather than compromised by funding shortfalls that result in the absence of scientist leaders.

State and Federal natural resources agencies are facing unprecedented challenges posed by energy development needs, invasive species, infectious diseases, wildfire, and increased demand for limited water resources. These agencies also face the challenge of replacing an extraordinary number of natural resource professionals who are retiring. Finding workable solutions to these challenges requires the kind of approaches to research emphasized by the CFWRUs, which rely on leveraging Federal dollars through collaborative, interdisciplinary efforts to help resolve emerging issues at scales that transcend individual State boundaries.

With appropriation of $22 million for the CFWRUs for fiscal year 2012, a sound foundation will exist on which new capacity should be built. With appropriation of an additional $2.5 million will add CFWRUs in Nevada, New Jersey and North Dakota, and complete the wildlife mission at existing CFWRUs in Hawaii and California. Rutgers University, University of Nevada—Reno, North Dakota State University, The University of North Dakota, University of Hawaii—Hilo, and Humboldt State University bring a wealth of research, education, and innovative technology to address contemporary conservation issues at regional and national scales. The respective State agency partners bring an extensive history of successful fish and wildlife management skills and resources that complement those existing at the universities. The State agency and university partners are well-equipped to collaborate with the CFWRUs to help resolve natural resources management challenges that transcend State boundaries.

We urge you to make greater use of the CFWRUs and to expand this program in five States. The program's efficient and cost-effective research and training partnership brings together State fish and wildlife agencies, State universities, and Federal agencies around a local, applied research agenda. With your assistance, this program can make the best use of limited Federal funds to become even more effective in using science and collaboration to address the natural resources challenges facing the Interior Department, other Federal, State and local agencies and this country's citizens.

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## PREPARED STATEMENT OF THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

Thank you Chairman Reed, Ranking Member Murkowski, and members of the Senate Appropriations Subcommittee on the Interior, Environment, and Related Agencies for the opportunity to provide testimony. On behalf of all 57 SHPOs, I extend our appreciation for this opportunity to provide the following testimony which details our fiscal year 2012 appropriations request, the State Historic Preservation Offices (SHPOs) responsibilities under the National Historic Preservation Act (NHPA) and how Preservation Makes ¢ent$ through job creation, economic development, and heritage preservation.

*Request*.—$50,000,000 for SHPOs.

Funded through withdrawals from the Historic Preservation Fund (16 U.S.C. 470h) Department of the Interior's (DOI) National Park Service Historic Preservation Fund (HPF).

### FISCAL YEAR 2012 HPF FUNDING REQUEST MAKES ¢ENT$

The National Conference of State Historic Preservation Officers requests a total $70 million withdrawal from the HPF for fiscal year 2012 with funding distribution amounts of $50 million for SHPOs, $11 million for Tribal Historic Preservation Officers and a total of $9 million for the Save Americas Treasures and Preserve America grant programs. This request is 10 percent less than the cumulative amount the four programs received in fiscal year 2008.

### PRESERVATION MAKES ¢ENT$—FEDERAL-STATE PARTNERSHIP

In 1966, the Congress recognized the importance of preserving and building upon our past by passing the National Historic Preservation Act (NHPA, 16 U.S.C. 470), which established historic preservation as a Federal Government priority. Instead of using Federal employees to carry out the act, the DOI and the Advisory Council on Historic Preservation partner with the States and use SHPOs to:

—locate and record historic resources;
—nominate significant historic resources to the National Register of Historic Places;
—foster historic preservation programs at the local government level and promote the creation of preservation ordinances;
—provide funds for preservation activities;
—comment on Federal preservation tax projects;
—review all Federal projects for their impact on historic properties; and
—provide technical assistance to Federal agencies, State and local governments, and the private sector. And, States contribute half the cost of the Federal program.

PRESERVATION MAKES ¢ENT$—JOB CREATION

Historic preservation creates jobs. Whether it is through the historic tax credit program, preservation grants, or other rehabilitation avenues, preservation creates skilled, principally local, jobs.

—In 2010, while still in a national recession, there were nearly 1,000 new historic tax credit projects started, averaging 47 jobs per project. The private investment in the approved and completed projects in 2010 totaled $3.42 billion.[1]

—The mixed-use redevelopment of the Hathaway Mill in Waterville, Maine, resulted in the investment of approximately $31 million in rehabilitation and related new construction costs. The project supported 185 construction jobs and approximately 315 people are currently employed in the building.

Mississippi's $27.5 million Hurricane Relief Grant Program for Historic Preservation has rehabilitated nearly 300 historic buildings and created 4,198 full-time and part-time jobs.

PRESERVATION MAKES ¢ENT$—ECONOMIC DEVELOPMENT

From Providence, Rhode Island to Milwaukee, Wisconsin, and all around the country, historic preservation plays a key role in creating, maintaining, and growing communities while preserving their historical significance. The Federal Rehabilitation Tax Credit (FRTC) Program is an important driver in economic development. Program benefits and examples include:

—Increasing the value of the rehabilitated property and returning underutilized structures to the tax roles.

—Encouraging protection of landmarks through the promotion, recognition, and designation of historic structures.

—Upgrading downtowns and neighborhoods and often increasing the amount of available housing within the community.

—In Rhode Island, from 2001 to 2010, the FRTC leveraged $1.291 billion in private investment.

—The Blue Ribbon Loft Apartments in Wisconsin is the first building to be redeveloped on the 21-acre Pabst Brewery site. The three-story, 140,000-square-foot brick building (known as the Keg House) was converted into a 95-unit loft style apartment community. The $15.8-million development has 69 units for low- and moderate-income wage earners.

In 2010, still in the midst of a recession, the Federal rehabilitation tax credit spurred $3.42 billion in private investment, created more than 41,600 skilled, local jobs and more than 5,500 moderate and low-income housing units. All of which brings in both short- and long-term economic opportunities for the community.

Heritage tourism also creates jobs, new businesses, builds community pride, and can improve quality of life. The SHPOs are essential, ground-level partners in identifying historic places and providing research for tourism interpretation. According to a 2009 national research study on U.S. Cultural and Heritage travel by Mandela Research, 78 percent of all U.S. leisure travelers participate in cultural and/or heritage activities while traveling. Cultural and heritage travelers also spend on average $994 per trip compared to $611 for all U.S. travelers.

PRESERVATION MAKES ¢ENT$—AMERICA'S HERITAGE

Preservation honors the significant places of American history at the local, State, and Federal levels through creating historic districts and listing resources in National and State Historic Registers. The SHPOs, through the authority of the NHPA are there to assist, support, and encourage communities with their efforts. National Register recognition by the Secretary confirms citizens' belief in the significance of their community. That recognition, in turn, builds community pride and stable, livable neighborhoods such as Natchez, Mississippi; Cambridge, Maryland; and Rockland, Maine. Further, this neighborhood improvement comes from individual, private investment, not from Federal programs.

The National Historic Preservation Program is one of assistance, not acquisition. The Federal Government does not own, manage, or maintain responsibility for the historic assets in the National Historic Preservation Program. Instead, the program, through the SHPOs, provides individuals, communities, and local and State governments the tools they need to preserve and utilize their historic heritage for the betterment of their community and the Nation.

[1] "Federal Tax Incentives for Rehabilitating Historic Buildings—Statistical Report and Analysis for Fiscal Year 2010." National Park Service.

The Washington Post recently posted a video "Preserving History as Population Changes." The video shows several people who live and/or work in the historic Washington, DC U Street corridor neighborhood. Central to the reasons these folks became involved in the neighborhood was the history, sense of place, and utilization of historic resources such as the renowned Lincoln Theatre. (http://www.washingtonpost.com/local/preserving-history-as-population-changes/2011/03/26/AF7LV7dB_video.html?hpid=z3).

While the population change to the U Street neighborhood has brought challenges, Mazi Mutafa states in the video:

"The same people who saw value in buying less expensive real estate for theatres and businesses also thought—well why don't I live here since I work here or why don't I live here since I play here? I think the real challenge is not the fact that it's changed, it's the fact that one of the dangers of losing people who are from a community is that the history of it becomes less meaningful. And so I think that's why places like Lincoln Theatre are really important, to not just tell the story of what's happened today, but to tell the story of what's happened in the past so that the people who move to this neighborhood realize that as new residents they are a part of a history, though the people who made that history may not look like them, they lived in these very houses, they walked these same streets. So they need to see themselves as a part of that same history and a continuation of that history, not as a kind of replacement of that history."

PRESERVATION MAKES ¢ENT$—MONEY WELL SPENT

Federal funding for SHPOs is money well spent. Under the administration's Program Assessment Rating Tool, management of historic preservation programs received a score of 89 percent, indicating exemplary performance of mandated activities. Reinforcing this finding is the December 2007 National Academy of Public Administration (NAPA) report "BACK TO THE FUTURE: A Review of the National Historic Preservation Program" and the 2009 National Parks Second Century Report, which called for fully funding the HPF.

The NAPA, a nonprofit, independent coalition of top management and organizational leaders, found that the National Historic Preservation Program ". . . stands as a successful example of effective Federal-State partnership and is working to realize Congress' original vision to a great extent. However, the panel concluded "that a stronger Federal leadership role, greater resources, and enhanced management are needed to build upon the existing, successful framework to achieve the full potential of the NHPA on behalf of the American people."[2]

2010 SHPO's ACCOMPLISHMENTS

The SHPOs used their HPF allocations well in 2010. While virtually every State continues to experience staffing and operation reductions, SHPOs are still charged with implementing the requirements of the NHPA to the fullest extent. Highlights of 2010 historic preservation accomplishments include:

—Reviewing 242,000 Federal undertakings, a 126 percent increase from 2009.
—More than $3.42 billion of private investment in the rehabilitation of commercial historic properties under the FRTC Program.
—An estimated 41,641 jobs created by the FRTC Program in 2010.
—5,514 low- and moderate-income housing units created through the FRTC.
—Approximately 24.5 million acres surveyed for cultural resources and more than 168,000 properties evaluated for their historical significance.
—1,214 new listings in the National Register of Historic Places.
—112,000 National Register eligibility opinions.
—49 new communities became Certified Local Governments (CLGs).
—Under local law, CLG's newly designated 53,700 properties, and 67,300 properties took part in local preservation review, programs, and incentives.

CONCLUSION

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 years from now. I would like to thank the subcommittee for their commitment to historic preservation. The Federal Government plays an invaluable role in preserving our Nation's history and through our partner-

[2] NAPA, "BACK TO THE FUTURE: A Review of the National Historic Preservation Programs" December 2007, p. 29.

ship, the SHPOs stand committed to identify, protect, and maintain our Nation's historic heritage. Thank you.

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LETTER FROM THE NORTHERN FOREST CENTER

*May 11, 2011.*

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: This testimony is from the Northern Forest Center, a nonprofit organization based in Concord, New Hampshire, in support of a fiscal year 2012 appropriation of $5 million for the Community Forest and Open Space Conservation Program (Community Forest Program) under the United States Forest Service (USFS). This would match the level of funding proposed for the program in the President's fiscal year 2012 budget.

The Community Forest Program will provide 50–50 matching grants to local governments, Indian tribes, and nonprofit organizations to acquire forestlands under threat of development. The program was established in the 2008 farm bill to give these local entities the ability to keep important forests as forests while exerting strong local control over management and directing timber revenues to local budgets and economic development. The program also provides a small amount of technical assistance funding to State forestry agencies so that those agencies may help interested grantees plan for and implement outstanding forest management.

As noted by the recent USFS report, "Private Forests, Public Benefits", communities across America are threatened with loss of access to forest values through accelerating conversion of private forests. These threatened forestlands are often needed for essential community and tribal purposes, including water supply protection, the timber-based economy, wildlife habitat, youth outdoor education, and recreational opportunities, including hunting and fishing.

The economic opportunities that can be created from these locally owned forests are particularly compelling. According to a recent study, "The Impact of Privately-Owned Forests" (2009), private forests currently support eight jobs per every 1,000 acres, and each acre of private forest generates an average of $733 in forest products sales. When private forests are lost to development, those forest jobs and revenues are lost. Across the country local governments, tribes, and nonprofits are stepping up to conserve their forest land base in active forestry to help support a strong and diversified economy. Because these lands are kept in local hands, they can be managed efficiently to help generate economic opportunities in the woods.

The Northern Forest Center advocates for the Northern Forest region of Maine, New Hampshire, Vermont, and New York, and helps its communities benefit from forest based economic development and conservation initiatives. Our organization has been involved in the creation of several community forests, including in the town of Errol, New Hampshire, which formed a community nonprofit to purchase 5,200 acres to help local foresters retain access to the woods. This acquisition created seven new forest jobs—a substantial impact on this rural community. In the West similar efforts are springing up, often led by local wood producer cooperatives like the Mount Adams Resource Stewards in Washington State. These local groups seek funding from the Community Forest Program to purchase threatened forestlands in their communities so that they remain open for forestry.

It is important to note that restoration forestry can also create jobs. A study by Garrett-Peltier and Pollin (2009) found that watershed restoration and other kinds of forest restoration create 39.7 jobs for every $1 million invested—the most of any economic sector they examined. Local governments, tribes, and nonprofits often are uniquely positioned to purchase impaired forests and to work patiently over time to restore them to full health and productivity. Many of these entities are very eager to use the Community Forest Program to acquire lands so that they may implement this kind of long-term restoration forestry for continued output of timber and biomass while also achieving other natural resource objectives.

Among other important purposes, this program can help meet the need to reconnect Americans, especially young people, with our forests. It is well established that in many parts of America, young people are losing this connection—a Kaiser Family Foundation study found that the average young American spends 44 hours per week staring at some kind of electronic screen.

Community forests are often located in places where young people would otherwise have few chances to choose more time in the outdoors. The Jefferson Memorial Forest in Louisville, Kentucky is a great example. This 6,000-acre forest on the edge of the city provides endless opportunities from youth outdoor education to cultural events. It is a place where urban residents can connect to Kentucky's forest heritage and culture. The city of Louisville is interested in using the Community Forest Program to help add land to the Jefferson Memorial Forest where development is encroaching.

The Community Forest Program has a broad base of support. The program was established with the support of a large and diverse national alliance of forestry, landowner, industry, land conservation, and wildlife groups. More than 130 groups have endorsed the program since 2008, including hunters and anglers from the Association of Fish and Wildlife Agencies; Florida Wildlife Federation; Georgia Wildlife Federation; Izaak Walton League of America—National and Iowa Division; Minnesota Conservation Federation; Mississippi Wildlife Federation; National Wildlife Federation; New Jersey State Federation of Sportsmen's Clubs; New York State Conservation Council; South Carolina Wildlife Federation; Texas Conservation Alliance; Vermont Federation of Sportsmen's Clubs; and Wildlife Mississippi. Tribes including the Eastern Band of Cherokee Indians have offered support, as well local governments from the city of Louisville, Kentucky to the Town of Arcata, California. Land trusts, wildlife groups, and other interests have also offered support. This broad and diverse support is a reminder of how effectively community and tribal forests truly can advance the public interest.

The Congress allocated $1 million in fiscal year 2010 to finish rulemaking for the program with an eye toward opening the program to begin awarding grants in fiscal year 2011 or fiscal year 2012 at the latest. That rulemaking is nearly complete. The comment period on the Proposed Rule closed in early March, and the Final Rule is expected soon. The President included $5 million in his fiscal year 2012 budget in recognition of the diverse needs that this program could fulfill, and its readiness to begin making grants.

Through this testimony, we respectfully encourage the Senate Interior, Environment, and Related Agencies Appropriations Committee to allocate $5 million in fiscal year 2012 to the Community Forest Program. This funding will help America's local governments, tribes, and nonprofits become even more active leaders for conservation of our forests, and to provide a boost to America's economic recovery through the forest-based economy.

JOE SHORT,
*Program and Policy Director.*

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PREPARED STATEMENT OF THE NATIONAL FISH AND WILDLIFE FOUNDATION

Mr. Chairman and members of the subcommittee: Thank you for the opportunity to submit testimony regarding fiscal year 2012 funding for the National Fish and Wildlife Foundation (NFWF). The NFWF's fiscal year 2012 appropriations request will be matched dollar-for-dollar with non-Federal funds to conserve fish, wildlife, and their habitats through local partnerships. We believe that the NFWF is a sound investment in a time of constrained budgets because of our proven track record and statutory requirement to leverage Federal funding with private contributions to maximize conservation benefit. We appreciate the subcommittee's past support and respectfully request your approval of funding at the following levels:

—$8.537 million through the U.S. Fish and Wildlife Service's (FWS) resource management general administration appropriation;
—$3 million through the Bureau of Land Management's (BLM) management of lands and resources appropriation; and
—$3 million through the Forest Service's (USFS) National Forest System appropriation.

Since its inception, the NFWF has leveraged nearly $530 million in Federal funds into $1.8 billion in on-the-ground and in-the-water conservation with less than 5 percent aggregate overhead to the Federal Government and fewer than 100 staff nationwide.

The NFWF was established by the Congress in 1984 to foster public-private partnerships to conserve fish, wildlife, and their habitats. 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 average ratio while building consensus and emphasizing accountability, measurable results, and sustainable conservation outcomes.

Last summer, the NFWF was able to immediately respond to the gulf disaster through our existing partnerships and grantee network. We provided assistance to our Federal agency partners and began fundraising for projects to safeguard the populations of species most at risk from the gulf oil spill. Through philanthropic contributions by BP and Walmart, the NFWF provided nearly $10 million in non-Federal funds for projects to reduce the losses and bolster populations of migratory birds and sea turtles in the gulf region. In addition, as an in-kind donation, the NFWF worked with FedEx to transfer 25,000 sea turtle eggs and their nests from gulf beaches to the east coast of Florida. The NFWF will announce an additional $10 million of gulf projects in April 2011 that focus on migratory birds, sea turtles, oysters, and other marine species and their habitats.

With your support, fiscal year 2012 funds will support our long-standing partnerships and new initiatives with the FWS, the BLM, and the USFS. Several of our priority initiatives for fiscal year 2012 are described below.

FISH HABITAT RESTORATION

In cooperation with the FWS, the BLM, and the USFS, the NFWF provides community-based grants to assist rural communities, farmers, ranchers, and other private landowners with restoring habitats that are essential for native fish species and their migration corridors. To the extent possible, the NFWF is also partnering with the National Oceanic and Atmospheric Administration (NOAA) and the USDA's Natural Resources Conservation Service on these efforts, and successfully leveraging Federal support with corporate contributions for fish habitat conservation on private and public lands. The NFWF is building on our long history in fish habitat restoration to strategically target our partnership efforts toward specific species of concern and this will continue in fiscal year 2012 and beyond. Focal species for the NFWF's grants include: eastern brook trout, Apache trout, Colorado cutthroat trout, and coho salmon.

PATH OF THE PRONGHORN AND SAGE GROUSE

In 2009, the NFWF and our partners identified the Green River Basin of Wyoming as a priority area for coordinated conservation efforts. The Basin supports significant populations of sage grouse, mule deer, pronghorn, and elk. These species are threatened by habitat fragmentation, subdivision and fencing of key areas that the wildlife move through, mortality along increasingly busy local roads and highways, and potential conflicts with expanding energy production infrastructure on their wintering range. In partnership with the FWS, the BLM, and the USDA's Natural Resources Conservation Service, the NFWF has focused its grant-making on work to improve fencing so that pronghorn and other wildlife can migrate more easily, reducing the effects of roads on wildlife, and protecting key parcels where subdivision and development will imperil the entire migration corridor.

THE CHESAPEAKE BAY, GREAT LAKES, AND LONG ISLAND SOUND

Watershed health plays an important role in fish and wildlife conservation and has been a feature of the NFWF's grantmaking since establishing our partnership with the Environmental Protection Agency (EPA) in 1998. In the last decade, the NFWF has formed strategic public-private partnerships to restore and protect fish and wildlife habitat while improving water quality in the Chesapeake Bay, Great Lakes, and Long Island Sound. Federal partners in the programs include the EPA, the Department of the Interior (DOI) agencies, the USFS, the USDA's Natural Resources Conservation Service, the NOAA, and others. The NFWF leveraged various Federal funds for these partnerships but, more importantly, attracted private contributions from corporations and other private foundations. The NFWF's watershed grant programs continued positive results in 2010 with priority project requests far exceeding available funds.

YOUTH IN NATURAL RESOURCES

The DOI's fiscal year 2012 budget request includes $2 million, split between the FWS and the BLM, for the NFWF to establish a competitive grant program for youth conservation job programs. With the movement of Americans to urban areas and more indoor recreational pursuits, America's youth are developing a gap in their knowledge of fish and wildlife and the need for natural resource conservation. Through this unique initiative, local organizations will develop employment programs that foster a conservation ethic, expose youth to career opportunities in the conservation community, and ultimately cultivate future generations of wildlife professionals.

The NFWF will work with the FWS and the BLM to develop a public-private partnership by leveraging the Federal funding with at least an equal amount of privately financed contributions. Funds will be awarded to refuges, fish hatcheries, Friends groups, the BLM field offices, Youth Conservation Corps, nongovernmental organizations and others who seek to develop innovative conservation employment opportunities for youth. Wildlife habitat conservation education will be an integral aspect of this grant program and the NFWF will partner with the DOI's National Conservation Training Center to develop learning goals, curricula, and other training material that can be integrated into job programs.

CONCLUSION

The NFWF has a 27-year history with the DOI and has been successful in bringing together public and private partners to build strategic partnerships to address the most significant threats to fish and wildlife populations and their habitats. The NFWF has partnerships with 14 Federal agencies and more than 50 corporations and private foundations. We have a successful model of coordinating and leveraging Federal funds and attracting support from the private sector to form public-private partnerships for fish and wildlife conservation.

We are working directly with the Federal agencies and our other partners to maximize results and produce sustainable conservation outcomes. To that end, the NFWF is incorporating monitoring and evaluation into our programs to measure progress, promote adaptive management, demonstrate results, and continuously learn from project investments. We look forward to building on our partnerships with the FWS, the BLM, and the USFS in fiscal year 2012 and appreciate the subcommittee's continued support of these collaborative efforts.

BACKGROUND ON THE NFWF

As of fiscal year 2010, the NFWF has awarded more than 11,000 grants to national and community-based organizations through successful partnerships with the DOI agencies, the USDA's USFS and Natural Resources Conservation Service, the EPA, the NOAA, and others. This collaborative model brings together multiple Federal agencies with State, tribal, and local governments and private organizations to implement coordinated conservation strategies in all 50 States.

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. Mr. Chairman, we greatly appreciate your continued support and hope the subcommittee will approve funding for the NFWF in fiscal year 2012.

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PREPARED STATEMENT OF THE NATIONAL GROUND WATER ASSOCIATION

The National Ground Water Association (NGWA) requests that $10 million be included in the U.S. Geological Survey's (USGS) Groundwater Resources Program account to begin implementation of a national groundwater monitoring network. The NGWA is the world's largest association of groundwater professionals, representing public and private sector engineers, scientists, water well contractors, manufacturers, and suppliers of groundwater-related products and services.

Water is one of the most critical natural resources to human, ecosystem and economic survival. In the United States, 78 percent of community water systems, nearly all of rural America's private household wells, and 42 percent of agricultural irrigation water are supplied by groundwater. While the Nation's people, food supply, economy and ecosystems depend on groundwater, no systematic nationwide monitoring network is in place to measure what is currently available and how groundwater levels and quality may be changing over time. As with any valuable natural resource, our groundwater reserves must be monitored to assist in planning and minimizing potential impacts from shortages or supply disruptions. Just as one cannot effectively oversee the Nation's economy without key data; one cannot adequately address the Nation's food, energy, economic, and drinking water security without understanding the extent, availability and sustainability of a critical input—groundwater.

In the face of current and anticipated water supply shortages, public and private sector water professionals have put out the call over the years for increased ground-

water monitoring, and the dissemination of the resulting data to the Nation.[1] And the need to take action continues to this day.[2] [3]

The Congress listened and responded to these requests for enhanced groundwater monitoring by authorizing a national groundwater monitoring network with passage of Public Law 111–11 (Omnibus Public Land Management Act) in 2009. In 2010, six States[4] voluntarily pilot tested concepts for a national groundwater monitoring network as developed by the Federal Advisory Committee on Water Information's (ACWI) Subcommittee on Ground Water (SOGW). If this effort moves forward, consistent, comparable nationwide data would become accessible through a Web portal for Federal, State, local government, and private sector users. In these tight fiscal times, the proposed network would build on existing State and Federal investments, maximizing their usefulness and leveraging current dollars to build toward systematic nationwide monitoring of the groundwater resource.

Unfortunately, the administration's fiscal year 2012 budget request proposes to reduce the USGS's Ground Water Resources Program by 25 percent and delay implementation of a national groundwater monitoring network. We ask that instead of the proposed delay, the subcommittee redirect $10 million above the fiscal year 2012 USGS's Ground Water Resources Program budget request to:

—Provide grants to regional, State, and tribal governments to cost share increased expenses to upgrade monitoring networks for the 50 States to meet the standards necessary to understand the Nation's groundwater resources. The shared funding arrangements should be modeled after highly successful cooperative programs (e.g. STATEMAP) that already exist between the USGS and the States; and

—Support the additional work necessary for USGS to manage a national groundwater monitoring network and provide national data access through an Internet Web portal.

The redirection of an appropriation of $10 million for groundwater monitoring that is being requested here is small in comparison to the entirety of the Department of the Interior's appropriations. But the $10 million appropriation is vital when we understand that for a small investment we can begin finally to put in place adequate monitoring of the hidden resource that provides nearly 40 percent of the Nation's drinking water supply. Thank you for your consideration of this request.

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## PREPARED STATEMENT OF THE NATIONAL HUMANITIES ALLIANCE

Mr. Chairman and members of the subcommittee: On behalf of the National Humanities Alliance (NHA) and its 104 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. For fiscal year 2012, we respectively urge the subcommittee to continue funding for NEH at the fiscal year 2010 enacted level of $167.5 million.

### OVERVIEW

As you know, the President's fiscal year 2012 budget proposes $146.3 million in funding for NEH, including $118.2 million for program funds and $28 million for administration. This represents an overall cut of $21.2 million (about 13 percent) from the NEH's fiscal year 2010 budget level. For NEH program funds (which support grants at the national and State levels), the President's budget represents an even deeper decrease of $21.8 million (about 16 percent) from the fiscal year 2010 level of $140 million. We do not support the cuts proposed by the administration, and are especially concerned about the deep erosion of funds that the President's budget represents for NEH competitive grants nationwide.

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[1] U.S. Government Accountability Office. *Freshwater Supply: States' Views of How Federal Agencies Could Help Them Meet the Challenges of Expected Shortages*. (GAO–03–514). July 2003. Page 1.

[2] White House Council on Environmental Quality. *Progress Report of the Interagency Climate Change Adaptation Task Force: Recommended Actions in Support of a National Climate Change Adaptation Strategy*. October 5, 2010. Page 11.

[3] U.S. Government Accountability Office. *Energy-Water Nexus: A Better and Coordinated Understanding of Water Resources Could Help Mitigate the Impacts of Potential Oil Shale Development*. (GAO–11–35). October 2010. Page 39.

[4] The six pilot States were Illinois, Indiana, Minnesota, Montana, New Jersey, and Texas. Additionally, Idaho, North Carolina, South Carolina, Washington and Wyoming volunteered as pilots but were not included given limited oversight resources.

In recent years, NHA has proposed significant new funding to help rebuild and expand NEH programs, that were cut dramatically in the mid-1990s. We recognize the seriousness of the fiscal situation faced by the Congress and the administration, and understand that now is not the time to request an increase for this agency. However, we do not believe that cutting a relatively small discretionary program like NEH—which represents a tiny fraction of the Federal budget and plays such an important role—is the solution to the current crisis.

—While much smaller than many of its counterparts in the Federal Government, such as the National Science Foundation, NEH is the lead Federal agency tasked with advancing and preserving knowledge in a broad range of academic fields, and it plays a central role in supporting the Nation's education and research infrastructure.

—NEH grants support high-quality resources, materials, and programs that reach individuals and communities in every State and district in this country.

—NEH funding is an extremely efficient investment of taxpayer funds, with most NEH grants leveraging significant direct or indirect non-Federal support.

A $22 million cut to NEH will have a significant and detrimental impact on the ability of this agency to fulfill its mission to the American people, without resolving the deficit in any meaningful way. Moreover, these cuts will deprive the American people of critical resources at a time when they are needed more than ever.

IMPORTANCE OF THE HUMANITIES

The public value of the humanities is unquestioned. They enrich individual lives, they bring communities together, they underpin our civic institutions, they bring forth our history and our shared values, they make possible how our heritage is understood and preserved, and they support a broadly educated and competitive workforce.

The humanities encompass a broad range of fields—including the study of languages, linguistics, literature, history, law, government, philosophy, archaeology, comparative religion, ethics, and more. From the basic building blocks of early education, to the highest levels of academic attainment, humanities fields provide essential skills and competencies, and support critical modes of thought. Students who get a sound humanities education, focused on careful reading and disciplined writing, do better in all fields of study, and are sought after by employers. Study and knowledge of the humanities prepare us to become active and informed citizens, as well as to succeed in the increasingly competitive, and global workforce.

Almost all sectors and trades depend on a U.S. workforce with access to high-quality education in humanities fields across the educational continuum. But the humanities workforce itself is significant, with more than 2.5 million Americans directly engaged in a broad range of humanities professions—K–12 teachers, college/university faculty, museum curators, librarians, translators, news analysts, and others. This figure does not include the many trades that require professionals with advanced aptitude or training in the humanities, such as:

—advertising;
—marketing;
—public administration;
—law;
—national security;
—intelligence,
—international trade;
—arts;
—entertainment;
—science;
—engineering; and
—health.

Finally, the humanities represent areas of expertise vital to addressing complex policy challenges—from informing medical ethics, to understanding the root causes of world hunger, to fighting illiteracy. And they support capacities especially relevant to the 21st century:

—knowledge of world cultures, religions, and languages;
—understanding of U.S. history and democratic traditions; and
—humanistic perspectives to evaluate the implications of scientific and technological advances.

NATIONAL NEEDS

As the NEH founding legislation recognizes, there is a clear Federal role in supporting the humanities, just as there is for the sciences and other fields:

"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."

At a time of rapid globalization, technological development, and severe economic challenges, the wisdom of this statement is as evident today—if not more so—than it was almost 50 years ago.

According to many corporate executives, higher education leaders, and other experts, the U.S. liberal arts curriculum in our Nation's schools, colleges, and universities is at risk. The United States has a long tradition of fostering broad access to education that integrates learning across the sciences, mathematics, and the humanities. Even as we move away from this approach, it is aggressively being emulated by China and other nations around the world who have identified this aspect of our educational system as a unique driver of United States economic leadership and innovation in the last century.

In recent studies, employers rank reading and writing as top deficiencies in new hires, with more than one-third of employers ending high school graduates "deficient" in reading comprehension, and "written communications" topping the list of applied skills found lacking in high school and college graduates. This comes at a real cost—with annual spending on remedial writing courses estimated at more than $3.1 billion for large corporations and $221 million for State employers.

As the impact of the recession continues to be felt around the country, many Americans are turning to further education, and local resources like libraries, museums, and State humanities councils as a means of finding jobs, and connecting with their communities at a time of crisis. While demand for their services increases, many nonprofit humanities institutions and organizations are struggling to maintain access to programs, due to continued constriction of traditional revenue sources (e.g., endowments, private giving, State and local funding). School districts are cutting back on teachers and course offerings, and many colleges and universities—especially public institutions—have closed humanities departments or cut back on full-time instructors, despite growing wait-lists for basic courses like writing and history.

THE NEH ROLE

NEH is the lead Federal agency with the mission to create, preserve, and disseminate knowledge in the humanities that is essential for the achievements described above. Each year, NEH awards hundreds of competitive, peer-reviewed grants to a broad range of nonprofit educational organizations and institutions, and to individual scholars, throughout the country. Grantees include:

—universities;
—2- and 4-year colleges;
—humanities centers;
—research institutes;
—museums;
—historical societies;
—libraries;
—archives;
—scholarly associations;
—K–12 schools;
—local education agencies; and
—public television/film/radio producers.

These grants help support educational advancement, professional development, jobs and institutional activities for thousands of students, teachers, faculty, and others engaged in the humanities in communities across the United States every year.

As noted above, we are especially concerned about the decline in funding for NEH competitive grants. From the community's perspective, NEH competitive grants fall into two categories:

*Core Programs*.—Research, education, preservation, digital humanities, challenge grants, and public programs;

*Special Initiatives*.—Bridging cultures, we the people.

NEH grants are known for their quality, and their ability to leverage significant non-Federal funding for humanities projects nationwide. They are also extremely competitive. Annually, demand for humanities project support through NEH far exceeds funding available. In fiscal year 2010, NEH received 5,205 competitive grant applications representing more than $515 million in requested funds (a 20 percent increase in the number of applications submitted for the previous year). Of these, NEH was able to fund only 16.6 percent of the proposals submitted. This is too low,

when compared to recent rates as high as 32 percent reported by grantmaking agencies like the National Science Foundation (NSF), and means that excellent work vital to the humanities is unable to go forward.

Examples of underfunded NEH grant programs include:

—fellowships and collaborative research;
—digital humanities projects;
—professional development for teachers and faculty; preservation of historically significant collections;
—public film;
—radio;
—television and digital media projects; and
—challenge grants to build institutional capacity and leverage non-Federal support.

IMPACT OF THE PRESIDENT'S BUDGET REQUEST

*Competitive Programs*.—Unfortunately, the President's budget for fiscal year 2012 would deeply and disproportionately cut NEH competitive grants. Collectively, total funding provided for competitive grants through the NEH Core Programs (listed above) would decrease from $79.6 million in fiscal year 2010 to $70.8 million in fiscal year 2012—an $8.7 million (or 11 percent) cut. In addition, the President's budget terminates We the People, an initiative launched in 2004 to advance understanding of U.S. history and culture (funded at $14.5 million in fiscal year 2010). Since its inception, We the People has been structured to redirect funds across NEH programs and divisions. But by cutting We the People, rather than allocating its resources to the NEH programs that underpin it, the budget proposal further weakens NEH core programs. While amounts have varied annually, in recent years, NEH core programs have received, on average, roughly half of We the People funds ($7.4 million in fiscal year 2010). Factoring in termination of We the People, we estimate the total impact of the President's budget on NEH competitive grants would be a reduction of at least $16 million (or 18 percent).

Looked at over a longer timeframe, the situation is even more difficult. Funding for NEH competitive grants through the national core programs is very low compared to past years, and we cannot let it fall further behind. In fiscal year 1994 (the nominal funding peak for the NEH), collectively, funding for these programs was provided at $116.4 million. Adjusted for inflation, this would be equivalent to $173.7 million in today's dollars—more than double the current level.

*Special Initiatives*.—The President's budget would provide modest, new funding of $4 million for the agency's Bridging Cultures initiative, a program developed by NEH Chairman Jim Leach to enhance Americans' understanding of the Nation's rich cultural heritage, as well as the cultural complexity of the world in which we live. NHA has advocated for many years for expansion of the agency's programmatic coverage in areas of international education, global competency, and cultural understanding, and we welcome this effort.

*NEH Federal/State Partnership*.—NEH extends its reach through annual operating grants to State humanities councils located in every State and U.S. territory. For fiscal year 2012, the administration has requested $40.1 million, a nominal decrease of $270,000 from the fiscal year 2010 enacted level. There is a significant decrease, however, when also factoring in the termination of We the People, of a total of roughly $7 million (or 15 percent).

CONCLUSION

This subcommittee stands as steward to many of our Nation's greatest shared natural and cultural resources. We recognize that the Congress faces unprecedented and difficult choices in this and coming years. Nevertheless, we ask the subcommittee to consider the demonstrated contributions of the NEH, and the importance of continued funding for the humanities through NEH as an investment in the Nation's long-term economic recovery and competitiveness, the strength and vitality of our civic institutions, the preservation and understanding of our diverse cultural heritage, and the lives of our citizens. Thank you for consideration of our request, and for your past and continued support for the humanities.

Founded in 1981, NHA is a coalition of nonprofit organizations and institutions dedicated to the advancement of education, research, preservation and public programs (www.nhalliance.org).

PREPARED STATEMENT OF THE NEW HAMPSHIRE FISH AND GAME DEPARTMENT

Mr. Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony in support of conserving land at the Umbagog National Wildlife Refuge in northern New Hampshire. This year presents an opportunity to continue the conservation of the 31,300-acre Androscoggin Headwaters property from a willing landowner with appropriations from the Land and Water Conservation Fund (LWCF) and the Forest Legacy Program (FLP).

For fiscal year 2012 the President's budget includes funding requests for two phases of the larger Androscoggin Headwaters conservation project. First, the U.S. Fish and Wildlife Service (FWS) recommends $1.5 million for acquisitions in the Umbagog National Wildlife Refuge. Second, the U.S. Forest Service (USFS) recommends $5 million for the project from the FLP. I am pleased that this funding is included in the request and urge the Congress to provide the full amount in the President's budget for LWCF and FLP so that these important projects can receive necessary funding. The first two phases in fiscal year 2011 had funding recommended in that year's President's budget, and the Congress is still working on finishing the fiscal year 2011 budget. The provision of sufficient funding to LWCF and FLP in fiscal year 2011 will improve the opportunity to provide funding in fiscal year 2012.

Supporting the Androscoggin Headwaters Conservation Project is a good fit for the New Hampshire Fish and Game Department. Our mission states that as guardian of New Hampshire's fish, wildlife and marine resources, we work in partnership with the public, nongovernmental organizations and other agencies to conserve, manage and protect these resources and their habitats, to inform the public about the resources, and to provide opportunities for the public to use and appreciate these resources. The Androscoggin Headwaters project implements strategies identified in our New Hampshire Wildlife Action Plan that will conserve habitats and species of greatest conservation need. It also advances the objectives of New Hampshire's Forest Resource Plan, and its strategies promoting forest stewardship and sustainable forest economies. The project directly contributes to the priorities of the New England Governors, who at their September 2009 conference passed a resolution establishing a New England Forest Initiative to "Keep Forests as Forests". In addition, the project is a signature effort of the Mahoosuc Initiative, a coalition of local, regional, and national nonprofits that have formed an alliance to promote land conservation; tourism and forestry-related economic development; and enhanced quality of life for residents in the region. The Eastern Brook Trout Joint Venture has also offered their support for the Androscoggin Headwaters Project.

Covering 31,300 acres of remote forests, streams, and ponds, the Androscoggin Headwaters property is one of the largest unprotected ownerships remaining in the State of New Hampshire. The property is located at the headwaters of the Androscoggin River adjacent to Umbagog National Wildlife Refuge, and features a variety of wildlife and fishery resources that are of regional and national significance. The property is an important source of forest products and jobs for the region's timber economy, and is a popular destination for hunting, fishing, snowmobiling, and other outdoor pursuits. The Trust for Public Land (TPL) is working with the landowner, New Hampshire Fish and Game, the New Hampshire FLP, and the Umbagog National Wildlife Refuge to bring the most critical wildlife habitat into public ownership while retaining the balance of the property in private ownership subject to a State-held FLP conservation easement.

Situated at the southern range of the boreal forest zone and near the northern range of the deciduous zone, the region provides habitat for species of both forest types. Many of these species are identified as priorities in the New Hampshire State Wildlife Action Plan. The Umbagog Refuge encircles much of Lake Umbagog, with 8,700 acres of open water, many miles of shoreline, protected coves and backwaters, and diverse wetland complexes. The Refuge protects unique habitat for many wetland-dependent and migratory species, including bald eagle, Canada warbler, wood thrush, and American black duck; as well as many species of State concern, including common loon, northern harrier, American woodcock, and others. For the common loon and osprey, Lake Umbagog is considered the best breeding habitat in New Hampshire. Lake Umbagog and its associated wetlands have been listed by both Maine and New Hampshire as a priority site under the Atlantic Coast Joint Venture of the North American Waterfowl Management Plan. The Refuge includes a very large and exemplary native bog community that is designated as a National Natural Landmark.

Located along the border of northern New Hampshire and western Maine in the Mahoosuc Mountains, Lake Umbagog is the westernmost link in the chain of Rangeley Lakes, famed for their excellent recreational opportunities. Anglers, kayakers

and canoeists explore numerous coves and bays on Lake Umbagog and the dozens of rivers, streams, and smaller ponds around the Lake. Hunters, hikers, nature photographers, and wildlife watchers all find extensive opportunity in the Refuge and the Androscoggin Headwater property's remote expanses. The region is a well-known and sought-after fishery that offers anglers the opportunity to fish for warm water species such as smallmouth bass, perch, and pickerel in Lake Umbagog and for cold water species, notably eastern brook trout, in the feeder streams and surrounding ponds.

*LWCF Request*

Available for acquisition in fiscal year 2012 is the second phase (4,532 acres) of the larger, 31,300 acre five-phase Androscoggin Headwaters Conservation Project. At its successful conclusion, this project will conserve 15 undeveloped ponds and 38 miles of streams with some of the finest cold-water fisheries in the Northeast. The project will add a total of 7,450 acres in fee ownership to the Umbagog NWR, which currently owns 21,650 acres. The target property lies entirely within the authorized refuge acquisition boundary. It is also part of a much larger 63,000 acre conserved working forest landscape that includes the existing refuge, a community forest owned by the Town of Errol, and FLP conservation easements held by the State.

The Phase II 4,532-acre portion contains Mollidgewock Brook, an undeveloped tributary to the Androscoggin River, and smaller streams that total more than 11.5 miles. Along the Mollidgewock Brook are significant wetland complexes that are utilized by waterfowl for nesting and breeding. All told there are 546 acres of prime wetlands on the Phase II tract. New Hampshire Audubon has designated approximately 1,100 acres of the property as part of the Umbagog Important Bird Area and Audubon has ongoing field research into Rusty Blackbird habitat on the parcel.

The allocation of $1.5 million from LWCF as proposed in the fiscal year 2012 President's budget will begin the second phase of the Androscoggin Headwaters project, allowing the refuge to conserve important habitat for Federal trust species and link it to other protected lands. The appropriation will ensure shoreline protection, public access for recreation, and wetland habitat preservation.

*FLP Request*

Available for acquisition in fiscal year 2012 through the FLP is a 12,637-acre phase of the Androscoggin Headwaters Conservation Project. At its successful conclusion, the project will conserve 23,000 acres as privately owned working forest through FLP conservation easements held by the State of New Hampshire.

The Androscoggin Headwaters South parcel is comprised of upland and lowland forest noted for its excellent soils and mix of hardwood and softwood stands. The property contains two completely undeveloped tributaries to the Androscoggin River, Mollidgewock Brook and Bog Brook. These streams and associated wetland complexes support nesting habitat for a diversity of waterfowl and a wild brook trout fishery. This parcel also includes several popular snowmobile trails that connect Errol, New Hampshire to Berlin, New Hampshire. The required match for the appropriated funds will be met through the conservation of a 938-acre parcel that contains Greenough Pond and Little Greenough Pond, which are 2 of only 3 ponds in New Hampshire that sustain native, nonstocked brook trout populations.

Northern New Hampshire has relied on forest products as the fuel for the region's economic engine for more than 200 years. Traditionally that has meant pulp and papermaking. As the northern New England paper industry has declined, jobs have been leaving the region. Our northern forest, however, is poised for a new source of economic activity. There are several proposals for utility-scale biomass energy plants that will take wood chips from the region's forests to produce renewable energy. In addition to jobs in logging, trucking, and value-added forest products, the conservation of this property will support good jobs in the tourism industry. Businesses catering to hunters, anglers, snowmobilers, kayakers, wildlife viewers, and other outdoor enthusiasts will benefit from the guarantee of public access for recreation that will be created through the conservation of this large block of forestland.

The property is threatened with significant second home development along the waterfront parcels. The remote ponds are scenic, have tremendous recreational opportunities, and are highly valued for development of waterfront vacation homes. This kind of development would seriously undermine habitat for loons and other waterfowl, degrade water quality for the wild trout populations, and limit public recreational access. The Androscoggin Headwaters conservation strategy will protect the entire waterfront.

The Androscoggin Headwaters Project also will help wildlife adapt to the impacts of climate change. At 31,300 acres, the project will conserve ecological systems from valley bottom to ridge top. The property is located in the northeast corner of New

Hampshire close to the Mahoosuc Mountains and Rangeley Lakes, a region that is forecast to retain consistently cold winters and a deep snow pack under high carbon emission scenarios. Numerous species adapted to northern New England's long cold winters will find refuge here as suitable habitat to the south warms and fragments. Among these are snowshoe hare, American marten, three-toed woodpecker, and the federally threatened/State-endangered Canada Lynx.

Protection of the Androscoggin Headwaters property will connect large blocks of conservation land, adding to more than 100,000 acres. The property's proximity to other conserved lands—including Umbagog National Wildlife Refuge, 13-Mile Woods Community Forest, and State-owned and easement lands around Maine's Richardson Lake, Grafton Notch, and Rapid River—will significantly advance the creation of landscape-scale habitat connectivity in this region.

An allocation of $5 million—as proposed in the fiscal year 2012 President's budget—from the amounts appropriated to the New Hampshire will complete the second easement phase of the Androscoggin Headwaters Conservation Project and will ensure continued sustainable forestry, public access for recreation, and protect upland and wetland habitats recognized as some of the most important in the Eastern United States.

I thank the chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important conservation effort in New Hampshire, and I appreciate your consideration of this funding request.

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## PREPARED STATEMENT OF THE NATIONAL INDIAN HEALTH BOARD

Mr. Chairman, and members of the subcommittee, my name is Lester Secatero. I serve as the Albuquerque Area Representative to the National Indian Health Board (NIHB)[1] and the chairman of the Albuquerque Area Indian Health Board. The NIHB offers the following comments regarding the President's proposed fiscal year 2012 budget for the Indian Health Service (IHS).

NIHB was pleased to learn that, for the fiscal year 2012 IHS budget, the administration recommends a $571 million increase more than the fiscal year 2010 enacted the IHS appropriations. This 14.1 percent increase is quite significant. It acknowledges the critical health needs of our tribal communities and represents the continued commitment to honor the Federal Government's legal obligation and scared responsibility to provide healthcare to American Indians and Alaska Natives (AI/AN).

*National Tribal Budget Formulation Workgroup's Recommendations*

The trust obligation to provide healthcare is paramount, and it is upon this foundation that the IHS National Tribal Budget Formulation Workgroup built its recommendations for the fiscal year 2012 IHS budget. Each year, this Workgroup consolidates all the IHS areas' budget formulation recommendations; develops a consensus national tribal budget and health priorities document; and presents the recommendation to the U.S. Department of Health and Human Services (HHS).[2] NIHB supports this Government-to-government process and the final recommendations developed by the Workgroup.

The Workgroup's recommendations for fiscal year 2012 were formally presented to the HHS on March 4, 2010, 11 months before the President presented his fiscal year 2012 budget proposal to the Congress. Since the release of the Workgroup's recommendation, the Patient Protection and Affordable Care Act (ACA), which includes the permanent reauthorization of the Indian Health Care Improvement Act (IHCIA), was also passed and enacted. Although not included in the Workgroup's fiscal year 2012 recommendations, we know that funding the new opportunities now available under the reauthorized IHCIA is important to Indian country.

The Workgroup's recommendations focus on two types of needed increases:

*Current Services Increases*.—Preserving basic healthcare programs currently being funded. Increases in current services are the budget increments needed to enable the Indian healthcare delivery system to continue operating at its cur-

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[1] Established in 1972, NIHB serves all federally recognized tribal governments by advocating for the improvement of healthcare delivery to AI/ANs, as well as upholding the Federal Government's trust responsibility to AI/ANs. We strive to advance the level and quality of healthcare and the adequacy of funding for health services that are operated by the IHS, programs operated directly by tribal governments, and other programs. Our board members represent each of the 12 areas of IHS and are elected at-large by the respective Tribal governmental officials within their area. NIHB is the only national organization solely devoted to the improvement of Indian healthcare on behalf of the tribes.

[2] For copies of previous Workgroup recommendations, please visit the NIHB Budget Formulation page athttp://www.nihb.org/legislative/budget—formulation.php.

rent level. These increases are more importantly than ever. This category contains such items as Federal and tribal pay cost increases; inflation; contract support costs (CSC); funding for population growth; and facilities construction and staffing. Without these increases to base funding, the Indian health system would experience a decrease in its ability to care for the service population.

*Program Increases*.—Significant program increases are required to address the overwhelming health needs in Indian country. The recommended increases are made in key IHS budget accounts to enable programs to improve and expand the services they provide to Indian patients. IHS has long been plagued by woefully inadequate funding, which has made it impossible to supply Indian people with the level of care they need and deserve, and to which they are entitled by treaty obligation.

Below is a highlight of a few programs targeted by the Tribal Workgroup for vital increases.

*Current Services*.—Federal and tribal pay costs. The Workgroup recommended a $12 million increase for Federal pay costs and a $13 million increase for tribal pay costs. However, the President's proposal contains a 1.4 percent pay raise for Commissioned Officers that are $4.1 million and notes that the Federal and tribal pay costs are subject to the pay freeze enacted by the Congress. NIHB recommends that tribal and Federal IHS employees should be exempted from any Federal employee pay freeze.

*Current Services: CSC—Shortfall*.—Tribes in all areas operate one or more such contracts. The ability of tribes to successfully operate their own healthcare systems, from substance abuse programs to entire hospitals, depends upon the proper appropriation of CSC. Full CSC funding honors the legal duty to pay these costs, and protects healthcare resources intended for service delivery. A year ago, the projection to fully fund CSC was $145 and today, IHS projects an fiscal year 2012 shortfall in CSC payments of $153 million. NIHB supports the Workgroup's goal of full funding CSC, and urges that the CSC line item be increased by $153 million for fiscal year 2012.

*Program Increases: Contract Health Services*.—The contract health service (CHS) program serves a critical role in addressing the healthcare needs of Indian people. The CHS program exists because the IHS system lacks the capacity to provide directly all the healthcare needed by the IHS service population. In theory, CHS should be an effective and efficient way to purchase needed care—especially specialty care—which Indian health facilities are not equipped to provide. In reality, CHS is so grossly underfunded that Indian country cannot purchase the quantity and types of care needed. As a consequence, many of our Indian patients are left with untreated and often painful conditions that, if addressed in a timely way, would improve quality of life at lower cost. The Workgroup proposes an increase of $118 million for CHS.

*Program Increase: Sanitation Facilities Construction*.—Currently 12 percent of AI/AN homes do not have adequate potable water supply in comparison to 1 percent of homes for the U.S. general population.[3] The IHS Sanitation Facilities Construction (SFC) program provides potable water and waste disposal facilities and IHS reported that for every $1 IHS spends on sanitation facilities to serve eligible existing homes, at least a twentyfold return in health benefits is achieved.[4] Due to the remaining need and success of this investment, the Workgroup recommends $14 million increase.

*Additional Budget Recommendations*

In addition to the Workgroup's recommendations, NIHB would like to provide additional recommendations regarding the IHS budget.

*Projected Savings in the IHS budget*

There is a critical need for more funding for basic healthcare services to go directly to all of our facilities and if the President's 14 percent increase is realized, that will help; however, the proposed cuts to the "small grant" programs hold a small price tag ($7 million collectively, as articulated in the President's budget request), but, the impact of these programs in Indian country is enormous. All of these small grants serve and target very vulnerable Native populations, such as children, elders and women, and their purpose is to strengthen and build capacity for the long-term health of the tribes in such areas as public health; wellness; fighting childhood obesity and working to end domestic violence against Native women. In

[3] IHS Fact Sheets: Safe Water and Waste Disposal Facilities (January 2011) at http://info.ihs.gov/SafeWater.asp.

[4] *Id*.

addition, the proposal includes cutting the small grant to the tribes' primary healthcare resource for information and coordination of the national tribal voice: the NIHB. We ask that you do not implement any cuts to this organization, which is vital to improving the health status of all tribal People.

*Protect IHS Budget From Rollbacks, Freezes, and Rescissions*

As a discretionary budget line, the IHS budget falls target to the across the board cuts to discretionary funding. Indian country is thankful for the support of the Congress and the administration during the previous 2 fiscal years for significant increases to the IHS budget. However, the IHS budget has been subject to proposed budget cuts in the past. This was detrimental not only to an agency budget, but on the lives and well being of AI/ANs. Today, the IHS budget is funded approximately at half the level of need. Any budget cuts, in any form, will have harmful affects on the healthcare delivery to AI/ANs. The NIHB asks the committee to exempt the IHS from any cuts, freezes, or rescissions.

*Create a long-term investment plan to fully fund IHS Total Need*

Tribes have long asked for full funding of the IHS. Developing and implementing a plan to achieve funding parity is critical to the future of Indian health and to fulfilling the United Status's trust responsibility to AI/AN people. The funding disparities between the IHS and other Federal healthcare expenditures programs still exists and in 2010, IHS spending for medical care was $2,741 per user in comparison to the average of Federal healthcare expenditure of $6,909 per person.[5] Tribes and NIHB ask the Federal Government to design and implement a true full funding plan for the IHS budget.

THE INDIAN HEALTH SERVICE'S FISCAL YEAR 2012 BUDGET RECOMMENDATIONS

CURRENT SERVICES INCREASES

| | Fiscal year 2012 proposal | President's fiscal year 2012 request |
|---|---|---|
| Tribal workgroup: | | |
| Federal pay costs | $12,000,000 | $4,102,000 |
| Tribal pay costs | 13,000,000 | ..... |
| Inflation | 63,300,000 | 155,308,000 |
| Additional medical inflation | 54,800,000 | ..... |
| Population growth | 42,900,000 | 96,550,000 |
| Staffing for new/replacement facilities | 35,000,000 | 71,533,000 |
| CSC—shortfall | 145,000,000 | ..... |
| Total, Current services | $366,000,000 | $327,493,000 |
| Program increases: | | |
| Hospitals and clinics | $90,000,000 | ..... |
| Indian Health Care Improvement Fund | 15,000,000 | 54,000,000 |
| Information technology | ..... | 4,000,000 |
| Chronic diseases | ..... | 2,529,000 |
| Dental | 5,000,000 | ..... |
| Mental health | 4,000,000 | 0 |
| Alcohol and substance abuse | 10,000,000 | 4,000,000 |
| Contract health services | 118,000,000 | 89,635,000 |
| Urban indian health | 9,000,000 | 1,000,000 |
| Direct operations | ..... | 3,404,000 |
| Business operations support | ..... | 6,033,000 |
| CSC (new and expanded) | ..... | 50,000,000 |
| IHCIA implementation | ..... | 2,000,000 |
| Facilities maintenance and improvement | 10,000,000 | ..... |
| Sanitation facilities construction | 14,000,000 | (19,619,000) |
| Healthcare facilities construction | 84,000,000 | 53,958,000 |
| Small ambulatory program | 10,000,000 | ..... |
| Equipment | 5,000,000 | ..... |
| Proposed grants savings | ..... | (7,000,000) |

[5] IHS Fact Sheets: IHS Year 2011 Profile (January 2011) *available at* http://info.ihs.gov/Profile2011.asp.

CURRENT SERVICES INCREASES—Continued

| | Fiscal year 2012 proposal | President's fiscal year 2012 request |
|---|---|---|
| Total, program expansion | $374,000,000 | $243,940,000 |
| Total, increases | $730,000,000 | $571,433,000 |

[1] Items not considered by the National Tribal Budget Workgroup.

[2] The National Tribal Budget Workgroup based their recommendations on the President's proposed budget for fiscal year 2011 and released their recommendations in March 2010. The tribal figures for current services may need to be adjusted to ensure full funding of current services.

[3] Funding for IHS programs has not kept pace with inflation, while Medicaid and Medicare have accrued increase of 5 to 10 percent per year.

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## PREPARED STATEMENT OF THE NEW MEXICO INTERSTATE STREAM COMMISSION

### SUMMARY

This statement is submitted in support of fiscal year 2012 appropriations for Colorado River Basin salinity control activities of the Bureau of Land Management (BLM). I urge that at least $5.2 million be appropriated for the BLM within the soil, water, and air management program for activities that help control salinity in the Colorado River Basin, and of that amount, $1.5 million be marked specifically for identified salinity control related projects and studies.

### 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 the features needed to control the salinity of the Colorado River. These include activities by the States, the Bureau of Reclamation (BOR), 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.

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 land manager in the Colorado River Basin, and manages public lands that are heavily laden with naturally occurring salt. When salt-laden soils erode, the salts dissolve and enter the river system, affecting the quality of water used from the Colorado River by the Lower Basin States and Mexico.

The proposed BLM budget calls for five principal priorities within the soil, water, and air management program. One priority is reducing saline runoff in the Colorado River Basin, which will help achieve the goals of interstate, Federal, and international agreements concerning the salinity of the Colorado River. Accordingly, the BLM needs to target at least $5.2 million for activities in fiscal year 2012 that benefit salinity control in 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 2012. Consequently, I request that $1.5 million of the $5.2 million be marked specifically for these identified Colorado River Basin salinity control activities.

I support past Federal legislation that declared that the Federal Government has a major and important responsibility with respect to controlling salt discharge from public lands. The 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 are 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.

BOR studies show that quantified damages from Colorado River salinity to United States water users are about $353 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 cost sharing with BOR and Department of Agriculture salinity control programs. It is vitally important that the BLM pursue salinity control projects within its jurisdiction to maintain the cost effectiveness of the program and the timely implementation of salinity control projects that will help 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. BLM's budget justification documents have stated that BLM continues to implement on-the-ground projects, evaluate progress in cooperation with the BOR and USDA, and report 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 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.

I request the appropriation of at least $5.2 million in fiscal year 2012 for Colorado River salinity control activities of the BLM within the soil, water, and air management program, and that $1.5 million of that amount be marked specifically for identified salinity control related projects and studies. I appreciate consideration of these requests. I fully support the statement of the Colorado River Basin Salinity Control Forum submitted by Don Barnett, the Forum's Executive Director, in request of appropriations for BLM for Colorado River salinity control activities.

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## PREPARED STATEMENT OF THE NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

Good morning Chairman Simpson, Ranking Member Moran, and members of the subcommittee. On behalf of the 43 federally recognized tribes that the Northwest Portland Area Indian Health Board (NPAIHB) represents, we thank you for this opportunity to provide testimony on the Indian Health Service (IHS) budget to the subcommittee.

Established in 1972, the NPAIHB is a Public Law 93–638 tribal organization that represents 43 federally recognized tribes in the States of Idaho, Oregon, and Washington on healthcare issues. Over the past 21 years, our board has conducted a detailed analysis of the IHS budget. Our Annual IHS Budget Analysis and Recommendations report has become the authoritative document on the IHS budget. It is used by the Congress, the administration, and national Indian health advocates to develop recommendations on the IHS budget. It is indeed an honor to present you with our recommendations.

### INDIAN HEALTH DISPARITIES

The Indian Health Care Improvement Act declares our Nation's policy is to elevate the health status of the American Indian/Alaska Native (AI/AN) people to a level at parity with the general U.S. population. Over the last 30 years, the IHS and tribes have made great strides to improve the health status of Indian people through the development of preventative, primary-care, and community-based public health services. Examples are seen in the reductions of certain health problems between 1972–1974 and 2000–2002: gastrointestinal disease mortality reduced 91 percent, tuberculosis mortality reduced 80 percent, cervical cancer reduced 76 percent, and maternal mortality reduced 64 percent; with the average death rate from all causes dropping 29 percent.[1]

While tribes have been successful at reducing the burden of certain health problems, there is strong evidence that other types of diseases are on the rise for Indian

[1] Fiscal year 2000–2001 Regional Differences Report, Indian Health Service, *available at*: www.ihs.gov.

people. For example, national data for Indian people compared to the U.S. all races rates indicate they are 638 percent more likely to die from alcoholism, 400 percent greater to die from tuberculosis, 291 percent greater to die from diabetes complications, 91 percent greater to die from suicide, and 67 percent more likely to die from pneumonia and influenza.[2] In the Northwest, stagnation in the data indicates a growing gap between the AI/AN death rate and that for the general population might be widening in recent years. These data document the fact that despite the considerable gains that tribes have made at addressing health disparities, that in some instances these gains are reversing themselves that the health of Indian people could be getting worse.[3]

RECOMMENDATION: MAINTAIN CURRENT SERVICES

The fundamental budget principle for Northwest tribes is that the basic healthcare program must be preserved by the President's budget request and the Congress. Preserving the IHS base program by funding the current level of health services should be a basic budget principle by the Congress. Otherwise, how can unmet needs ever be addressed if the existing program is not maintained?

Current services estimates' calculate mandatory costs increases necessary to maintain the current level of care. These "mandatories" are unavoidable and include medical and general inflation, Federal and tribal pay act increases, population growth, and contract support costs.

Our analysis of the IHS budget indicated that it would have taken at least $474 million to maintain current services in this current fiscal year. The President's request in fiscal year 2011 (an increase of $354 million) would come close to funding the mandatory costs of current services. Unfortunately, the IHS and tribal health programs will now suffer the consequences of the current budget debate despite the duty and obligation of the United States to provide health services. The current budget debate to curtail discretionary spending will have a severe effect on the IHS and tribal programs if they are not adequately funded. Respectfully we request that the subcommittee recommend that the IHS and tribal health programs be exempt from any reductions in discretionary spending. This request should be honored in recognition of the duty and obligation that the United States has to provide healthcare to Indian people. It is further compelling when one considers the severe health disparities that AI/AN people suffer.

PER CAPITA SPENDING COMPARISONS

The most significant trend in the financing of Indian health over the past 10 years has been the stagnation of the IHS budget. With exception of a notable increase of 9.2 percent in fiscal year 2001 and last year's 14 percent increase, the IHS budget has not received adequate increases to maintain the costs of current services (inflation, population growth, and pay act increases). The consequence of this is that the IHS budget is diminished and its purchasing power has continually been eroded over the years. As an example, in fiscal year 2009, we estimated that it would take at least $513 million to maintain current services.[4] The final appropriation for the IHS was a $235 million increase, falling short by $278 million. This means that tribes must absorb unfunded inflation and population growth by cutting health services.

The IHS Federal Disparity Index (FDI) is often used to cite the level of funding for the Indian health system relative to its total need. The FDI compares actual healthcare costs for an IHS beneficiary to those costs of a beneficiary served in mainstream America. The FDI uses actuarial methods that control for age, sex, and health status to price health benefits for Indian people using the Federal Employee Health Benefits (FEHB) plan, which is then used to make per capita health expenditure comparisons. It is estimated by the FDI, that the IHS system is funded at less than 60 percent of its total need.[5]

FISCAL YEAR 2012 IHS BUDGET RECOMMENDATIONS

The NPAIHB supports the level of funding requested in the President's fiscal year 2012 budget request. The President's request is $571 million more than the fiscal

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[2] *Ibid*.

[3] Please note findings in, *The Health of Washington State: A Statewide Assessment of Health Status, Health Risks, and Health Care Services,* December 2007. *Available at*: http://www.doh.wa.gov/hws/HWS2007.htm.

[4] Fiscal year 2009 *IHS Budget Analysis and Recommendations*, Northwest Portland Area Indian Health Board, March 17, 2008; *available at*: www.npaihb.org.

[5] Level of Need Workgroup Report, Indian Health Service, *available at*: www.ihs.gov.

year 2010 enacted level. While this might seem like a sizable increase, it is only $217 million more than the President's fiscal year 2011 request. These increases in fiscal year 2011 and fiscal year 2012 taken together are still less than adequate to cover the costs of maintaining current services. We urge the subcommittee to fund the levels in the President's request.

We also recommend that the subcommittee provide additional funding to cover the IHS Contract Support Cost (CSC) now estimated to be at least $153 million. The CSCs cover the administrative cost of tribes carrying out the IHS Federal trust responsibilities. The benefits of tribes operating the IHS programs are well documented. For years the administration failed to request adequate funding for the CSC obligations, and the resulting shortfalls grew. In 2010, with the assistance of this subcommittee, the Congress and the President supported a $116 million increase to reduce the IHS contract support cost shortfall by about one-half. It is estimated that the CSC increase will restore an estimated 2,000 to 3,000 jobs in Indian country. We recommend that the subcommittee provide additional funding to cover the CSC obligations owed to tribes.

ADDITIONAL RECOMMENDATIONS

The NPAIHB recommends that the subcommittee restore funding eliminated in the President's request for tribal pay costs. We estimate this funding to be $13.4 million based in the fiscal year 2011 IHS congressional justification. These costs were eliminated in the President's fiscal year 2012 request.

The NPAIHB recommends that at least an additional $50 million be provided for the IHS Contract Health Service Program (CHS). The CHS Program is extremely important for Northwest tribes since the NPAIHB does not have any hospitals and must rely on the CHS Program for all specialty and inpatient care. Other parts of the IHS system have access to hospitals for specialty and inpatient care. Because of this, the CHS Program makes up 34 percent of the NPAIHB budget and when less than adequate inflation and population growth increases are provided, the NPAIHB tribes are forced to cut health services to absorb these mandatory costs. Those IHS areas that have inpatient care can absorb CHS funding shortfalls more easily the CHS dependent areas with their larger size staffing packages and infrastructure. The Senate Committee on Indian Affairs' 2011 Views and Estimates letter highlights the fact that the unmet need in the CHS Program is at least $1 billion and certainly an additional $80.2 million is justified.

We recommend that the subcommittee provide an additional $53 million to fund past year's CSC shortfalls that are owed to tribes under Public Law 93–638. The well-documented achievements of the Indian self-determination policies have consistently improved service delivery, increased service levels, and strengthened tribal governments, institutions, and services for Indian people. Every administration since 1975 has embraced this policy and the Congress has repeatedly affirmed it through extensive amendments to strengthen the Indian Self-Determination Act in 1988 and 1994.

We understand that our recommendations may seem unreasonable in current fiscal environment, however when you consider the significant health needs of Indian country they are realistic. We hope that you will be able to fund our recommendations and look forward to working with the subcommittee on our request.

Thank you for this opportunity to provide our recommendations on the fiscal year 2012 IHS budget.

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PREPARED STATEMENT OF THE NATIONAL PARKS CONSERVATION ASSOCIATION

Chairman Reed, Ranking Member Murkowski, and members of the subcommittee, I am Tom Kiernan, president of the National Parks Conservation Association (NPCA). I appreciate the opportunity to submit testimony on behalf of NPCA's more than 345,000 members to present our views regarding appropriations for the National Park Service (NPS) for fiscal year 2012.

Mr. Chairman, we truly understand and appreciate the enormity of the challenge you face in attempting to set reasonable, responsible spending priorities when the imperative of significantly reducing the overall level of Federal expenditures is driving the Nation's political discourse and agenda. We want to thank you for the care you have taken with the national parks so far, and especially the money they need to operate and meet basic, fixed operating costs. We know and appreciate that you will do the best you can for the parks under the circumstances; and you know we probably will say it is not enough. I would like to take this opportunity to re-articulate the arguments and bolster the record as to why providing sufficient and even

increased levels of funding for the National Park System must continue to be a national priority.

Ronald Reagan called America's national parks, "the envy of the world." Franklin Roosevelt said, "there is nothing so American as our national parks." Created by the Congress for the benefit and use of all our citizens, national parks are—like national defense—inherently and fundamentally a Federal responsibility. While park friends groups and private philanthropy contribute a good deal for the benefit of several specific parks and units in the system, there is simply no viable alternative to Federal appropriations to maintain these places that the Congress itself determined to be the most precious and important to America's story and way of life, intact, and operating.

The annual budget of NPS amounts to less than one-thirteenth of 1 percent of the overall budget of the United States. Clearly, NPS must re-examine its priorities and very carefully manage its financial resources to address new budget realities. We very much appreciate that the national park operations account has not received as large a cut as other programs. However, we were very disappointed that the final fiscal year 2011 continuing resolution did cut park operations by more than $10 million and cut NPS programs more broadly by more than $130 million—reductions to beneficial, worthy, and needed endeavors. At this point, there simply is no fat to cut out before starting to remove muscle and bone.

*Park Operations*.—Adequate funding for park operations remains the top priority for NPCA.

The Federal budget and appropriations process has been a roller-coaster ride for the parks over the past 12 years. The operations budget for NPS was short-changed by multiple administrations and congresses until the annual operating shortfall reached more than $800 million in fiscal year 2007. The result:

—a growing crisis with missing rangers, shuttered visitor centers, dirty or unoperational restrooms, deteriorating landscapes and historic artifacts, dangerous or crumbling roads and trails, and

—reduced interpretive and educational programs—in short, eroding resources and diminishing services for millions of park visitors.

For fiscal year 2008, with the 100th anniversary of NPS and the creation of the modern National Park System approaching in 2016, the Bush administration heeded our call and initiated what was envisioned as a sustained, 10-year program of incremental, $100 million annual operations increases intended to erase the operating shortfall and to put the national parks in their best possible condition in time for the centennial. This Centennial Initiative was supported by both parties in the Congress—particularly the members of this subcommittee—and was continued through the next two budget and appropriations cycles, which included the transition to a new administration. Some adjustments were made in other sections of NPS budget to accommodate the operations increases, but things were still underway for putting the parks in healthy shape by 2016. While this infusion enabled parks to re-employ thousands of people needed for resource protection, maintenance, law enforcement, and visitor services, it still leaves an annual operations shortfall today of more than $600 million. That shortfall allows virtually no room for error or unforeseen natural catastrophes or circumstances such as unexpectedly large increases in the price of fuel and other fixed costs.

NPCA strongly believes the trajectory begun in fiscal year 2008—annual operations increases of $100 million plus fixed costs, carried forward by two Presidents and recommended by the National Parks Second Century Commission—should be continued. While the operations increases the Congress approved for fiscal year 2008–fiscal year 2010 have made a difference, the gains that were made can easily be lost. It is also important to put them in context. As significant as they were, by fiscal year 2011, overall NPS funding had reached the same level in real dollars as had been appropriated in fiscal year 2002.

A National Park System that is well managed, with park personnel who are well-trained, park resources that are protected, and visitors who are safe and well-served, requires investments by the Congress. It is, of course, not a perfect world. We understand the reality of maintaining that trajectory in this fiscal climate, but at a bare minimum, we need to keep up with fixed costs so the hard-won progress of the last few years is not erased, and so we don't find ourselves, once again, in the kind of crisis our parks and their visitors saw only a few short years ago.

Multiple studies show that every $1 invested in the national parks, at least $4 is generated in economic value to the public. These reliable economic engines contribute $13.3 billion annually in local, private-sector economic activity and support nearly 270,000 private sector jobs. For example, on March 14, the Idaho Statesman published an article citing a new study by Headwaters Economics of Bozeman, Montana, that shows the local areas around Yellowstone have 5,155 jobs tied to the

park, with visitors spending $302 million in 2009. City of Rocks creates 86 jobs, and generated $6.4 million in visitor spending in the local area for 2009. Craters of the Moon supports 104 jobs and created $5.8 million in visitor spending in Idaho in 2009. In short, spending on the national parks creates American jobs.

There is a lot of talk on Capitol Hill these days about what the American people want and what the American people expect. Those phrases are thrown around on both sides of the aisle, often without much empirical evidence. The American people are visiting our national parks more than ever, with more than 280 million visitors last year. That is more than 4 million above the average of the previous 5 years. The American people's great love affair with their national parks spans time, region, economic status, and political persuasion. It is not diminished by the condition of the economy. A recent Harris poll found NPS to be the Federal entity most admired by the American people, even edging out the Armed Forces and Social Security. Another recent poll shows that 9 out of 10 Americans have visited a national park and more than 6 out of 10 have done so in the past 2 years. A bipartisan majority of Americans (73 percent) believe it is important that the parks are fully restored and ready to serve the country for another 100 years in time for the national park centennial in 2016. Despite concerns about the economy and the Federal budget, 88 percent of Americans say it is extremely or quite important to protect and support the national parks. Few issues enjoy such widespread agreement and bipartisan support among the American people.

*Land and Water Conservation Fund (LWCF).*—NPCA supports full funding for LWCF, though we understand how difficult it would be for this subcommittee to achieve this when faced with a shrinking allocation. We believe in the healthy, rewarding recreational opportunities and the completion of existing national park units the LWCF was envisioned to provide. Though we respect that the subcommittee may not view full funding as realistic in this fiscal climate, LWCF should not be drastically reduced to the point recommended, for example, in H.R. 1. Arguing that no funds for land acquisition under LWCF should be provided to the NPS until the maintenance backlog is eliminated is comparing apples to oranges.

Removing privately owned inholdings from within park boundaries and completing parks will actually make their administration and resource management more efficient and cost effective, thereby freeing up money for other needs. Removing inholdings often improves things like invasive species control and water quality, reduces wildfire risks, removes obstacles to recreation and to wildlife management, and facilitates conservation of historical resources. In most instances, completion of specific parks by purchasing certain inholdings has been directed by the Congress. Right now, there are many willing sellers and with real estate prices at rock bottom, this is an ideal time for NPS to acquire critical inholdings before they are lost forever to incompatible development. The longer we wait and the more pressure for incompatible development, the more expensive the land becomes. It is a far more complicated proposition than simply opposing or supporting the expansion of Federal holdings or the size of the Federal Government; LWCF is part of successful management of our national parks.

*The Deferred Maintenance Backlog*.—The backlog is attributable to chronic funding deficiencies in several categories, including operations, construction, and transportation. These deficiencies have forced park managers to make unfortunate choices between what needs to be done and what absolutely must be done immediately to keep the parks up and running and visitors satisfied and safe. It would be one thing if the Congress specifically required revenue that would otherwise legally be directed to the LWCF to be used for a period of time to eliminate the maintenance backlog, but that is not the tradeoff that is offered. Unfortunately, new funding reductions and prudent management decisions necessitated by budget uncertainty over the recent past have resulted in an increase in the maintenance backlog from roughly $9 billion last year to nearly $11 billion today. Clearly that is a move in the wrong direction, and at current levels of investment, the backlog will continue to increase in perpetuity. The longer needed repairs and maintenance to facilities is put off, the more expensive and difficult they become.

With our Nation facing deficits, identifying savings is an important priority, but is not the only priority. Even if the Congress were to eliminate every $1 of discretionary spending tomorrow, the deficit would continue to grow. The National Park System is about more than America's past; it's about our future, as the story of this great nation and our experiment in democracy continues to unfold.

One-thirteenth of 1 percent! If even this fundamental Federal responsibility cannot be met, it may mean nothing less than losing some of these national resources—resources important to understanding where we came from, how we got here and where we are going—forever. The future of our way of life and the shared values that define it will be diminished.

Is it important for the next generation of Americans to know what happened at Gettysburg? Should they understand the hardships faced at Valley Forge by the volunteer militia fighting to give birth to a new nation? Should they have a chance to see—really see, not just in cyberspace—what a buffalo looks like in the wild, or know the wonder of Old Faithful erupting, or learn to catch a fish? Should they still remember those who bravely died at Pearl Harbor or on Flight 93? Is it important that the lofty Lamp of Liberty shines on in New York Harbor, a beacon of freedom and opportunity, reminding of our values, for generations to come? The responsibility for that future lies with this subcommittee, and future generations are depending on you and your colleagues to leave them a future enriched by these American treasures.

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PREPARED STATEMENT OF THE NATIONAL RECREATION AND PARK ASSOCIATION

Thank you Chairman Reed, Ranking Member Murkowski, and other honorable members of the subcommittee for this opportunity to submit written testimony on the fiscal year 2012 Interior, environment, and related agencies 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. Park and recreation agencies touch the lives of every American in every community. Through our network of approximately 20,000 citizen and professional members we represent park and recreation departments in cities, counties, townships, special park districts, regional park authorities, and citizens concerned with ensuring close-to-home access to parks and recreation opportunities in their communities.

As your subcommittee works to craft the fiscal year 2012 appropriations bill, we request that you do not zero out funding for the Land and Water Conservation Fund (LWCF). While we recognize that these are tough economic times, funding for the LWCF is a budget neutral item because the program is authorized for this amount to be paid for with oil and gas leasing revenue. Additionally, the LWCF is much more than a Federal land acquisition program. It also provides grants to States and local communities, grants that must be matched dollar-for-dollar, for the construction of outdoor recreation projects which create jobs and build healthy communities We, therefore, specifically request that you to invest in the Nation's local communities by allocating a minimum of 40 percent of total LWCF appropriations to the State Assistance Program (SAP) in fiscal year 2012.

By ensuring an allocation of 40 percent, the subcommittee has the opportunity to make a worthwhile contribution to the economy since every State in the Nation annually receives funding through the LWCF SAP, which has funded projects in 98 percent of counties in the United States. The LWCF SAP provides critical investments in close-to-home parks and outdoor recreation infrastructure in urban population centers as well as rural areas. This funding is used for capital projects and cannot be used for operations.

In a report prepared by the National Park Service (NPS) in March 2011, it is documented that in fiscal year 2010 the $40 million appropriated to the LWCF SAP made a direct impact on park and recreation facilities in or near 221 local communities and helped "encourage active participation to strengthen the health and vitality of the citizens of the United States pursuant to the original intent of the Act."

Finally, beyond the Program's direct assistance to develop and enhance facilities, every assisted site is protected against conversion to nonrecreation use to ensure the Federal and State/local investment remains available for recreational use, not just for today's citizens, but for all future generations of Americans.

According to a 2010 report by the NPS, our country faces $18.5 billion in unmet need relative to outdoor recreational resources. For example, according to the NPS:

—Rhode Island has a total of $2,332,548 or 86 percent in unmet need.

—South Dakota struggles with the balance of satisfying the demand for new recreation with repair and upgrade needs, totaling $22,284,226 in unmet need.

—Alaska has $47,531,509 or 99 percent in unmet need.

—Kansas State parks saw a 32 percent increase in 2009 visitation, which contributed to an increase in unmet needs of $101 million for the State's parks and outdoor recreation facilities.

—Washington's estimated unmet need of $227.4 million represents a diverse portfolio of outdoor recreation projects, including new construction, and the renovation of aging recreational sites.

There is undoubtedly need for a continued robust investment. Funding provided through LWCF SAP not only provides necessary community resources for outdoor

recreation opportunities, community health resources, and environmental stewardship, it also stimulates State and local economies, and job creation.

It is obvious that LWCF SAP funds are vital to many States and literally determines whether local, regional, or State park recreation facilities are available for public use.

LWCF SAP STIMULATES JOBS CREATION AND LOCAL ECONOMIES

Projects funded through the LWCF SAP stimulate outdoor recreation and local economies. Close-to-home recreation has become increasingly important as a result of the current economic downturn. The National Association of State Park Directors reports that America's State park system contributes $20 billion to local and State economies. Additionally, The Outdoor Industry Association reports that recreation contributes $730 billion annually to the U.S. economy, supports 6.5 million jobs across the country (this equates to 1 in every 20 jobs), generates $49 billion in annual national tax revenue, produces $289 billion annually in retail sales and services across the United States, and provides sustainable growth in rural communities.

As you can see from the examples below, the LWCF SAP has an incredible impact on job creation in States throughout the country.

In Idaho, the LWCF SAP has funded projects such as the Modie Wildlife Park and Riverfront Park which ensure the citizens of Idaho stay connected with nature, active, and healthy. The Idaho Active Outdoor Recreation Economy supports 37,000 jobs across Idaho, generates $154 million in annual State tax revenue, and produces $2.2 billion annually in retail sales and services across Idaho—more than a 5 percent of gross State product.

Arizonans also recreate close-to-home in local parks and venues. Parks like the De Anza Trail help the Arizona Active Outdoor Recreation Economy support 82,000 jobs across Arizona, generate nearly $350 million in annual State tax revenue, and produce almost $5 billion annually in retail sales and services.

Without the continued support for the Nation's treasured parks and recreation sites through the LWCF SAP, the Congress would effectively contribute to State unemployment rates and budget deficits.

PUBLIC HEALTH

The LWCF SAP plays a critical role in advancing parks and recreation that directly contributes to fighting our Nation's obesity and "Type 2" diabetes epidemics. Several medical studies have shown that there is a strong correlation between proximity to recreational facilities and parks and physical activity. It is estimated that obesity costs the United States Government about $344 billion in medical-related expenses by 2018, accounting for approximately 21 percent of healthcare spending. The Centers for Disease Control (CDC) currently estimates 65 percent of adults and 16 percent of children are overweight or obese, and even small improvements in the lifestyles of Americans would yield marked health improvements and contribute substantially to decreasing the Nation's rising healthcare costs. 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 SAP would provide a significant return on investment through the reduction in healthcare costs.

ENVIRONMENTAL BENEFITS

The LWCF SAP 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. LWCF SAP projects have a historical record of contributing to reduced and delayed storm water runoff volumes, enhanced groundwater recharge, storm water pollutant reductions, reduced sewer overflow events, increased carbon sequestration, urban heat island mitigation and reduced energy demands, resulting in improved air quality, increased wildlife habitat, and increased land values on the local level.

LWCF SAP: ADDRESSING NATIONAL ISSUES ON THE LOCAL LEVEL

The following examples, provided by the NPS:

*Focal Points of Close-to-Home Access to Health and the Outdoors*

In Anne Arundel County, Maryland, LWCF funding will be used to acquire 54 acres of forest and meadow land with 650 feet of waterfront on the Magothy River.

This park will offer spectacular views of the river, walking and fitness trails and picnic areas.

The Rhode Island Department of Environmental Management (DEM) completed the construction of a new beach facility at Salty Brine State Beach in Narragansett, Rhode Island. One of Rhode Island's most popular beaches, the new fully accessible facility is LEED Certified to the Silver Standard. According to DEM Director W. Michael Sullivan, the new bathhouse will generate more energy than it will use, making it the first State facility that is self-sufficient. Also in Rhode Island, $4.4 million in LWCF SAP funds are being used for a construction and renovation project at the East Matunuch State Beach.

In Clark County, Washington, LWCF funding enabled the Salmon Creek Greenspace to acquire uplands and riparian wetlands at the confluence of Salmon Creek and Morgan Creek will provide new trail access for hiking, walking and trail running. The 64-acre acquisition protects critical open space within the city of Battle Ground.

In Juneau, Alaska, LWCF SAP funding was used to construct a ski lift, lodge, warming hut, trails, and maintenance buildings at The Eaglecrest Recreation Area.

In Kern County, California, Annin Avenue Recreation Park received LWCF funding to acquire approximately 12 acres of land, previously slated for industrial use, to develop a vital green space for sports activities in a low-income agricultural community. Annin Avenue Recreation Park will add nine American Youth Soccer Organization-regulation soccer fields and two baseball fields.

Mr. 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's SAP, which has proven itself invaluable to addressing national issues, the Congress 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. Because this investment has a positive impact on the national economy in the areas through job creation and local economic stimulation, now is the ideal time to ensure that a minimum of 40 percent of LWCF funding is provided to the SAP in fiscal year 2012.

Thank you for this opportunity to present testimony.

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## PREPARED STATEMENT OF THE NORTHERN SIERRA PARTNERSHIP

Mr. Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from OCS drilling revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in fiscal year 2012, the U.S. Forest Service (USFS) included $2 million for the acquisition of land in Tahoe National Forest in California in the President's budget. I am pleased that this funding was included in the request and I urge the Congress to provide the full President's budget amount for LWCF so that these important projects can receive this needed funding. Furthermore, Federal investment helps nonprofits attract private money, multiplying the conservation benefit of this LWCF request many times over.

The Northern Sierra Partnership (NSP), of which I am President, is a groundbreaking partnership of five local, national, and international conservation organizations:

—The Nature Conservancy;
—the Trust for Public Land;
—Truckee Donner Land Trust;
—Feather River Land Trust; and
—the Sierra Business Council.

Since our formation in 2007, we have protected more than 10,000 acres and raised more than $30 million in pledges and gifts. We approach conservation on a landscape scale, focusing only on the projects with the highest-water quality, recreation, and habitat values in the entire region. NSP invests millions of dollars in conservation projects in the Northern Sierra, ensuring that any Federal money is highly leveraged with nongovernmental funds. Since 2005, LWCF investments in the region have been leveraged with private money at a 1.5 to 1 ratio.

Once referred to by John Muir as the "Range of Light", California's Sierra Nevada mountains provide some of the country's most inspiring landscapes. They are also the sole source of drinking water for millions of Californians and constitute one of the largest and most important hotspots of biodiversity in the United States. The Sierra Nevada extends for more than 400 miles along eastern California, from the Mojave Desert in the south to the Feather River Basin in the north. The sapphire shimmer of Lake Tahoe—the Nation's largest and deepest alpine lake—is the hub of the north-central Sierra Nevada, and the Tahoe and Eldorado national forests extend deep into the mountains north and west of the lake. Elevations climb from about 1,500 feet in the forest's western foothills to more than 9,000 feet at the Sierra crest. Landscapes range from dry woodlands in the west to whitebark pines and primrose-dotted meadows at the higher elevations.

In the 19th century, the Sierra was a major physical obstacle to the completion of the transcontinental railroad, and the Federal Government granted lands to railroad companies in alternating square miles along the route as an incentive to extend the tracks across the plains and mountains to the Pacific Ocean. The Sierra "checkerboard" of alternating Federal and private ownership is a legacy of these Federal land grants and presents numerous challenges. The forest habitat that is home to many birds and animals may be pristine in one area, yet severely degraded in another. Likewise, public recreation areas are limited in size and often are affected by nearby privately owned sections. In addition, it is difficult and costly for both private and public landowners to manage their segmented lands as productive and healthy forests.

To meet these challenges, the USFS has sought to consolidate these checkerboard lands, thereby improving management of and access to existing federally owned lands. In addition, this effort affords greater protection to the rivers and streams of California's Sierra Nevada, fulfilling another important mission of the USFS, which ranks watershed protection and improvement as primary strategic goals of land acquisition. The checkerboard pattern of ownership also makes it difficult to maintain sufficient habitat for spotted owls and for species such as the American marten and the Sierra Nevada red fox—both sensitive species.

According to a climate study conducted by The Nature Conservancy, the northern Sierra Nevada is projected to see dramatic future changes in climate. These include an increase in average temperatures by as much as 4 degrees in the next 50 years, and projected reductions in total precipitation of 12 to 24 percent. This level of change will impose greater stress on forest systems and threaten the timing and flow of water that sustains human communities and coldwater fisheries. Consolidation of checkerboard lands and other fragmented holdings, as will be achieved by this project, can help address these climate challenges. Assuring connectivity of habitats will allow for species migration in response to changing conditions and food availability. In addition, consolidating Federal ownership can facilitate more integrated forest management and watershed restoration. This will help maintain the health of forests and forest habitats, and will enhance watershed function to stabilize water levels, flow, and timing under a new and more variable precipitation regime.

Available and proposed for acquisition in fiscal year 2012 are three properties totaling 1,849 acres in the Tahoe National Forest. These lands are entirely or substantially surrounded by national forest lands, and consolidation of these properties will give the USFS an improved ability to manage its lands for climate change, wildfire, recreation, and habitat protection. These proposed tracts include the 890-acre Hole in the Ground property adjacent to the proposed Castle Peak Wilderness, the 480-acre White Rock Lake property that is a short distance from the Pacific Crest Trail, and the 479-acre Big Avalanche property contains a rare limestone cave network that has evidence of seasonal presence of the imperiled Plecotus townsendii (Townsend's big-eared bats).

If the USFS is unable to acquire these properties, the result would likely be cabin construction, parcel splitting, and other activities that further complicate land management. The President's fiscal year 2012 USFS budget request includes $2 million for Sierra Nevada Inholdings, and protection of these important lands can go forward with congressional approval of the budget request for the LWCF.

I want to thank the chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in California, and I appreciate your consideration of this funding request.

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PREPARED STATEMENT OF THE NATIONAL TRIBAL CONTRACT SUPPORT COST COALITION

My name is Lloyd Miller and I am a partner in the law firm of Sonosky, Chambers, Sachse, Endreson & Perry, LLP, of Washington, D.C. I appear here today as counsel to the National Tribal Contract Support Cost Coalition, comprised of 20 tribes and tribal organizations situated in 11 States and collectively operating contracts to administer more than $400 million in Indian Health Services (IHS) and Bureau of Indian Affairs (BIA) facilities and services on behalf of more than 250 Native American tribes.[1] I am here to discuss the legal duty and urgent need to fully fund the contract support costs (CSC) that are owed these and other tribes performing contracts and compacts in fiscal year 2012 on behalf of the United States pursuant to the Indian Self-Determination Act—specifically $615 million for IHS CSC requirements and $228 million for BIA CSC requirements.

No single enactment has had a more profound effect on more tribal communities than has the Indian Self-Determination Act (ISDA). In just three decades tribes and inter-tribal organizations have taken over control of vast portions of the BIA and IHS, including Federal Government functions in the areas of healthcare, education, law enforcement and land and natural resource protection. Today, not a single tribe in the United States is without at least one self-determination contract with each agency, and collectively the tribes administer more than $2.82 billion in essential Federal Government functions, employing an estimated 35,000 people.

In the IHS Aberdeen area, more than 20 percent of the IHS budget is under contract to the tribes. In Alaska, 100 percent of the IHS budget and most of the BIA budget has been contracted over to the tribes. From the Navajo Nation to the Pacific Northwest to California, tribes in 35 States have demanded their self-determination rights and secured control over IHS and BIA programs.

ISDA has by any measure been a success unprecedented in the history of America's relations with its tribes. It has served not only to shift back to the tribes the primary role of controlling and administering essential governmental services, but to reinvigorate those tribal governments so they would be in a position to engage in meaningful economic and resource development to better their communities.

ISDA employs a contracting mechanism to carry out its goal of transferring essential governmental functions from Federal agency administration to tribal government administration. To carry out that goal and meet contract requirements, the act requires that IHS and the BIA fully reimburse every tribal contractor for the CSC that are necessary to carry out the contracted Federal activities. (Cost-reimbursable government contracts similarly require reimbursement of "general and administrative" costs.) Full payment of fixed CSC is essential: without it, offsetting program reductions must be made, vacancies cannot be filled, and services are re-

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[1] The NTCSCC is comprised of the:
—Alaska Native Tribal Health Consortium (Alaska);
—Arctic Slope Native Association (Alaska);
—Central Council of the Tlingit & Haida Indian Tribes (Alaska);
—Cherokee Nation (Oklahoma);
—Chippewa Cree Tribe of the Rocky Boy's Reservation (Montana);
—Choctaw Nation (Oklahoma);
—Confederated Salish and Kootenai Tribes (Montana);
—Copper River Native Association (Alaska);
—Forest County Potawatomi Community (Wisconsin);
—Kodiak Area Native Association (Alaska);
—Little River Band of Ottawa Indians (Michigan);
—Pueblo of Zuni (New Mexico);
—Riverside-San Bernardino County Indian Health (California);
—Shoshone Bannock Tribes (Idaho);
—Shoshone-Paiute Tribes (Idaho, Nevada);
—SouthEast Alaska Regional Health Consortium (Alaska);
—Spirit Lake Tribe (North Dakota);
—Tanana Chiefs Conference (Alaska);
—Yukon-Kuskokwim Health Corporation (Alaska); and
—the Northwest Portland Area Indian Health Board (43 tribes in Idaho, Washington, Oregon).

duced, all to make up for the shortfall. In short, a CSC shortfall is equivalent to a program cut.[2]

For years the administration failed to request full funding for its CSC obligations, and the resulting shortfalls grew. The first major effort to address this deficiency in the past 10 years occurred in fiscal year 2010, when the Congress and the President supported a $116 million increase to reduce the IHS CSC shortfall by about one-half, and a $19 million increase to address BIA CSC shortfalls. The IHS increase, alone, will eventually restore 2,820 health sector jobs in Indian country. Even still, in fiscal year 2010 these increases left a severe CSC shortfall well in excess of $160 million.

Today, IHS projects an fiscal year 2012 shortfall in CSC payments of $153 million. That means a $153 million cut in tribally contracted programs next year—not IHS—administered programs, but tribally administered health programs alone—to cover the shortfall.

BIA's most recent projection of full CSC requirements is $228.3 million (set forth in the BIA's March 2011 shortfall report). Yet, the fiscal year 2012 budget requests only $195.5 million, resulting in a required cut in tribally operated BIA programs of $33 million next year. Fortunately, the recently enacted fiscal year 2011 continuing resolution raises the floor on CSC payments to $220 million. According to BIA, this should almost close the historic funding gap in paying these contracts.

It is not acceptable for the administration to seek deficit reduction by singling out tribally administered health and law enforcement programs for such grave cuts in essential governmental services. Indeed, the Congress 23 years ago directed that the agencies "must cease the practice of requiring tribal contractors to take indirect costs from the direct program costs, which results in decreased amounts of funds for services," S. Rept. 100–274, at 9 (1987). Yet, the practice continues.

Funding CSCs in full will permit the restoration of Indian country jobs that have been cut while the shortfalls continue. The recent fiscal year 2010 reduction in the CSC shortfall produced a stunning increase in Indian country jobs. For instance, last year the Cherokee Nation received close to $8 million of its shortfall and restored 124 positions to the Nation's healthcare system; the Forest County Potawatomi Community received about $400,000 and added 13 positions; the Little River Band of Ottawa Indians received about $300,000 and added six clinical positions; the Riverside-San Bernardino County Indian Health consortium received $2 million and restored 23 positions; and the Southcentral Foundation of Alaska received nearly $9 million and restored 97 positions. Third-party revenues generated from these new positions will eventually more than double the number of restored positions, and thereby double the amount of healthcare that tribal organizations will provide in their communities. Similar increases occurred across many of the BIA contractors and compactors in fiscal year 2010, though at far smaller numbers given the BIA's smaller CSC increase that year.

In fiscal year 2012 the National Tribal Contract Support Cost Coalition recommends that:

—the IHS CSC line be increased to $615 million; and

—the BIA CSC line be increased to $228 million.

The status quo is not acceptable. First, at the administration's proposed funding levels the combined projected CSC shortfall in fiscal year 2012 for both agencies will exceed $186 million. That means a $186 million cut in tribal health, education, law enforcement and other contracted programs, representing more than 3,600 jobs.

Second, the status quo penalizes tribes for their self-determination contracting activities. Today, a $1 million IHS-operated clinic has $1 million to provide services. But a $1 million tribally operated clinic on average has only $750,000 to serve the same community. That is a cruel and unfair burden to impose on the very tribes that seek greater tribal self-determination.

Third, the continuing shortfalls have all but brought to a halt forward progress under the ISDA. For years, new IHS and BIA contracting activities have slowed to a trickle, and each agency is stuck at no more than 60 percent of its budget operated by tribes. The Congress's Policy of Tribal Self-Determination will not move forward until the CSC shortfalls are addressed.

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[2] CSC are the necessary costs of operating a Federal program under contract. When the BIA and IHS operate these programs, the agencies have the benefit of their own bureaucracies and other agencies to support the programs with personnel and financial management systems, legal resources, procurement systems and the like, both from within their two Departments and from other departments like the General Services Administration and the Office of Personnel Management. Tribal contractors require similar resources to carry out contracted programs, as well as to meet mandatory Federal requirements (including annual audits). They cover those resources with CSCs. Most fixed CSCs are set by Government-issued indirect cost rates, with the rates issued based upon certified independent audits and adjusted based upon postyear audits.

Fourth, investing funds here is wise. No part of the IHS or BIA budgets is more highly scrutinized than are the funds awarded under these contracts. There is a transparency and accountability here that is unrivaled in other government contracting work.

Fifth, fully paying CSCs is legally required. The United States Supreme Court so held in the 2005 *Cherokee Nation* case. It is not a matter of writing a better law, but of honoring the law that the Congress has already written.

Finally, it is a stain on America when the Nation honors to the penny all other government contracts, even when honoring those contracts demands supplemental appropriations, but not contracts with Indian tribes. As much as law, policy, fairness and good sense, the Nation's honor demands that these contracts be paid in full for services duly rendered to the United States.

In addition to these recommended funding levels, the Coalition recommends that the subcommittee require both agencies to consistently project and budget the additional CSC requirements associated with new contracts and program expansions (on average, 13.5 cents for each new IHS program dollar, and 10.4 cents for each new BIA program dollar). IHS did this in its fiscal year 2012 budget, but the BIA did not. Further, the subcommittee should reconcile the different language used in the IHS and BIA portions of the bill (language attached), eliminate the old "section 314" language (a useless vestige after the *Cherokee* case), and assure that each agency has an ISD Fund inside the overall CSC appropriation to address new contracting initiatives.

Thank you again for the opportunity to offer these recommendations.

SUGGESTED CHANGES TO IHS AND BIA BILL LANGUAGE REGARDING CSC

*IHS Language*

"*Provided further*, That, notwithstanding any other provision of law, of the amounts provided herein, not to exceed [$461,837,000] $615,000,000 shall be for payments to tribes and tribal organizations for contract or grant support costs associated with ongoing contracts, grants, self-governance compacts, or annual funding agreements between the Indian Health Service and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2012, as authorized by such Act, of which not to exceed [$5,000,000] $10,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements (proposed new language underscored; stricken language in brackets or strike-outs)."

*BIA Language*

"and of which, notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975, as amended, not to exceed [$195,490,000] $228,000,000 shall be available for payments for contract support costs associated with ongoing contracts, grants, compacts, compacts, or annual funding agreements entered into between with the Bureau of Indian Affairs and a tribe or tribal organization pursuant to the Indian Self-Determination Act of 1975, as amended, prior to or during fiscal year 2012, as authorized by such Act, of which not to exceed $5,000,000 may be used for contract support costs associated with new or expanded self-determination contracts, grants, self-governance compacts, or annual funding agreements."

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PREPARED STATEMENT OF THE NATIONAL TRIBAL ENVIRONMENTAL COUNCIL

On behalf of the National Tribal Environmental Council (NTEC) and our 187 member tribes, we thank you for the opportunity to provide fiscal year 2012 funding recommendations for the Department of the Interior, environment, and other related agencies under the purview of this subcommittee.

Founded in 1991, the NTEC works with federally recognized tribes to protect tribal environments. The NTEC's mission is to support Indian tribes and Alaska Natives in protecting, regulating, and managing their environmental resources according to their own priorities and values.

Despite having some of the most pristine habitat in the United States, tribes have been historically underfunded for wildlife and natural resource management and conservation. There are 565 federally recognized American Indian tribes and more than 300 reservations in the United States. Tribes manage 95 million acres of land, 11 million acres more than the National Park Service (NPS). Tribal lands contain more than 997,000 acres of lakes, 13,000 miles of rivers, and 18 million acres of forested lands. Tribal lands provide vital habitat for more than 525 federally listed

plants and animals, many of which are both ecologically and culturally significant to tribes.

BUREAU OF INDIAN AFFAIRS (BIA)

*Interior Department (DOI) Climate Change Adaptation Initiative (Cooperative Landscape Conservation)*

Increase the BIA's allocation of the DOI's Climate Change Adaptation Initiative to $8.75 million.

The DOI began a Climate Change Adaptation Initiative in 2009, an undertaking that Indian tribes support in principle. The administration's fiscal year 2012 budget request for the initiative is $175 million, an increase of $39 million more than the 2010–2011 continuing resolution. The $136 million for the initiative in 2010–2011 continuing resolution did not include any funding for tribes. Despite a substantial increase in the overall funding request, the situation for tribes is nearly as bad in the 2012 budget. Of the $175 million, only $200,000 (taken from an existing BIA real estate services account) will be used to involve and assist Indian tribes in the North Pacific cooperative. As such, tribes are accorded a mere .001 percent of the funding for participation in only 1 of 21 Landscape Conservation Cooperatives. This contradicts the DOI's statement that it "is working collaboratively across its bureaus, with other Federal agencies, State, and tribal governments, and nongovernmental organizations to leverage fiscal resources and expertise and focus them on conservation of the Nation's different ecosystems." [1] Moreover, this is highly inequitable, especially considering the disproportionate effect of climate change on tribes and their homelands. Sovereign Indian tribes deserve a broader seat at the table in the Climate Change Adaptation Initiative and a more equitable share of the funding.

Tribal lands comprise 4 percent of the U.S. land base, but represent a higher percentage if compared to the Federal lands involved in the Initiative. Tribal lands comprise 95 million acres which, divided by the total 587 million acres of Federal land, equal 16 percent. Tribal lands include 11 million acres more than the NPS, yet the administration proposed nearly 50 times more funding for the NPS in fiscal year 2012.

| Agency | Acres (in millions) |
|---|---|
| Bureau of Land Management | 258 |
| Fish and Wildlife Service | 150 |
| Bureau of Indian Affairs/tribes | 95 |
| National Park Service | 84 |
| Total | 587 |

Given that tribal natural resources have been historically underfunded and there is no Federal program or funding that specifically supports tribal climate adaptation efforts, we request that the allocation to tribes via the BIA should be increased to $8.75 million, or 5 percent of DOI's Climate Change Adaptation Initiative, for tribes to address and adapt to the impacts of climate change. To achieve this equitable increase for tribes, the money provided to the various DOI agencies for the Initiative must be reallocated. We request that you include language in the bill directing the Secretary to set aside these funds for tribes.

TRUST NATURAL RESOURCES (TNR) PROGRAM

Increase fiscal year 2010–2011 continuing resolution amount of $175.62 million by at least $13.36 million for BIA TNR Program.

The BIA TNR Program represents the largest amount of base, Federal funding for tribal natural resource management. There are several modest increases in the fiscal year 2012 budget request, such as $1 million each for rights protection implementation, tribal management/development, forestry, water management planning and pre-development, wildlife and parks, and wildlife and parks fish hatchery projects, and $500,000 for invasive species. Even with these increases, base programs that fund tribes' daily conservation responsibilities are funded at levels less than a decade ago.

[1] *Fiscal Year 2012 The Interior Budget in Brief*, DH–37, emphasis added.

In 1999, the BIA reported that tribes had more than $356 million of unmet annual needs for natural resource management.[2] Despite some annual increases since then, the BIA and tribes have lagged significantly behind in funding compared to other DOI agencies. For example, the fiscal year 2012 budget requests increases of $138 million for the NPS and $48 million for the U.S. Fish and Wildlife Service (FWS), yet the request for the BIA is a decrease of $119 million. Moreover, in the last 9 years the BIA budget has grown only 8 percent compared to an average of more than 23 percent for other DOI agencies (FWS: 30 percent; NPS: 28 percent; USGS: 19 percent; and BLM: 13 percent). Because the BIA spending on natural resources in the last 11 years has been relatively flat compared to inflation and the BIA's budget has been historically inadequate to meet the natural resource needs of Indian tribes, their needs have multiplied.

The fiscal year 2012 request is $13.36 million less than the fiscal year 2010 enacted level primarily due to a shift of Minerals and Mining (M&M) funding from TNR to economic development and modest decreases to a variety of TNR programs. We acknowledge that the shift of M&M means the money still exists but in a different place. However, due to the significant unmet annual needs for tribal natural resource management and the historic underfunding of tribal natural resource base programs, we believe it is vital to augment TNR base funding with a respective amount. Thus, we request at least a $13.36 million increase more than 2010–2011 continuing resolution levels to the BIA TNR core programs.

FWS

*Tribal Wildlife Grants Program*

Increase FWS Tribal Wildlife Grants funding to $9.4 million.

Unfortunately, tribes are not eligible for funding under Federal wildlife and fishery restoration programs such as the Federal Aid in Wildlife Restoration Act (Pittman-Robertson) or the Federal Aid in Sport Fish Restoration Act (Dingell-Johnson) that fund activities through an excise tax on hunting and fishing equipment. Although tribal members pay taxes that support this funding, they remain excluded from receiving the benefits and only States are allowed to access them.

In 2002, the Congress authorized the FWS to provide funding to tribes under the Tribal Wildlife Grant (TWG) and Tribal Landowner Incentive programs. Tribal proposals for support often total more than $30 million annually. In fiscal year 2009, the FWS only funded 41 TWG proposals out of 101 submitted, awarding $7 million to tribes with a meager average award of $170,000. With 565 federally recognized tribes, competition is severe and tribes rarely receive sufficient funds to fully support important conservation efforts.

In fiscal year 2010–2011 continuing resolution, States received nearly $1 billion from the Pittman-Robertson, Dingell-Johnson, and State Wildlife Grants Programs. Thus, the $7 million tribes received from the TWG program was only .007 percent of the amount States received. From 2002–2010, States received nearly 86 times more FWS funding than tribes for fish and wildlife conservation, or $6.25 billion for States compared to $72.2 million for tribes.[3]

Since the inception of the TWG program in 2002, no more than $7 million per year has been made available on a competitive basis to the Nation's 565 federally recognized tribes. We are pleased to see the fiscal year 2012 request of a $1 million increase to the TWG program funding over fiscal year 2010–2011 continuing resolution. Yet, at this low level of funding, very few tribes receive any TWG funding; those receiving TWG funding typically get very little; and no tribe receives sufficient funding to sustain long-term tribal wildlife and natural resource management efforts. In fiscal year 2010, the State portion of the State and Tribal Wildlife Grant Program was increased by $15 million (20 percent more than fiscal year 2009). Tribes deserved at least the same 20 percent increase in fiscal year 2010, which would have amounted to $1.4 million. Thus we request that the TWG Program funding be increased to $9.4 million for fiscal year 2012 ($1 million from fiscal year 2012 request plus 20 percent fiscal year 2010 increase).

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[2] U.S. Department of the Interior, Bureau of Indian Affairs, *Report on Tribal Priority Allocations*, July 1999, 52.

[3] In this example, state funding includes the FWS Wildlife and Sport Fish Restoration Programs and State Wildlife Grants. Tribal funding includes the FWS Tribal Wildlife Grants and Tribal Landowner Incentive Program.

AMERICA'S GREAT OUTDOORS (AGO) AND YOUTH IN THE GREAT OUTDOORS (YGO) INITIATIVES

Set aside $7.5 million of the AGO initiative for tribes. Set aside $2.34 million of the YGO Initiative for tribes.

The AGO Initiative "seeks to empower all American citizens, community groups, and local, State and tribal governments to share in the leadership responsibility for protecting, improving, and providing greater access to natural areas and their resources and leaving a healthy, vibrant outdoor legacy for generations to come." Tribes support these goals for protecting natural resources for current and future generations. Despite DOI's written commitment to partner with tribes in its fiscal year 2012 Budget in Brief and the declaration that the AGO Initiative directs the FWS to "build on . . . tribal priorities for conservation," there is no dedicated funding for tribes to participate in the AGO Initiative.[4] The fiscal year 2012 request for the AGO is $5.5 billion, including $150 million for partnership programs. We request that at least 5 percent, or $7.5 million, be allocated to tribes via the BIA or the FWS for participation and partnership in the AGO Initiative.

The DOI, via the YGO Initiative, likewise aims to engage and partner with tribes to employ, educate, and engage youth to explore, connect with, and preserve America's natural and cultural heritage. We appreciate that the BIA and other DOI agencies have employed and engaged tribal youth in these programs in the past, but there seems to be no dedicated funds to ensuring sustainable tribal youth engagement. The fiscal year 2012 request for the YGO Initiative is $46.8 million. We request that 5 percent, or $2.34 million, be allocated and dedicated to tribes via the BIA or the FWS for participation and partnership in the YGO Initiative.

ENVIRONMENTAL PROTECTION AGENCY (EPA)

*General Assistance Program*

Preserve the administration's fiscal year 2012 request of $71.4 million for the EPA General Assistance Program (GAP).

Since 1992, the EPA's Indian Environmental GAP has served a critical need in providing funding to tribes to build capacity for environmental management. The fiscal year 2012 budget request includes a much-needed $8.5 million increase for GAP. This requested increase will help tribes to continue to build environmental capacity and further advance efforts to manage tribal environments. We request that EPA GAP be funded at the proposed $71.4 million level.

*Multimedia Tribal Implementation Grants Program*

Preserve the administration's fiscal year 2012 request of $20 million for the Multimedia Tribal Implementation Grants Program.

The fiscal year 2012 budget request for the EPA proposes a new Multimedia Tribal Implementation Grants Program to support on-the-ground implementation of environmental protection on tribal lands. This program would provide $20 million ($12 million less than the fiscal year 2011 request) for tribes to address their most pressing environmental needs. This program would allow tribes to move beyond the planning measures supported by GAP and allow them to begin implementing tribal environmental priorities. We request that the multimedia tribal grants be funded at the proposed $20 million level.

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PREPARED STATEMENT OF THE NEZ PERCE TRIBAL EXECUTIVE COMMITTEE

Honorable Chairman and members of the subcommittee, as Chairman of the Nez Perce Tribal Executive Committee, I would like to thank you for the opportunity to provide testimony on behalf of the Nez Perce Tribe to this subcommittee as it evaluates and prioritizes the spending needs of the United States Government regarding the Indian Health Service (IHS), Bureau of Indian Affairs (BIA), Environment Protection Agency (EPA), the Forest Service (USFS) and the Fish and Wildlife Service (FWS).

As with any government, the Nez Perce Tribe does a wide array of work and provides a multitude of services to the tribal membership as well as the community at large. The Nez Perce Tribe has a health clinic with a satellite office, a tribal police force with 16 officers, a social services department, a comprehensive natural resource program that does work in forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality and sewer service, and one of the largest fisheries departments of any tribe

[4] *Interior Budget in Brief*, DH 4–5 and BH 61.

in the Nation working on recovery of listed species under the Endangered Species Act. The Nez Perce Tribe conducts its extensive governmental functions and obligations through a comprehensive administrative framework, which is necessary for a sovereign nation that oversees and protects the treaty rights of the Nez Perce People in addition to providing the day-to-day governmental services to its members and the surrounding communities. The Nez Perce Tribe has long been a proponent of self-determination for tribes and believes its primary obligation is to protect the treaty-reserved rights of the Nez Perce Tribe and its members. All of the work of the tribe is guided by this principle. As a result, the tribe works extensively with many Federal agencies and proper funding for those agencies and their work with, for and through tribes is of vital importance.

The National Congress of American Indians (NCAI) has produced a comprehensive budget request outline for Indian country which the tribe supports. I believe that it is a valuable tool that the subcommittee should use when formulating a final budget for fiscal year 2012. For the purpose of today's testimony, I would like to give you a idea of some of the specific needs of the Nez Perce Tribe.

IHS

The Nez Perce Tribe was pleased to see President Obama's budget provided for increased spending for the IHS. The request for $4.6 billion is an increase of 14 percent more than the fiscal year 2010 funding and is desperately needed. This equates to an increase in $571.4 million in spending. Contract Support Cost (CSC) funding should also be funded at $615 million. The tribe's shortfall last year for CSC was $152,546 and the shortfall for all Idaho tribes was $1.27 million. Proper funding for the operations of the clinic is imperative. The Nez Perce Tribe currently operates one healthcare clinic, Nimiipuu Health, in Lapwai, Idaho on the Nez Perce Reservation. Nimiipuu Health also has a branch facility 65 miles away in Kamiah, Idaho on the Nez Perce Reservation. Nimiipuu Health has an active patient count of 4,504 patients. Our total expenditures for fiscal year 2010 were $13,359,275. Our Contract Health Services (CHS) cost for outpatient services for fiscal year 2010 was $3,696,827. In this fiscal year for the 5 months ended February 28, 2011 our total expenditures totaled $5,822,118. Annualized for the full 12 months this will result in a cost of $13,973,083. Our CHS cost at the end of February was $2,002,555 and annualized would result in a total expenditure of $4,806,132. Our revenue from the IHS for 2010 was $9,884,067 and is projected for 2011 at $9,927,580, but may be reduced to $9.3 million and therefore we are projected to have a $1 to $1.5 million shortfall this fiscal year.

In 2010, the tribe expended $3,475,208 of third-party billings collected in 2010 in addition to the reserves we had from 2009. If expenditures continue as they are projected based on the first 5 months of fiscal year 2011, the tribe will have to collect in third-party billings $4,045,503 with only 35 percent of patients having insurance. This is approximately double what the tribe normally collects from third-party billings. As a result, the tribe has for the past 3 months been in priority one status for out CHS patients. This means life and limb are the claims that get approved for treatment. The tribe has also operationally reduced its overall budget by 5 percent. When funding for services is rationed, patients are put on a deferred services list. Last year when I testified, the list amounted to $1,293,434 in deferred healthcare cost. Any shortfall in funding creates a trickle-down effect in emergency and preventative patient care.

BIA

For the fiscal year 2011 budget proposal, the BIA proposed several spending recommendations for improving trust land management that were supported by the tribe. The Nez Perce Tribe entered into an agreement with the United States Government in 2005 known as the Snake River Basin Water Rights Settlement Act of 2004 (title X of division J of Public Law 108–447, 118 Stat. 3431, et seq.). A component of the agreement was the transfer of approximately 11,000 acres of land from the Bureau of Land Management to the tribe. The lands were supposed to be surveyed as part of the transfer. Funding for those surveys has not been made to this date. The fiscal year 2011 budget request called for $695,000 for that fiscal year to begin that process. Although that amount would not cover the full cost of the surveys, it would allow the process to begin. The tribe supports a renewal of that appropriation request in the fiscal year 2012 budget that was not funded during this budget cycle.

The tribe requests more emphasis be placed on funding for contract support costs through the BIA and that it be funded at $228 million. The tribe applauded the passage of the Tribal Law and Order Act and the increased emphasis on accountability

in the prosecution of crime in Indian country. However, the on the ground law enforcement still lacks proper funding. The Nez Perce Reservation covers 1,200 square miles and covers five counties and has a mixture of tribal and nontribal residents. Currently, the Nez Perce Tribe contributes $600,000 per year to cover the shortfall in BIA funding for the tribe's law enforcement. This funding comes from cigarette taxes levied by the tribe. This funding is constantly under attack by the State. Addressing this shortfall in BIA funding should be a priority.

The tribe also relies on the BIA for funding for its work related to endangered species and protection of the tribe's treaty resources including Chinook and steelhead salmon. The funding has also been used to supplement the research efforts of the tribe relative to Big Horn Sheep. The BIA Endangered Species Program provides tribes with the technical and financial assistance to protect endangered species on trust lands, but funding of this program has declined significantly over the last 8 years.

In addition, the funding provided under the BIA Rights Protection fund is critical as it supports the exercise of off-reservation hunting and fishing for tribes like the Nez Perce. It is important to understand that this funding is not for equipment, but is used for job creation. The tribe has employed two new conservation officers and an additional biologist for our programs under the funding during the last fiscal year. As mentioned with law enforcement, the tribe has to cover and manage a large area in fisheries related activities from the Lostine River in Oregon to the south fork of the Salmon River and a capable and adequate staff is vital to continue this work.

The Tribal Management and Development Program also needs increased funding. NCAI has recommended $20 million for base and programmatic funding. This program is critical for fish and wildlife management of the tribe. Programs such as our fisheries programs and outside groups such as the Inter-Tribal Buffalo Council rely heavily on this funding.

The tribe supports the funding requests for the BIA Wildlife and Parks Tribal Priority Allocations that the Columbia River Inter-Tribal Fish Commission will testify about later today. This funding is allowing important work to be done on fish recovery through hatchery operation and maintenance. As stated earlier, the tribe has invested a large amount of its personnel and resources in the restoration and recovery of this important resource through its fisheries programs. The State of Idaho directly benefits from this work as well through its sports fisheries. These programs have been successful, but more work needs to be done.

FWS AND USFS

The tribe relies heavily on funding sources within the FWS and the USFS. First, the Tribal Wildlife Grants account for a small pot of money that has resulted in huge returns from the tribe's perspective. This competitive grant does not simply dole out funds for projects, but awards grants based on the quality of the proposal. The tribe has received funding from this grant four out of the last 5 years based on the quality of our research work on Big Horn Sheep. The Big Horn Sheep is a treaty resource of the tribe that is declining rapidly within the tribe's ceded territory. The funds from this program provide the resources to keep the research going. Funding for these grants was eliminated in some proposals for the fiscal year 2011 budget. The tribe strongly urges this subcommittee to not eliminate this funding as it provides a large return in work for a small investment. It is also one of the few sources of funds tribes can tap into for wildlife research.

The tribe also supports increased funding for the work of the USFS in the protection of treaty reserved resources of tribes. The Nez Perce Tribe reservation and its usual and accustomed areas are rich in natural resources and encompass eight different national forests. The tribe works closely with each forest administration to properly manage its resources on behalf of the tribe. These range from protecting and properly managing the products of the forest to managing the vast wildlife in each one such as elk, deer, bighorn sheep, and wolves. Increased funding is necessary so that the USFS can meet these trust obligations and continue to work with tribes such as the Nez Perce on a Government-to-government basis.

Similarly, the tribe is looking for funding for solutions to help with its Bison hunt in the Gallatin National Forest near Yellowstone National Park. For the last 5 years, the Nez Perce Tribe has returned to the Gallatin to exercise its treaty right to harvest bison in that area. The treaty hunt has been successful and this year the tribe harvested over 60 animals. However, there is still concern by the livestock industry over the transmission of disease by the bison and therefore a ship and slaughter program used by the State of Montana to protect domestic livestock has the potential to endanger such treaty based hunts. More funding for work and re-

search to assist in helping the USFS, the FWS and the National Park Service meet the treaty hunting rights of the Nez Perce Tribe and the Confederated Tribes of the Salish Kootenai is needed.

EPA

The Nez Perce Tribe currently implements, on behalf of the EPA, the Federal Air Rules for Reservations Program (FARR). The program monitors air quality and regulates field burning throughout the Nez Perce Reservation. The tribe is located in region 10 of the EPA. The Tribe is currently dependent on several EPA sources for funding for the FARR. Continued funding is needed for tribes to meet their air quality needs and operate programs under the delegation of the EPA. The EPA consistently uses the Nez Perce Tribe's FARR Direct Implementation Tribal Cooperative Agreement (DITCA) Program as a model of success, but region 10 is being forced to look for ways that the Nez Perce Tribe can reduce the cost of its FARR DITCA. The Nez Perce Tribe cannot cut its FARR DITCA budget without adversely impacting the tribe's ability to protect the health and welfare of the 18,000 residents of the Nez Perce Reservation. The Nez Perce Tribe currently operates its entire FARR DITCA program for about the same cost per year as the State of Idaho operates solely an agricultural burning program, therefore, EPA gets a much bigger "bang for their buck" with the FARR DITCA program compared to the State program and is a program worthy of investment.

The tribe was pleased to see that Administrator Lisa Jackson proposed $1.3 billion for State and tribal partnerships in the fiscal year 2011 budget. Funding for this work in fiscal year 2012 would be important. In addition to the air quality program, the Tribe is currently in facilitated discussions with the State of Idaho that are being funded through grants from the EPA. The facilitated discussions involve the tribe adopting water quality standards to improve the water quality on the Nez Perce Reservation. The tribe will be looking to the EPA for continued assistance and funding for these programs. The tribe also relies heavily on contract support dollars for our water resource programs such as the storage tank remediation issues and watershed restoration. Deep cuts to the EPA budget would severely affect these programs. As you can see, the Nez Perce Tribe does a variety of work, sometimes instead of and sometimes on behalf of the United States, but the tribe still expects the United States to provide proper funding under its trust obligations.

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PREPARED STATEMENT OF THE NATIONAL WH&B ADVOCATE TEAM

This is an urgent call to the Appropriations Committee and the Congress delegates to cut spending for roundups/removals of America's threatened wild horses and burros through fiscal year 2012 appropriations. The appropriation powers vested in the Congress must be used immediately to stop the waste of millions of tax dollars and to save America's fast-disappearing national treasures, the famous wild horses and burros (WH&B) of the West. Independent research using the U.S. Bureau of Land Management (BLM) numbers and methodology has uncovered the following:

FISCALLY IRRESPONSIBLE MANAGEMENT—MILLIONS OF TAX DOLLARS WASTED

The BLM is creating the out-of-control costs of the program by taking wild horses and burros off the range, including nonexcess animals, and by not allocating reasonable resources to them on their legal Western public lands. The herds are better managed on the range at very little cost by keeping the family bands intact, using limited fertility control and scientifically based, reformed management protocols.

Millions of taxpayer dollars are being wasted on the unnecessary, inhumane roundups and removals of herds, $10 million in fiscal year 2010, and the warehousing of animals, $36 million in fiscal year 2010.

Millions of taxpayer dollars are spent to support the BLM Grazing Program for less than 0.5 percent of the total U.S. livestock inventory at a loss of $123 million to $500 million per year. The 2008 GAO report stated the program lacks accountability, science and fiscal sustainability.

DANGEROUSLY LOW NUMBERS ON THE RANGE—BLM REMOVING NON-EXCESS WH&B

The BLM's 26,600 is the targeted national appropriate management level, which is "in ecological balance with their occupied habitat" (President's fiscal year 2011 Proposed Budget, pg. IV–79). Research shows the BLM appears to be using taxpayer dollars to unnecessarily round up nonexcess animals below 26,600 in violation of the 1971 Act.

Estimated WH&B numbers on the range are very much lower than the 38,000 BLM is currently reporting. The numbers could be as low as 18,000 (see Report pg. 5).

Estimated WH&B numbers on the range are over-inflated (see Report pg. 7).

Extremely low numbers—26,600—are for long-term survival of the protected herds. Of that number, burros are in grave danger at only about 3,000 left in the wild. The majority of herds on the range consist of numbers well below the 150 animals per herd considered necessary for sustainability over time.

The BLM's own numbers and census methodology projected forward leave only an estimated 5,700 animals on the range by the end of fiscal year 2012—a sure setup for extinction.

MINIMAL LAND/FORAGE/WATER ALLOCATED FOR SUSTAINABILITY OVER TIME—CONSTANT DOWNWARD TREND

The herds are not overpopulated. They are under-allocated land, forage, and water. They are being squeezed off their legal public lands. The original 53 million acres where they were found in 1971 have been reduced to approximately 26 million acres. Continued reductions are planned. The herds are restricted to these approximately 26 million BLM acres or less than 4 percent out of 650 million total Federal public land acres, which includes 245 million BLM acres (see Report pg. 12).

Livestock graze more than 239 million United States Forest Service and BLM acres, which includes the approximately 26 million acres to which iconic herds are restricted in their Herd Management Areas (HMAs). On the HMAs, livestock are given preference and are allocated the majority of forage compared to the legally protected herds. Three to fifteen times more forage goes to livestock (see Report pg. 10).

Three hundred thirty-nine Herd Areas (HAs), in 1971 (317 per 2005 CRS Report) have been reduced down to the BLM's count of 180 HAs and HMAs. Needless to say, hundreds of unique herds have been zeroed out and lost forever over the last 40 years.

LACK OF SCIENCE, CONSISTENCY, ACCURACY, CREDIBILITY, AND TRANSPARENCY

The BLM's published data over the program life is inaccurate, inconsistent, noncredible, and nontransparent.

No state-of-the-art, scientific census of actual WH&B numbers on the range has ever been undertaken to substantiate the program goals.

Current on-the-range management practices lack science and long-term efficacy studies on fertility treatment, sex ratio adjustments, herd/band behavior/dynamics/health, and the causes of compensatory reproduction. Current roundup methods are inhumane as demonstrated by ample documentary evidence.

Program lacks true independent peer review and accountability. Forced to acknowledge the lack of a science-based program, the BLM has engaged the National Academy of Sciences to analyze the whole program and make recommendations. This could be a 2-year study and will be a waste of time and more taxpayer dollars if massive roundups/removals are not halted to coincide with the study.

America asks the Congress to defund the wasteful, destructive roundups/removals of wild horses and burros through the appropriations process until proper reforms and humane, science-based, on-the-range management protocols are put in place.[1]

WHAT THE CONGRESS CAN DO RIGHT NOW TO SAVE TAXPAYER DOLLARS AND SAVE AMERICA'S THREATENED WILD HORSES AND BURROS

*Vote for Fiscal Responsibility in the Program*

Defund roundups/removals of WH&B, with the exception of independently verifiable emergency situations, for fiscal year 2012 through the current budget process. Keep funding at fiscal year 2010 level of $64 million (Save $12 million). Reallocate program funds for humane, on-the-range WH&B management and stop additional stockpiling of animals in Government holding facilities not accessible by the American public (Save $12 million fiscal year 2012). Reallocate program funds for an immediate independent, accurate, state-of-the-art census of animals on the range and in holding. Guesstimated numbers are no longer acceptable. Reallocate program funds to repatriate as many animals as possible in holding back to their legal Western public lands (Potential to save more than $48 million in fiscal year 2012). En-

[1] Refer to full Report to Congress on Defunding Roundups/Removals at: http://tinyurl.com/6fo39y2.

Roundup Video link: http://bit.ly/g72Rkj.

sure continued funding for all horses in holding until they can be repatriated to their legal Western public lands. Ensure no funds are allocated for euthanasia or slaughter of wild horses and burros. Acknowledge and encourage revenue-producing ecotourism centered around the cultural, historic, and heritage assets of America's living legends. Wildlife viewing is a $45 billion a year national industry as reported by USFWS, 2006.

*Demand Science, Credibility, Accuracy, Consistency and Transparency in the Program*

Ensure the NAS Study of the program is truly independent. Suggest additional parameters be reviewed to enhance the study (see Report pgs. 21–22). Develop and pass legislation to ensure the highest humane treatment and management practices on the range, which includes improved WH&B handling, tracking, accountability, and real consequences for inappropriate management. Consider alternatives to remove entire program from the BLM's jurisdiction and create another entity that will truly preserve and protect America's herds as the original 1971 act intended.

*Create More Equitable Land/Forage/Water Reallocation Legislation To Protect and Preserve Viable Herds on the Range Long Term*

Acknowledge that reducing the original HAs of 53 million acres down to less than 26 million acres and zeroing out more than 150 herds has violated the multiple-use mandate of the 1971 act. Acknowledge WH&B are not being allocated equitable resources on their restricted, legal Western public lands to sustain their health and longevity as federally protected species mandated by the 1971 act. Utilize powers already vested in the 1971 act to return all original HA acreage to WH&B and designate WH&B as the "principle" user on all HMAs and HAs. This will entail passing legislation requiring the BLM to amend the land use and range management plans of all the HMAs and HAs in order to:

—reinstate migratory routes and lands lost to WH&B;
—designate the lands as "ranges" for WH&B;
—reflect marked increases in forage and water allocations to WH&B, as the "principle" user of those resources; and
—reflect marked increases in appropriate management levels of WH&B to ensure their continued survival for generations to come on public lands.

*Stand up for Increased Appropriate Management Level Numbers of WH&B on the Range for their True Preservation Well Into the Future*

Acknowledge that 26,600 WH&B on the range in the 10 Western States are far below a "species of concern" population level as compared to other large wild land species. Wild burros numbering about 3,000 are in the endangered category right now. Support the increase of appropriate management levels of WH&B so their numbers will be sustainable for long-term survival on all HMAs and HAs.

Support repatriation of WH&B currently in expensive holding facilities back to their legal lands in the West, thus saving millions of taxpayer dollars and preserving and protecting America's living legends as was originally intended by the 1971 Act.[2]

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## PREPARED STATEMENT OF THE NORTHWEST INDIAN FISHERIES COMMISSION

Mr. Chairman and other honorable members of the subcommittee, I am Billy Frank, Jr., Chairman of the Northwest Indian Fisheries Commission (NWIFC). It is indeed a privilege for me to be among the distinguished cadre of Northwest tribal leaders who are also here to present the funding requests of their people. Their strong support and encouragement gives our organization focus and direction and helps make us successful in protecting and enhancing their treaty rights. To meet the many natural resource management responsibilities required of the tribes, I submit the following requests for the Bureau of Indian Affairs (BIA) and the Environmental Protection Agency (EPA).

### SUMMARY OF FISCAL YEAR 2012 APPROPRIATIONS REQUEST

*BIA*

*Rights Protection Implementation Account*.—Increase the funding to western Washington fisheries management by $8.643 million from the amount contained in

[2] Refer to full Report to Congress on Defunding Roundups/Removals at: http://tinyurl.com/6fo39y2.
Roundup Video link: http://bit.ly/g72Rkj.

the President's fiscal year 2012 budget to a total of $17.146 million. Restore the Washington State timber-fish-wildlife project to the fiscal year 2010 enacted levels of $2.736 million. Increase salmon marking by $1.4 million from the amount contained in the President's fiscal year 2012 budget to a total of $2.4 million. Increase the funding to U.S./Canada Pacific Salmon Treaty by $694,000 from the amount contained in the President's fiscal year 2012 budget to a total of $4.8 million.

*Fish, Wildlife, and Parks Account*.—Support the fish hatchery maintenance account at $5.452 million as requested in the President's fiscal year 2012 budget.

*EPA*

Support the tribal General Assistance Program (GAP) at $71.375 million as requested in the President's fiscal year 2012 budget. Support the Multimedia Tribal Implementation Grants Program at $20 million as requested in the President's fiscal year 2012 budget. Restore the Puget Sound Geographic Program to the fiscal year 2010 enacted level of $50 million.

*National Requests*

We also support the budget priorities and funding requests of the National Congress of American Indians.

On behalf of our 20 member tribes, I am here today to speak to our fiscal year 2012 natural resource management funding requests for the BIA and the EPA. But before I do that, I must first acknowledge the outstanding support this subcommittee has given to us in the past couple of years. You listened to our story and have helped us greatly with your actions that supported our needs. We are also pleased that the fiscal year 2012 President's budget continues to be supportive of the northwest natural resources funding requests and includes many of the subcommittee's actions from the last 2 years.

TRIBES, TREATY RIGHTS, AND TRUST OBLIGATIONS OF THE FEDERAL GOVERNMENT

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 ceded most of their land, but in doing so, reserved certain rights to fish, hunt, and gather 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 *U.S.* 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 and determined they were entitled to 50 percent of the harvestable number of salmon returning to Washington State waters. More recent Federal court rulings and solicitor opinions upholding treaty-reserved 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 essential in nearly all aspects of natural resource management in the region.

The tribes from the Pacific Northwest have stepped forward and have embraced co-management. Today, the tribes have developed sophisticated natural resource programs designed to protect and enhance their treaty rights. Tribal programs, based on deep cultural and philosophical underpinnings, have served as the backbone of salmon recovery, providing the technical, policy, and legal framework for this incredibly difficult task. Tribes perform complicated harvest, hatchery, and habitat management tasks that neither the State nor the Federal Government can effectively carry out. Tribal programs, largely funded by the BIA, serve as a de facto arm of the Federal Government as it labors to uphold its trust obligations to the tribal people. These funds are contracted or compacted by the tribes through the Indian Self-Determination and Education Assistance Act. Under this act, tribes were delegated authority to provide their own services created by the Federal trust responsibility. It is because of the role that tribes play in protecting their rights that they require adequate, long-term, and stable funding.

JUSTIFICATION OF FISCAL YEAR 2012 APPROPRIATIONS REQUEST

*BIA*

Increase the funding to western Washington fisheries management by $8.643 million from the amount contained in the President's fiscal year 2012 budget to a total of $17.146 million.

Over the past several years, the tribes and the NWIFC have requested an increase of $12 million in the base western Washington fisheries management program. In fiscal year 2010, the Congress heard our plea and increased the national rights protection implementation account by $12 million with $3.386 million of this going to the western Washington fisheries management program. This increase was very much appreciated and will go towards meeting many of our needs. However, we once again ask the Congress to address the remaining identified needs of the NWIFC and our member tribes. We respectfully request an increase of $8.643 million from the amount contained in the President's fiscal year 2012 budget to a total of $17.146 million which is consistent with our needs assessment presented in fiscal year 2010 to this subcommittee.

*Restore the Washington State Timber-Fish-Wildlife Project to the Fiscal Year 2010 Enacted Levels of $2.736 Million*.—The congressional increase to the rights protection implementation subactivity in fiscal year 2010 of $12 million was allocated to all programs within this element including the Washington State timber-fish-wildlife project. However, the President's fiscal year 2012 budget did not carry forward the entire fiscal year 2010 increase. The Washington State timber-fish-wildlife project was reduced by $10,000. Thus, we respectfully request that this account be restored to maintain the fiscal year 2010 funding level.

*Increase Salmon Marking by $1.4 Million From the Amount Contained in the President's Fiscal Year 2012 Budget to a Total of $2.4 Million*.—The salmon marking line item was funded at $1 million by the fiscal year 2010 increase in the rights protection implementation subactivity. These funds are used to 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. We respectfully request an additional $1.4 million to fully implement more extensive selective fisheries targeted at these marked fish.

*Increase U.S. Pacific Salmon Treaty by $694,000 From the Amount Contained in the President's Fiscal Year 2012 Budget to a Total of $4.8 Million*.—The Pacific Salmon Treaty Act of 1985 charges the United States Section of the Pacific Salmon Commission with the responsibility for implementation of the Pacific Salmon Treaty, a bilateral treaty with Canada. Tribes assist in meeting the Federal Government's obligations in implementing the treaty by participating in cooperative research and data gathering programs. We support the U.S. section's recommendation to fund the Department of the Interior, the BIA at $4.8 million, an increase of $694,000 from the amount contained in the President's fiscal year 2012 budget.

*Support the Fish Hatchery Maintenance Account at $5.452 Million as Requested in the President's Fiscal Year 2012 Budget*.—Tribal fish hatcheries in western Washington are part of the largest fish hatchery system in the world. Tribal hatcheries produce 50 percent of the coho salmon and 33 percent of the Chinook salmon in Puget Sound and the coast of Washington. These hatcheries provide fish that significantly contribute to both non-Indian recreational and commercial harvest, as well as for tribal fisheries. Today, hatcheries also play a large role in recovering pacific salmon, many of which are listed under the Endangered Species Act. A comprehensive needs assessment study was conducted in fiscal year 2006 by the BIA at the request of Congress which identified a level of need of more than $48 million in necessary hatchery maintenance and rehabilitation costs. We support the funding of this account at $5.452 million as requested in the President's fiscal year 2012 budget.

EPA

*Support the Tribal Gap at $71.375 Million as Requested in the President's Fiscal Year 2012 Budget*.—We support full funding of the EPA Indian GAP at the $71.375 million amount requested in the President's fiscal year 2012 budget. This funding has built essential tribal capacities and remains critical to the tribes' ability to sustain their important water quality programs. We support the increase of $8.5 million from the fiscal year 2010 enacted level which is included in the President's budget.

*Support the Multimedia Tribal Implementation Grants Program at $20 Million Requested in the President's Fiscal Year 2012 Budget*.—This program was initially included in the President's fiscal year 2011 budget request. It will allow the EPA to provide targeted multimedia (cross discipline) grants to tribes for implementation of Federal environmental programs. This program logically follows the capacity building function under the tribal GAP, as noted above. This program is a substantial investment from within the EPA and will continue to build a firm foundation for environmental protection. Tribes in western Washington are ready to partner

with the EPA to begin this implementation program. We support $20 million for the Multimedia Tribal Implementation Grant program funding, which is included in the President's fiscal year 2012 budget.

*Restore the Puget Sound Geographic Program to the Fiscal Year 2010 Enacted Level of $50 Million.*—Marine resources are very important to our member tribes. The Puget Sound Geographic Program provides essential funding that will help protect, restore, and enhance Puget Sound. Tribes will continue to seek funding from this EPA account, in coordination with the Puget Sound Partnership. Such funding will allow the tribes to participate in the necessary scientific work, implementation measures, and policy discussions on issues that affect our treaty rights. We support restoring this program to the fiscal year 2010 enacted level of $50 million. With this level of funding, collaborative work can continue on key marine issues, salmon recovery, land-use management, and regulatory changes.

CONCLUSION

Mr. Chairman, and members of the subcommittee, we know that it is difficult to allocate scarce Federal funds at this time. However, we believe that the management work that we perform to protect our valuable resources and to help fulfill the trust obligation of the Federal Government continues to be worthy of your support.

Thank you.

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PREPARED STATEMENT OF THE NATIONAL WILDLIFE REFUGE ASSOCIATION

Mr. Chairman 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). The meaningful funding increases from fiscal year 2008–fiscal year 2010 allowed the NWRS to emerge from the years of declining budgets that followed the 2003 refuge centennial. Unfortunately, the final appropriation for fiscal year 2011, an $11 million cut, represents a $19 million reduction when factoring in the amount the NWRS needs annually to maintain existing management capabilities. We respectfully request an appropriation of $511 million for fiscal year 2012, which would essentially be flat funding from fiscal year 2010.

The NWRA appreciates the opportunity to offer comments on the fiscal year 2012 Interior, environment, and related agencies appropriations bill and we respectfully request the subcommittee support the following funding allocations for programs in the NWRS and the U.S. Fish and Wildlife Service (FWS):

—$511 million for the operations and maintenance (O&M) accounts of the NWRS;
—$27 million for Refuge Revenue Sharing;
—$900 million for the Land and Water Conservation Fund (LWCF), including $140 million for the NWRS;
—$20.2 million for Landscape Conservation Cooperatives (LCCs) in the FWS;
—$20 million for Inventory and Monitoring for refuges;
—$37 million for the NWRS construction account for large-scale restoration projects, visitors centers, and energy-efficiency projects;
—$80 million for NWRS Visitors Services;
—$39 million for Refuge Law Enforcement
—$5 million for the management of the new Pacific Marine Monuments;
—$65 million for the FWS' Partners for Fish and Wildlife Program;
—$95 million for the State and Tribal Wildlife Grants Program;
—$50 million for the North American Wetlands Conservation Fund;
—$6.5 million for the Neotropical Migratory Bird Fund;
—$8.4 million for Wildlife Without Borders;
—$8.5 million for the National Fish and Wildlife Foundation (NFWF) in the FWS' Resource Management General Administration appropriation.

NATIONAL WILDLIFE REFUGE FUNDING—O&M AND CONSTRUCTION

The NWRA chairs the Cooperative Alliance for Refuge Enhancement (CARE), a diverse coalition of 21 sporting, conservation, and scientific organizations representing more than 14 million Americans that works to support the NWRS's ability to accomplish its mission. After years of flat budgets, the Congress in recent years has demonstrated a commitment to fund our national wildlife refuges, and the increases from fiscal year 2008–fiscal year 2010 allowed for the suspension of workforce downsizing plans that outlined an eventual 20 percent reduction in overall staffing levels. Even so, CARE estimates that the NWRS needs at least $900 million

in annual funding to properly administer its 150 million acres and remains committed to aiming for this goal.

NWRA respectfully requests that you provide $511 million in fiscal year 2012 for NWRS O&M. We estimate the refuges need at least $519 million to maintain management capabilities from fiscal year 2010; our request represents a sacrifice as we deal with our Nation's fiscal crisis.

This $511 million request for refuge O&M includes $8 million for inflationary costs, which, due to the freeze on Federal salaries, is less than the annual adjustment of at least $15 million for inflation the NWRS ordinarily needs just to maintain management capabilities, including rent, utilities, salaries, concrete, gas, and steel—everything a refuge needs to function. The final appropriation for fiscal year 2011, an $11 million cut, ($492 million) will in effect be a $19 million reduction when factoring in this annual need. Our request of $511 million is a reasonable amount for the Service to maintain most management capabilities. Without providing adequate funding for these fixed costs, refuges will simply be unable to maintain current programs and public services, and the backlog will grow.

Refuges have almost $1 billion worth of construction needs, including the replacement of deteriorating structures that are becoming more expensive to maintain. We request flat funding for the NWRS's construction budget at $37 million, including funds for large-scale habitat restoration. Funds for new visitor/administration centers, including those at the Potomac River Refuges near Washington, DC and the Sherburne NWR outside Minnesota's Twin Cities, will provide a net benefit in efficiencies and in economic impact. Refuges with a broad range of programs create more service industry jobs and more income for local communities.

SUPPORTING JOBS AND LEVERAGING AMERICAN VOLUNTEERISM

Refuges are economic engines in local communities, returning on average $4 in economic activity for every $1 appropriated by Congress. Nationwide this equates to more than $2 billion in annual economic impact. Refuges are job creators; more than 30,000 jobs—largely in the private sector—are attributed to refuge-related activities. Ecosystem restoration activities deliver the biggest pay-off, where $1 million invested creates 30 jobs, while $1 million invested in recreation creates 22 jobs. Refuges provide significant bang for the buck, despite receiving the least amount per acre of all land management agencies. Refuges are managed with $3.36 per acre while the National Forest Service and National Park Service receive $32.25 and $37.11 per acre, respectively.

Refuges are also vital places for the American people to connect with nature and volunteer. Currently, refuge Friends and volunteers do approximately 20 percent of all work on refuges, the equivalent of 648 full time employees. We request $80 million for Visitors Services for the NWRS. The administration's proposed $2.3 million cut to Visitors Services represents a cut to the programs that oversee volunteers and thereby a marked decline in the work volunteers are able to contribute, leaving that work essentially undone.

USING SCIENCE TO GUIDE ADAPTIVE MANAGEMENT

The FWS and the NWRS are developing landscape level strategies to address habitat changes due to shifting land use, increasing human population, the spread of invasive species and changing climates. But the need is urgent and time is of the essence—especially with species on the verge of collapse in locations such as Alaska and Hawaii. We strongly support the FWS initiative to establish Landscape Conservation Cooperatives (LCCs) to bring the best science to bear to help local, State, and Federal agencies make the most educated management decisions. We recommend an allocation of $20.2 million to fund LCCs in fiscal year 2012, building upon the initial LCC investments in fiscal year 2010.

The NWRA further recommends an allocation of $20 million for the NWRS's Inventory and Monitoring program. As the Gulf oil spill showed, basic inventories of our natural assets are crucial if the American people are to recoup costs in the event of manmade disasters.

COMMITMENT TO REFUGE COMMUNITIES—REFUGE REVENUE SHARING

The NWRS uses the net income derived from use permits, timber harvests, and so on to make payments to local counties or communities to offset lost tax revenue, and relies on Congressional appropriations to the Refuge Revenue Sharing program to compensate for the shortfall between revenues and obligations. Due to declining revenue and lack of appropriations, the Service has been paying less than 50 percent of its tax-offset obligations since 2001. This has a measurable impact on local communities that is felt even more starkly in difficult economic times—and it cre-

ates severe strain in relations between the Federal units and their local community, threatening the goodwill and partnerships that are keystones of successful conservation. NWRA requests $27 million for the Refuge Revenue Sharing Program, which, in recognition of the President's proposal to zero out funding, is still only half of what is needed. The NWRA also calls for a review of the Refuge Revenue Sharing Act of 1935 as amended, and consideration of conversion to a Payment-in-Lieu of Taxes (PILT) program to be consistent with the National Park Service, the Bureau of Land Management and the U.S. Forest Service and to provide Refuge communities with more equitable payments.

PARTNERSHIPS AND STRATEGIC GROWTH

The Partners for Fish and Wildlife Program is a powerful tool for working with private landowners to collaboratively conserve refuge landscapes. The program consistently leverages Federal dollars for conservation, generating between $4–$10 in conservation return for every $1 appropriated, and has been key to the success of many iconic landscape conservation projects. In the past 2 years, the Wyoming Landscape Conservation Initiative used $454,000 in habitat restoration and enhancement to leverage an additional $1.4 million from private partners. But the Partners program saw its purchasing power erode between 8–24 percent in 2010 due to rising diesel fuel and seed costs. If funded at its authorized level of $75 million, the program would net at least $300 million worth of additional conservation. NWRA requests an fiscal year 2012 appropriation of $65 million for the Partners for Fish and Wildlife Program, a $5 million increase to maintain capabilities.

The NWRA also calls upon the Congress to fully fund the Land and Water Conservation Fund (LWCF) at its authorized level of $900 million, with 75 percent devoted across agencies to investments in iconic landscapes. Created in 1965 and authorized at $900 million per year (more than $3 billion in today's dollars), the LWCF is our most important land acquisition tool. With more than 8 million acres still unprotected within existing designated refuge boundaries, and the need to establish key wildlife corridors and connections between protected areas, the LWCF is more important than ever. In 2011, NWRA recommends that Congress approve LWCF funding to support projects such as:

—Bear River Migratory Bird Refuge (Utah)—$1.4 million;
—Blackwater NWR (Maryland)—$1.5 million;
—Cache River NWR (Arkansas)—$4.25 million;
—Connecticut River—Silvio O. Conte NFWR (New Hampshire, Vermont, Massachusetts, Connecticut)—$6.5 million;
—Everglades Headwaters NWR (Florida)—$10 million;
—Flint Hills Legacy Conservation Area (Kansas)—$5 million;
—Nestucca Bay NWR (Oregon)—$2 million;
—Rocky Mountain Front Conservation Area (Montana)—$8 million;
—Rhode Island NWR Complex (Rhode Island)—$3.28 million;
—Southeast Louisiana Refuge Complex (Louisiana)—$500,000; and
—Stillwater NWR (Nevada)—$3 million to acquire water rights.

There are several additional extremely worthy refuge land acquisitions advocated for by refuge "Friends" organizations and refuge partners and we have provided the subcommittee with those requests in a separate document.

The NWRA also urges the subcommittee to appropriate $95 million for the State and Tribal Wildlife Grants Program to implement State Wildlife Action Plans; $50 million for the North American Wetlands Conservation Fund; $6.5 million for the Neotropical Migratory Bird Conservation Fund and $8.5 million for the National Fish and Wildlife Foundation.

RETURNING TO FISCAL YEAR 2008 FUNDING LEVELS

Some in the Congress have recommended returning to fiscal year 2008 funding levels; we must caution that this would have immediate and severe impacts to our national wildlife refuges. With the NWRS already 44 percent underfunded, proposals to return the agency to fiscal year 2008 levels would result in an estimated 20 percent cut to current funding and would have dramatic ramifications including:

—Elimination of hundreds of staff positions, significantly reducing the System's ability to restore habitats, control invasive species, maintain roads, and respond to illegal activities;
—Decline in the quality and quantity of visitor services programs, forcing an estimated 54 visitor centers to close and preventing 11 more under construction from opening at all;
—Reduction of volunteer efforts, as cuts to staff who oversee volunteers will result in a decline in the work volunteers are able to contribute;

—Reduction of hunting programs on an estimated 48 refuges and reduction of fishing programs on an estimated 45 refuges;

—A halt on progress of the NWRS's inventory and monitoring program, likely reducing it to a skeletal operation. The need for this program was made clear by the Deepwater Horizon oil spill, which forced FWS staff to hastily catalog gulf coast refuge assets in order to prove damages and recoup costs from responsible parties. Now the only refuges nationwide with a comprehensive inventory of species and water quality are those that were in the path of oil.

In conclusion, the NWRA believes the NWRS 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 our NWRS.

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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 funded by a Public Law 93–638 contract with the Bureau of Indian Affairs (BIA), which is appropriated directly through the BIA's "Trust/Natural Resource Management—Rights Protection Implementation." The 1854 Treaty Authority respectfully requests that the Senate fund this appropriation in fiscal year 2012 at the same level it was funded in fiscal year 2010 ($30,451,000) 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 million 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 nontTribal 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 above-mentioned Government entities, as well as organizations from the private sector.

However, the 1854 Treaty Authority has struggled to maintain its full-time staff. Up until fiscal year 2010, we had not had an increase in base funding for our programs of any significance in many years, and in fact the base funding had decreased the previous seven funding cycles. Simultaneously, cost of living expenses increased at a regular rate, and some expenses have increased at an alarming rate (e.g. health and vehicle insurance, fuel, etc). Staff pay costs (wages plus benefits) combined with a decrease in base funding compelled the Treaty Authority to absorb all the cost in-

creases internally at the expense of other programs and services. In 2007, we were unable to continue doing 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.

I understand that this is not a unique situation, 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 23 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.

We are very thankful for the increase in fiscal year 2010 funding which enabled us to make up some of the shortfall which has plagued us in recent years. If we can continue to maintain funding at its current level, we can begin to look at ways to refill the two vacant positions that are sorely needed to provide adequate services to the tribes.

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 especially the increase in 2010, and respectfully reiterate the request for the Senate to fund this appropriation in fiscal year 2012 at the same level it was funded in fiscal year 2010 ($30,451,000) in order to meet the increased cost of fulfilling our court-ordered responsibilities.

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LETTER FROM THE OREGON WATER RESOURCES CONGRESS

MAY 11, 2011.

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

RE: Fiscal year 2012 Budget for the U.S. Environmental Protection Agency's Clean Water State Revolving Fund Loan Program (CWSRF)

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: The Oregon Water Resources Congress (OWRC) was established in 1912 as a trade association to support member needs to protect water rights and encourage conservation and water management statewide. The OWRC represents nonpotable agricultural water suppliers in Oregon, primarily irrigation districts, as well as water control districts, and other special districts and local governments that deliver irrigation water. The association represents the entities that operate water management systems, including water supply reservoirs, canals, pipelines, and hydropower production.

OWRC is concerned about reductions to the Environmental Protection Agency's (EPA) Clean Water State Revolving Fund Loan Program (CWSRF) and is requesting that appropriations for this program be increased to $5 billion in fiscal year 2012. CWSRF is an efficient program that addresses critical water infrastructure needs while benefiting the environment, local communities, and the economy.

We are disappointed that the administration's request of $1.55 billion for the CWSRF program is a reduction from enacted 2010 funding, and is still far short of what is needed to address critical water infrastructure needs in Oregon and across the Nation. This funding may lead to 600 clean water projects nationally, but that is an average of only 12 per State, far less than what's been funded in the past and well short of what is needed. The Oregon Department of Environmental Quality's (DEQ) recent "Proposed Intended Use Plan Update #2—State fiscal year 2011," reflects a total of $23,462,936 in funding requests from five agricultural water suppliers alone.

Six OWRC member districts have successfully received loans from the CSWRF over the last several years and many more will apply if funds are available. Numerous irrigation districts and other water suppliers need to pipe currently open canals, thereby improving water quality by eliminating run-off into the canals and increasing water availability for fish and irrigators by eliminating water loss from the canal system. These projects not only benefit the environment and the patrons served by the water delivery system, but also benefit the economy.

Four irrigation districts received more than $11 million funding in Oregon from the 2009 ARRA funding through the CWSRF for projects which created valuable jobs while improving water quality. These four projects were essential to DEQ not only meeting but exceeding the minimum requirement that 20 percent of the total ARRA funding for the CWSRF be used for "green" projects. Those districts' applications had been on DEQ's list of eligible projects for many years and would probably still be on that list had the ARRA funding not been made available. We provide that comment not to complain, but to emphasize the need for additional funding for this program.

We acknowledge the administration's desire to develop and implement "green infrastructure". In fact, as mentioned above, irrigation districts and other water suppliers in Oregon are on the forefront of "green infrastructure" through innovative piping projects that provide multiple environmental benefits. However, the EPA's proposal to provide an average of 5 percent of water infrastructure spending in future budget years does not change the need for increased funding today or provide certainty about the specific amount of funding in future years. The CWSRF is often an integral part of an overall package of State, Federal, and local funding that necessitates a stronger level of assurance that loan funds will be available for planned water infrastructure projects. Reductions in the CWSRF could lead to loss of grant funding and delay or derail beneficial projects that irrigation districts have been developing for years.

We appreciate the administration's efforts to improve both the way Federal dollars are spent and program efficiency. However, the CWSRF has been an extremely valuable tool in Oregon for improving water quality and efficiently addressing infrastructure challenges that are otherwise cost-prohibitive. While our comments are focused on the need for additional funding of the CWRSF to meet our members' needs, it is our understanding that the list of eligible projects for and needing this funding grows annually and exceeds the Oregon DEQ's funding capacity. The latest Intended Use Plan lists 140 projects for a total of $480,500,455. Additional information about the irrigation district projects and other projects funded in Oregon through the CWSRF can be found at: www.deq.state.or.us/wq/loans/docs/IUP2011Update2.pdf

We recognize that our country is facing difficult economic times and that we must make strategic investments with scarce resources. Oregon is facing record levels of unemployment and the CWSRF helps provide much needed construction and professional services jobs. The CWSRF is a perfect example of the type of program that should have funding increased because it creates jobs while benefiting the environment, and is an efficient return on taxpayer investment. It's not a hand-out but a wise investment that allows local communities to leverage their limited resources and address critical infrastructure needs that would otherwise be unmet.

We respectfully request the appropriation of at least $5 billion for the EPA's CWRSF for fiscal year 2012.

Sincerely,

ANITA WINKLER,
*Executive Director.*

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PREPARED STATEMENT OF THE PERFORMING ARTS ALLIANCE

We urge the subcommittee to designate a total of $167.5 million to the National Endowment for the Arts (NEA) for fiscal year 2012. Mr. Chairman and distinguished members of the subcommittee, I am grateful for this opportunity to submit testimony on behalf of the Performing Arts Alliance (PAA) and its member organizations—American Music Center, Association of Performing Arts Presenters, Chorus America, Dance/USA, Fractured Atlas, League of American Orchestras, National Alliance for Musical Theatre, National Association of Latino Arts and Culture, National Performance Network, OPERA America, and Theatre Communications Group. The PAA is a national network of more than 18,000 organizational and individual members comprising the professional, nonprofit performing arts, and presenting fields. For more than 30 years, the PAA has advocated for national policies that recognize, enhance, and foster the contributions the performing arts make to America.

This testimony is intended to highlight the importance of the Federal investment in the arts in order to sustain a vibrant cultural community. With strong Federal support, the NEA can widen citizen access to the cultural, educational, and economic benefits of the arts, and advance creativity and innovation in communities across the United States.

NEA increases opportunities for the American public to enjoy and benefit from the performing arts. Since the establishment of NEA in 1965, access to the performing

arts has improved in communities large and small across the country. NEA has helped foster the development of the many regional theatres, opera companies, dance companies, orchestras, and performing arts centers that Americans now enjoy. Despite diminished resources, NEA awards almost 2,400 grants annually to nonprofit arts organizations for projects that encourage artistic creativity, provide lifelong learning opportunities, and engage audiences in the finest 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 and the U.S. territories.

NEA contributes to the economic growth and development of communities nationwide. The arts are part of a diversified 21st century economy. Along with nonprofit arts organizations, creative enterprises make significant contributions to State and local economies, generating employment and tax revenues, and providing goods and services in high demand by the public. A strong arts sector is an economic asset that stimulates business activity, attracting companies that want to offer their employees and clients a creative climate and amenity-rich community.

THE NONPROFIT PERFORMING ARTS COMMUNITY

The following member profiles of the PAA, which include national service organizations representing new music, presenting, chorus, dance, musical theatre, Latino arts and culture, opera, orchestras, and theatre fields, exemplify the economic, educational, and quality of life benefits that performing arts organizations bring to communities across the country.

NEW MUSIC

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, AMC has been a leader in providing field-wide advocacy, support, and connection. AMC supports the community by making grants to composers and ensembles each year and by offering professional development resources for new music professionals. AMC connects the community through an array of information services and through engagement with the broader performing arts field, providing benefits and services for nearly 2,400 members in all 50 States and 25 countries around the world.

ARTS PRESENTERS

Performing arts presenters bring professional performing artists from all over the world into the communities they serve and include organizations such as performing arts centers in major urban cities, academic institutions, festivals and fairs, as well as the artists, artist managers, agents, local arts agencies, touring artists, and companies who work together to engage communities in live performance experiences. The Association of Performing Arts Presenters (Arts Presenters), a national service and advocacy 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 6 continents around the globe. Arts Presenters' members bring performances to more than 2 million audience goers each week and spend in excess of $2.5 billion annually, and the field of presenters serves more than 6 million audience members every week. The membership includes a range of organizations from very small presenting groups (under $50,000 budgets) to multimillion dollar budgets and individuals who are artists or performing arts professionals, representing a diversity of performing arts fields.

Through NEA grants, Arts Presenters is able to build partnerships and alliances to develop new artistic works and global cultural exchanges as well as offer critical leadership training, professional development, and opportunities to explore the competencies for 21st century presenting for emerging and mid-career practitioners.

CHORUS

When Chorus America was founded nearly 35 years ago, one of their primary goals was to ensure that choral music was recognized, celebrated, and supported as a key component of the national arts landscape. Since that time, the NEA has been a partner with Chorus America in this goal, not only with steady grant support for the work of our service organization, but also by supporting the work of many of their member choruses of all types and sizes.

NEA's 2008 Survey of Public Participation in the Arts confirms that singing in a chorus is the most popular form of public participation in the performing arts. Chorus America's own research, the 2009 Chorus Impact Study, found that 22.9 percent of households report one or more adults or children currently participate in a

chorus. There are an estimated 270,000 choruses in the United States with more than 42.6 million people singing in them. This research also illustrated how adults who sing in choruses are remarkably good citizens. Chorus members are more likely to volunteer, contribute financially, and participate in their communities than the general public. Not only is choral music a linchpin of music repertoire, choruses are a hub for engagement in the arts and can be valuable assets in building healthy communities.

NEA's grants to choruses encourage the highest standards of performance, the creation of new and excellent art reflecting the issues of our time, and bring the beauty and power of choral singing—frequently reaching otherwise underserved populations. Given the numbers of people involved in choral music as artists and/or audience members, and the many positive characteristics of choruses and choral singers, the NEA's financial support and other resources for nonprofit choruses is incredibly important in terms of directly benefiting communities large and small all around the country.

DANCE

NEA's support for the field of dance helps increase the quality and the visibility of the field throughout the United States. Dance is one of the most accessible and universally practiced art forms and Dance/USA's professional company members represent the vast cultural and stylistic diversity exhibited in this art form. Funding from the NEA supports the creation of high-quality, innovative works of choreography and powerful community dance education programs throughout the United States. The NEA's programs have helped solidify dance as a national treasure spread across cities and through communities, schools, and theaters in all 50 States and have ensured that the best of American dance is available to all in the United States and a showpiece for the rest of the world.

In addition to the more than 600 professional dance companies, the United States has more than 1,000 pre-professional and semi-professional groups. According to 2009 data, the 288 dance companies with expense budgets of $100,000 or more generated more than $600 billion in economic activity across the United States and employed more than 12,000 people in a mix of full-time and part-time positions.

FRACTURED ATLAS

Fractured Atlas is a nonprofit organization that serves a national community of artists and arts organizations. Their programs and services facilitate the creation of art by offering vital support to the artists who produce it, and they help artists and arts organizations function more effectively as businesses by providing access to funding, healthcare, education, and more, all in a context that honors their individuality and spirit. Their fiscal sponsorship program has grown from six local groups to more than 2,200 nationally, and in 2011 their membership topped 16,000 artists and arts organizations, with an expanded audience of more than 100,000 through their Open Arts Network.

Most funding from institutional and government sources comes with restrictions; it is intended for a specific project, program, or geographic area. Those restrictions can make it difficult for a national, multidisciplinary organization like Fractured Atlas to find support for the full scope of our services, or for initiatives that bring together partners working in different artistic disciplines and regions. Yet those broad-based initiatives are essential to our ability serve artists with the innovative tools and resources that impact their lives. NEA is one of the few funders that understand the value of ambitious arts initiatives that transcend the boundaries of geography and discipline. Without the NEA's support, the extended audience of more than 100,000 artists and arts groups that we currently reach would shrink significantly. The NEA is also of enormous intellectual value as a platform for national conversations about the arts: their role in daily life, value in communities as an economic driver, and importance as a thread of cultural identity. Those conversations manifest themselves in action that influences how resources are allocated from the Federal to the local level.

MUSICAL THEATRE

The 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 collectively staged more than 16,000 performances attended by more than 11 million people, employed 15,500 people, and provided education programs for more than 1 million students and teachers. The 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. The NAMT's Festival has showcased more than 300 writers and 200 new musicals, which have had thousands of subsequent productions worldwide.

NATIONAL ASSOCIATION OF LATINO ARTS AND CULTURE

Founded in 1989, the National Association of Latino Arts and Culture (NALAC) is the Nation's only multidisciplinary Latino arts service organization. NALAC provides critical advocacy, funding, networking opportunities, and professional development training to build the capacity and sustainability of the Latino arts and cultural field to sustain artists and arts organizations in every region of the country. NALAC's constituency is a multi-ethnic, multigenerational, and interdisciplinary community that includes thousands of artists and hundreds of not-for-profit Latino arts and cultural organizations in the United States.

NATIONAL PERFORMANCE NETWORK (NPN)

NPN is a group of diverse cultural organizers, including artists, working to create meaningful partnerships and to provide leadership that enables the practice and public experience of the contemporary arts in the United States. NPN's resources currently support and connect 50–75 performing arts organizations, called NPN Partners, across the country. NPN constituency ranges from two-person operations to multi-million dollar arts centers. NPN Partners are ethnically, culturally, and stylistically diverse and reflect a cross-section of urban, suburban, and rural communities that are generally under-represented. More than 425,000 audience members have attended NPN-sponsored performances and more than 285,000 people have participated in NPN residency activities.

For many NPN/VAN members, NEA provides resources that are not otherwise available to them, for example, if they are in cities or rural areas with limited arts support. Funding from NEA is an important validation of their work and often leverages new local support. The rigor of NEA panels represents the level of excellence achieved by the organizations which receive grants; this is particularly true for organizations supporting new and experimental work. Presenters are able to use NEA funding to take risks, such as presenting new work, by making them less dependent on box office.

OPERA

OPERA America members are found in communities all across the country—a total of 117 companies in 43 States. In the United States, more than half of these companies were established after 1970, making the growth of opera throughout North America a relatively new phenomenon. More than 4.3 million people attended a live performance at one of OPERA America's Professional Company Members in 2009, including education and outreach programs, and festivals. In 2009–2010, OPERA America's Professional Company Members in North America presented 2,100 performances and 449 fully staged main season and festival productions. All together, the opera companies of America provide more than 55,000 full-time and part-time employees.

NEA's support of the field of opera has been invaluable in supporting audience development, increasing accessibility, and promoting innovative programming. During fiscal year 2009, the opera field received almost $1.6 million from NEA that supported arts education programs for youth, young artist training programs, technology to increase the accessibility of opera, and the creation of new works by American composers. These programs result in more vibrant communities, a well-rounded education for children and youth, and the crucial development of the next generation of performers and composers. Funding from NEA supports opera companies and festivals and ensures quality programs and performances that are treasured throughout the United States and abroad.

ORCHESTRAS

Supported by a network of musicians, volunteers, administrators, and community leaders, America's symphony, chamber, collegiate, and youth orchestras total more than 1,800, existing in every State and territory, with annual budgets ranging from less than $10,000 to more than $90 million. More than half a million individuals are involved in orchestras, including conductors, staff, board members, musicians, and volunteers. Orchestra revenue totaled $1.69 billion in 2008–2009, and their economic impact exceeds several times that amount as orchestras create jobs, engage in commerce with local businesses, and spur local expenditures on related goods and services.

An NEA grant serves as an emblem of public value and artistic significance, and orchestras in communities large and small partake in the distinction of presenting nationally recognized NEA-supported programs. In fiscal year 2010, the NEA's Grants to Organizations included 119 grants to orchestras, and continued funding for the agency will support its ability to serve the American public. Orchestras utilize NEA support to educate and encourage America's youth, increase public access to culturally diverse music, foster civic pride, and encourage new orchestral works and programming. Orchestras now offer nearly 13,000 education concerts, more than 1,000 community engagement concerts, and more than 40 kinds of programs, including pre-school programs; in-depth, multi-year community residencies; and long-term partnerships with schools.

THEATRE

Today, thanks in large measure to the pivotal role played by the NEA since 1965, the not-for-profit theatre field consists of more than an estimated 1,800 theatres located in major metropolitan centers, urban neighborhoods, suburbs and rural communities. Their wide-ranging repertoire includes classics; modern plays and musicals; new plays, adaptations and translations by American and international writers; plays for culturally specific and young audiences; and experimental, multimedia and performance-art works.

Theatre Communications Group, the national organization for the American nonprofit theatre, reports that combined, these theatres directly contributed nearly $1.9 billion to the U.S. economy; the real economic impact is even greater when spending by theatres' attendees and employees in their local communities is taken into account. The universe of theatres employed more than 128,200 theatre workers, including actors, directors, playwrights, designers, administrators, and technicians.

By supporting many of the Nation's finest theatre institutions, NEA has contributed far beyond the actual monetary value of its grants. Nearly every Pulitzer Prize-winning play since 1976 originated at an NEA-funded theatre, and a network of educational and outreach programs has sprung up across the country as a result of NEA support, ensuring access to all Americans and developing new generations of audiences.

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. 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 $167.5 million to NEA. Thank you for your consideration of our request.

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PREPARED STATEMENT OF THE PINON COMMUNITY SCHOOL, INC.

My name is Jeffrey Mike, and in addition serving on the School Board for the Pinon Community School in Pinon, Arizona, I also serve as a Member of the Board of Directors of the Native American Grant School Association (NAGSA). Both organizations are well aware of the many challenges facing Native American Schools, whether operated under a contract or grant from the Bureau of Indian Education. Some of those challenges are shared by all our schools, and others are unique depending on the mission of the particular school. Pinon, however, focuses its concerns on three very specific aspects of the fiscal year 2012 budget that affects its ability to provide services to our student population: tribal grant support costs (administrative costs); transportation; and facilities. Specifically, Pinon requests the following:

—For the BIE, funding for Tribal Grant Support Costs (TGSC) in the amount of $72.3 million to fully meet the indirect costs incurred by all tribally operated schools.

—For the BIE, $73 million in school transportation funding.

—For the BIE, the restoration of $61 million to the school construction account; and

—For the BIE, $76 million in facilities maintenance funding and $109.8 million facilities operation funding.

*Background*.—Pinon Community School, which has a very proud tradition of serving Native American students since 1932, currently operates as a tribally controlled grant school primarily funded through appropriations received from the United States Department of the Interior and pass-through funding received from the De-

partment of Education. Its mission includes the operation of a kindergarten program serving approximately 60 students per year, and also the operation of a residential dormitory that houses up to 120 students at any particular time of year.

Pinon Community School operates in one of the more remote geographic areas of our country. According to the 2000 Census, the last we were able to find that provided detailed demographic information, the town of Pinon had a population of 1,190—91.93 percent of which was Native American—with an average family income of $23,393. More than 58 percent of the households had children under the age of 18, and 53.7 percent of those households reported income below the poverty line. The nearest "metropolitan" area, Chinle, is more than 60 miles away, and its population was just more than 5,300 as measured in the 2000 census. We are located more than 250 miles from Albuquerque, New Mexico and almost 300 miles from Phoenix, Arizona.

Not surprisingly, we serve a very unique function in our community. First, we operate a kindergarten program that serves approximately 60 children each school year. Second, we provide residential housing and services for an additional 90 to 120 students who attend the elementary and secondary schools of the Pinon Unified School District, part of the Arizona public school system. Our dormitory exists because those students live too far away to commute to school on a daily basis or have a family situation that makes a dormitory situation a more appropriate option during the school week. Our dormitory provides these students a safe place to live and obtain their daily meals.

The poverty in our area is extremely evident. Many, if not most, of our school age children, have parents who struggle to provide economically for their families, and our residential program is a beacon of hope for those children who need the ongoing attention and input that is so crucial for the academic success that will hopefully lead to a productive and happy adult life.

While our budget requests do not specifically address all of our concerns, we believe that it is important for Members of Congress, and indeed the American public at large, to understand exactly what our school, and our students face every day. Many, if not most of our students are what you might consider "at risk." Moreover, it should be fairly apparent that children who are compelled to live away from their families for the school week need the type of services and healthy diversions that will not only protect them from the many pitfalls that confront the idle, and may I add, especially teenagers, but also enhance their chances of moving forward to advanced educational opportunities. Unfortunately, we find that many of our students are years—sometimes 4 or 5 years—behind grade level. We do not receive the funds to provide supplemental educational services, e.g., tutoring, and we also do not have the funds to provide the type of counseling that will help us keep our students on the "straight and narrow." We estimate that we would need to hire at least two certified counselors to help with these issues but simply do not have the funds.

The State government funded a "21st Century Program" to help us to provide after-school activities to engage our students, but that funding is due to run out next year. Many years ago the Federal Government provided funding for "Intensive Residential Guidance" for dormitory students but that money is long gone also. Sadly, we do not even have the funds to maintain our athletic fields where we could otherwise provide organized physical activity and recreation for children living away from home.

We know that it can be very difficult for those who live in more populated areas—where more resources are available—to understand the challenges that our school, and more importantly, our students and their families face every day.

As we stated from the outset, as the Congress begins to consider the fiscal year 2012 budget we request that it take our concerns into account.

*TGSC.*—When the Congress recognized that the Native American community should have the right to assume responsibility for the education of its own children, it also committed to funding the administrative costs of making that a reality. Yet every tribally operated school suffers, and has suffered, for 19 of the past 20 years, from the chronic underfunding of its administrative costs, which include the cost of retaining essential administrative employees, such as business managers, performing essential and required government requirements, such as audits, background checks and other required reports. By all estimates, Federal Government funding of TGSC hovers at the 61 percent rate, and every $1 that the Federal Government does not provide for administrative costs comes out of the pockets of our students, in the form of fewer of the services to which they are entitled. For this reason, we endorse the proposal of the National Congress of American Indians, that the appropriation for TGSC be increased to $70.3 million for existing schools, with an additional $2 million for those schools which may be converting to grant status during the next fiscal year.

*Transportation Costs*.—Pinon's transportation issues are complicated. We begin by pointing out that the BIE has proposed $52,739,000 for school transportation costs, which translates into a payment rate of $3.23 per mile. Pinon's residential students in Grades 1–12 attend schools in the Pinon Unified School District which assumes the cost of their transportation to and from school. Be aware, however, that Pinon still must transport its residential students home every Friday, and back to school every Monday. All the costs that affect the rest of America, most recently the increased cost of gasoline, affect Pinon too, but there is no accommodation in the budget for this reality. In addition, we have a very different situation for our kindergarten students. We must transport our kindergarten students from the school to their doorsteps. There is only one paved road in our service area. Therefore, the school is obliged to transport these very young children to their homes over unpaved roads, which are particularly susceptible to weather (rain, snow, flooding, etc.) and are not otherwise maintained. The failure of the BIE to account for these conditions is inexcusable. Exacerbating this problem is that the funding provided by the BIE does not permit the School to acquire the types of vehicles which would allow it to safely transport its students under hazardous weather conditions. Four-wheel drive vehicles, which would help accomplish this, are significantly more expensive ($10,000 –$15,000 more) and are simply out of the price range of the school.

Ironically, Pinon, which leases its school buses from the Federal Government, just recently received a notice from the General Services Administration that it intends to increase the rate for school bus rentals by BIE funded schools over the next 2 years; yet, the BIE has provided no funding to alleviate the hardship that Pinon will experience as a result of this increase.

For these reasons, Pinon endorses the recommendation of the National Congress of American Indians to increase the School transportation budget for BIE funded Schools to $73 million.

*Facilities Operation and Maintenance and Replacement School Construction*.—Under the BIE's latest "Education Facility Condition Index" Pinon's facilities have been rated as "poor". At least six employee units have been condemned (which in the case of a residential facility is a serious issue). In one of the residential dormitories, two wings have been condemned.

The decision to eliminate all funding for replacement school construction, while at the same time failing to request adequate funding for facilities maintenance and operation seems shortsighted, to say the least. When the BIE fails to fund facilities maintenance at realistic levels, small preventable problems become bigger and more expensive to address, and in emergency situations school funding must be diverted from other programs to address these needs. The recently published "Education Facility Condition Index" reports a deferred maintenance backlog in the amount of $302 million but the BIE has requested only $50.7 million in facilities maintenance funding, a mere fraction of what is needed to make a dent in the maintenance backlog. In addition, the BIE has requested $58.7 million for facilities operations, which are currently funded at only 46 percent of need.

The National Congress of American Indians has requested a significant investment in the infrastructure for Native American Schools. We whole-heartedly support its requests for $76 million in Facilities Maintenance funding and $109.8 million for Facilities Operation. In addition, we respectfully request that the Congress at least restore the $60.9 million that the BIE has cut from the budget for school replacement construction, and direct the BIE to reopen the process for school construction applications, so that schools that are in dire need of replacement facilities have the ability to secure their place on the priority list.

*Conclusion*.—We thank you for the opportunity to provide our input as the Congress commences its deliberations on the fiscal year 2012 budget for BIE-funded Schools. Mr. Oscar Tso, Principal of Pinon Community School, is ready and available to answer any questions you may have.

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## PREPARED STATEMENT OF THE PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM

Mr. Chairman and members of the subcommittee: The Partnership for the National Trails System appreciates your support over the past 17 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 and for the trails in the Bureau of Land Management (BLM) National Landscape Conservation System (NLCS). To continue the progress that you have fostered, the Partnership requests that you provide annual operations

funding for each of the 30 national scenic and historic trails for fiscal year 2012 through these appropriations:

*NPS*.—$16.45 million for administration of 23 trails and for coordination of the long-distance trails program by the Washington office.

*Construction*.—$346,000 for the Ice Age Trail and $200,000 for the Pacific Crest Trail.

*USDA Forest Service (USFS)*.—$8.7 million to administer six trails and $1.2 million to manage parts of 16 trails administered by the NPS or BLM. $1 million for Iditarod Trail construction.

*BLM*.—To coordinate its National Trails System Program: $250,000; to administer these trails:

*Iditarod Trail*.—$700,000.

*Camino Real de Tierra Adentro Trail*.—$230,000.

*Old Spanish Trail*.—$350,000; and to manage portions of 10 trails administered by the NPS or the USFS: $4 million; $3,140,000 for operating five National Historic Trail interpretive centers;

*Construction*.—$300,000 for the Pacific Crest Trail.

We ask that you appropriate $4.5 million for the NPS Challenge Cost Share Program and continue to direct one-third ($1.5 million) for national scenic and historic trails or create a separate $1.5 million National Trails System 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 from the Land and Water Conservation Fund (LWCF) for land acquisition:

*To the USFS*.—$6.65 million for the Pacific Crest Trail, $1.7 million for the Florida Trail; $3.442 million for the Old Spanish Trail; $9.2 million for the Appalachian Trail, $1.5 million for the North Country Trail, and $1.4175 million for the Nez Perce Trail;

*To the BLM*.—$3.5 million for the Oregon Trail in Oregon, $7.5 million for the Pacific Crest Trail in Oregon, and $1 million for the Oregon, California, Mormon Pioneer, and Pony Express Trails in Wyoming; and

*To the NPS*.—$5.2 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;

—$2.1 million for the New England Trail;

—$2.005 million for the Appalachian Trail;

—$2 million for the Oregon Trail—City of Rocks Reserve; and

—$1.17 million for San Antonio Missions National Historic Park—El Camino Real de los Tejas National Historic Trail.

We also ask that you appropriate from the USFS Forest Legacy program $8.730 million to protect High Peaks in Maine along the Appalachian Trail.

NPS

The $16.45 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 the Congress provided over the past 7 years. We support the administration's requested funding for the new Star Spangled Banner and Washington-Rochambeau National Historic Trails and we request $400,000 for the Park Service to implement planning and administration for the New England National Scenic Trail.

We request an increase of $626,000 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 $763,000 for the Trail of Tears will enable the NPS 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. We support the administration's requested increases of $282,000 for the Juan Bautista de Anza and $147,000 for the Ala Kahakai Trails. We request a further increase to $400,000 for the Ala Kahakai Trail to enable the NPS to work with E Mau Na Ala Hele, the Ala Kahakai Trail Association, 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 this trail.

We support the administration's requested funding of $1,708,000 for the Appalachian Trail to expand the highly successful "Trail to Every Classroom" program of the Appalachian Trail Conservancy. The $1,483,000 we request for the 4,200-mile North Country Trail will enable the Park Service to provide greater support for the regional GIS mapping, trail building, trail management, and training of volunteers

led by the North Country Trail Association. This funding will also enable the NPS to move the administrative office for the North Country Trail to Michigan for more efficient and effective collaboration with the North Country Trail Association. The $1,399,000 we request for the Ice Age Trail includes a $550,000 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 Trail Alliance staff and volunteers of lands acquired for the trail.

*Construction*.—We request that you appropriate for trail construction projects $346,000 for the Ice Age Trail and $200,000 for the Pacific Crest Trail in the national parks crossed by the 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's member organizations applaud the administration's decision to restore these highly effective programs of the NPS, BLM, and Fish and Wildlife Service (FWS). We request that you fund all of them and appropriate $4.5 million in Challenge Cost Share funding to the NPS for fiscal year 2012 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 create a separate National Trails System Challenge Cost Share program with $1.5 million funding.

We support the administration's requested $947,000 for the Connect Trails to Parks project to enhance the public's understanding of the National Trails System and its relationship to the National Park System.

USFS

As you have done for several years, we ask that you provide additional operations funding to the USFS for administering five national scenic trails and one national historic trail, and managing parts of 16 other trails. We ask you to appropriate $8.7 million as a separate budgetary item specifically for the Arizona, Continental Divide, Florida, Pacific Crest, and Pacific Northwest National Scenic Trails and the Nez Perce National Historic Trail within the over-all appropriation for Capital Improvements and Maintenance for Trails. 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 $1.2 million specifically for these trails.

Work continues, supported by funds you provided over the past 10 years, to close several major gaps in the Florida Trail. In 2010, Florida Trail Association volunteers maintained 1,322 miles and completed eight major construction and restoration projects along the Trail. The Partnership's request of $8.7 million above includes $2.5 million to enable the USFS and FTA to continue this maintenance, to control invasive species, do ecosystem restoration, and otherwise manage 4,625 acres of new Florida Trail land.

The Partnership's request of $8.7 million above also includes $2.3 million for the Pacific Crest Trail, $2 million for the Continental Divide Trail, $1 million for the Pacific Northwest Trail, $640,000 for the Nez Perce Trail, and $239,000 for the Arizona Trail. We also request $1 million of additional funding for construction of sections of the Iditarod Trail.

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 five scenic trails and 3,115 miles of eight historic trails administered by the NPS and USFS. The bureau 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 Partnership applauds these decisions of the BLM and encourages its staff to budget specific funding for each of these trails.

We support the administration's increase of $15 million in base funding for the NLCS and ask that you appropriate as new permanent base funding $250,000 for National Trails System Program Coordination, $700,000 for the Iditarod Trail,

$230,000 for El Camino Real de Tierra Adentro Trail, $350,000 for the Old Spanish Trail, and $4,000,000 for management of the portions of the 10 other trails under the care of the BLM. We request $300,000 for maintenance of the Pacific Crest Trail; and $3,140,000 to operate five historic trails interpretive centers.

We ask you to fund the BLM's Challenge Cost Share program and to add $500,000 directed for projects for the National Trails System as you have done for many years with the NPS'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 2011 and to direct the BLM to include unit-level allocations by major subactivities 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 2012. 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 applauds and supports the administration's intention to provide full funding of $900 million for the LWCF. We request that you provide robust and consistent funding to keep on a trajectory to achieve annual full funding for 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 $6.65 million we request for the Pacific Crest Trail will continue to support the acquisition underway by the Forest Service 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 $1.7 million requested for the Florida Trail will continue another successful collaboration between these two agencies to protect 30 tracts and 3.4 miles of the Trail along the Suwanee River. We request $3.442 million to protect a stretch of the Old Spanish Trail in the Carson National Forest, $9.2 million to protect sections of the Appalachian Trail in the Cherokee and Pisgah National Forests and $1.5 million to buy land for the North Country Trail in the Hiawatha and Ottawa National Forests. We also request $1.4175 million to acquire land in Hell's Canyon of the Snake River in Oregon to protect sites along the Nez Perce Trail.

*BLM*.—We request $6 million for the Cascade Siskiyou National Monument and $1.5 million for Porcupine Mountain that will preserve sections of the Pacific Crest Trail in Oregon, $3.5 million to purchase land along the Big Sandy River in Oregon for the Oregon Trail, $1 million to protect sections of the Oregon, California, Mormon Pioneer, and Pony Express Trails along the Platte River in Wyoming.

*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. Since fiscal year 2000 Wisconsin has matched $13.6 million Federal LWCF funding with $27.7 million to help protect 67 miles of the Ice Age National Scenic Trail by purchasing 51 parcels totaling 7,727 acres. Another 40 parcels are under negotiation, appraisal or option to purchase. The requested $5.2 million LWCF grant to Wisconsin will continue this very successful Federal/State/local partnership for protecting land for the Ice Age Trail. We request $2 million to provide similar grants to the seven States along its route to close gaps in the North Country Trail, $2.1 million for the Park Service to acquire three parcels for the New England Trail, and $2.005 million for the NPS to acquire parcels in Pennsylvania and Vermont for the Appalachian Trail. We also request $2 million for the City of Rocks Reserve in Idaho to protect an important section of the Oregon Trail and $1.17 million for San Antonio Missions National Historic Park along El Camino Real de los Tejas National Historic Trail.

PRIVATE SECTOR SUPPORT FOR THE NATIONAL TRAILS SYSTEM

Public-spirited partnerships between private citizens and public agencies have been a hallmark of the National Trails System since its inception. These partnerships create the enduring strength of the Trails System 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 the Congress' support for the trails has grown. In 2010, the trail organizations fostered 1,115,559 hours—an increase of 23 percent more than 2009—of documented volunteer labor valued at $24,366,484 to help sustain the national scenic and historic trails. The organizations also raised private sector contributions of $12,486,240 to benefit the trails.

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PREPARED STATEMENT OF THE PUEBLO OF ZUNI

Keshi, ko'don dewanan a'deya'ye. My name is Arlen Quetawki and I am the Governor of the Pueblo of Zuni. It is an honor to be able to present this testimony to the subcommittee. My tribe's current land area covers some 450,000 acres in western New Mexico and a northeastern portion of Arizona, about 150 miles west of Albuquerque, New Mexico. Although we face many challenges, we are fortunate that we still live in our ancestral homelands. Ours is a very traditional and humble community, and I invite the chairman and members of this subcommittee to visit with us in Zuni. You will not be disappointed.

I submit this testimony because decades after we first started contracting with the Government, the Government still fails to honor our contracts by failing to pay the Contract Support Costs (CSC) the Government admits it owes. The time is long past when this shameful conduct must end, and when the Government's practice of repeatedly breaching agreements with our tribe and with other Indian tribes must cease. This is something this subcommittee and the Congress can change. I therefore ask that the subcommittee increase CSC funding to the Indian Health Service (IHS) up to $615 million, and that it increase CSC funding to the Bureau of Indian Affairs (BIA) up to $228 million.

In the 1990s our tribe began to confront a financial crisis over the Government's recurring payment shortfalls. Here is the background to that crisis.

As you know, in order to operate the essential Government programs that the IHS and the BIA have transferred to us, we must have an administrative structure in place. Just like any government or business, we need insurance. We need to account for our contract expenditures. We need to make payroll. We need to purchase and track property and equipment. And, we need to manage our employees. On top of all this, Federal law adds unique demands requiring us to pay for independent and certified audits every year.

These are the expenditures that the Government expects us to cover from a special pool of funds called an "indirect cost pool." Money for that pool comes from all of the tribe's contracts and grants, as well as from tribal revenues. From this pooled money we pay for all our fixed administrative costs, including insurance and audit costs. (Of course, the Federal Government does things differently, such as self-insuring, or else using agency lawyers and accountants, or using the General Services Administration, the Office of Personnel Management, and other agencies to carry out these same functions.)

We cannot spend whatever we choose to spend on these things. Nor would we want to. Instead, our expenditures must be reviewed and approved by an agency within the Department of the Interior called the National Business Center (NBC). NBC sets our indirect cost pool expenditures, and from that an indirect cost rate, all based on a certified independent audit from the most recent completed year. Then, after the New Year is over we do another audit to see how the funds were actually spent, and then square up with the NBC. The system is completely transparent, and completely accountable.

We try to keep our indirect cost rate as low as possible, so that most of our funds are devoted to the direct delivery of services to our people, whether it is law enforcement, healthcare or Head Start. We are not a rich tribe, so every dollar must count.

Once we have an indirect cost rate, that rate applies to all of the funding agencies with which we have contracts and grants. That is the law as spelled out by the NBC and by the Office of Management and Budget. The problem is that, contrary to that same law, every year the BIA and the IHS disregard these agreements.

The law requires them to pay the full indirect costs we have negotiated with the NBC. But, the IHS and the BIA refuse. They do not budget for these costs. They do not ask the Congress for these costs. And so the Congress does not appropriate the funds to pay these costs.

But since these are fixed costs and we have to account for spending these costs, we must still pay them. The result? Deep program reductions in the essential services that we have contracted to provide to our people.

Cuts in public health nursing, and in alcohol and substance abuse treatment.

Cuts in emergency medical services.

Cuts in police and realty services.

Cuts in child education and adult scholarships.

Cuts in housing services.

The list goes on and on. Year in and year out we are forced to cut jobs that provide services to our people, so that our books remain balanced in the face of the BIA and the IHS underpayments.

This has got to stop.

No other Government contractor gets shorted on its contracts. If necessary, supplemental appropriations are made to pay the Government's contracts in full. This subcommittee must therefore ask the question: Why does the Government think it is lawful to cheat us on our contracts? Is it because we are Indian tribes, instead of Boeing or Haliburton? The question must be asked.

For my tribe the crisis reached the boiling point in the late 1990s. We sought out legal counsel, and we filed two class-action lawsuits, one against the IHS and one against the BIA. Our BIA lawsuit eventually resulted in a settlement for all the Nation's tribes over shortfalls that occurred in the early 1990s. The settlement was part of a combined settlement with other claims in another class action against the BIA that was filed by our neighbors, the Ramah Navajo Chapter. Our IHS lawsuit was blocked by another judge from proceeding as a class action. Then, we settled our own claims against the IHS, but only for the shortfalls we suffered in the mid-1990s.

Since those cases nothing has changed.

Today, the BIA and the IHS shortfalls continue. Even after a 1999 Government Accountability Office report investigated and confirmed the integrity of the entire CSC process, and reported on the terrible impacts the shortfalls are creating in Indian communities, the shortfalls continue. Even after the Supreme Court ruled in the 2005 *Cherokee Nation* case that the Government must pay these contracts in full, the shortfalls continue. Even after the BIA adopted a new CSC policy in 2006, the shortfalls continue.

Mr. Chairman, the time has come to end this shameful practice.

Our tribe embraces tribal self-determination. We welcome being free from the oppressive dictates of the IHS and the BIA. We welcome being responsible and accountable to our own people for the governmental services being provided on our reservation.

But the IHS and the BIA, by continuing these CSC shortfalls, penalize tribes like us that choose this path. The BIA and the IHS programs remain protected from any cuts so long as the BIA and the IHS operate the programs. But once the programs are transferred to a tribe under a self-determination contract, the BIA and the IHS demand that we cut jobs and divert program resources, to make up for the shortfall in the agencies' contract payments.

Current appropriations language actually says this. The law actually authorizes cuts in our program funds, in order to cover the shortfall in the BIA's CSC payments.

The result? Last year we again suffered deep CSC shortfalls of more than $690,000, including more than $683,000 just in BIA underpayments. In fact, the BIA does not even pay one-half of the total contract support costs it is required to pay under the law and our contracts. Not only is this shortfall stunning in itself, it means cuts in several jobs at a time when our community can hardly afford more unemployment. If the country is worried about double-digit unemployment, we sadly have the expertise in this category, as we have been experiencing unemployment greater than 60 percent for more than 10 years.

The time has come to correct this terrible practice.

On behalf of the Pueblo of Zuni, I ask that this subcommittee make sure that, from this day forward, the Government honors its legal duty to pay the full CSC that are due under our contracts and under the Indian Self-Determination Act.

We are prepared to be partners with the Government in promoting greater transparency, increased local employment, enhanced tribal self-determination, and a reduced Federal bureaucracy. But, the Government must be an honest partner with us, just as we must annually account and cut square corners with the Government, so too the BIA and the IHS must be upright in honoring these contracts.

We thus join the voice of many other tribal leaders in calling for full funding of these contracts in the fiscal year 2012 appropriation.

Thank you for the opportunity to testify on this critical issue facing Indian country, and on what has become a grave threat to the forward march of tribal self-determination.

PREPARED STATEMENT OF THE PACIFIC SALMON COMMISSION

Mr. Chairman, and honorable members of the subcommittee, I am Dr. Jeffrey Koenings and I am presenting written testimony on behalf W. Ron Allen, Alternate Commissioner on the Pacific Salmon Commission (PSC) and the chairman of the U.S. section's Budget Committee. 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 (BIA) budget, the U.S. section recommends that the 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 $680,000 more than the fiscal year 2010 enacted levels and the President's recommended fiscal year 2011 level. This funding level represents status quo funding 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 in the BIA's budget under the rights protection implementation, wildlife and parks, other recurring programs area.

Under Fish and Wildlife Service (FWS) programs, the U.S. section recommends that the Congress:

—Provide base funding of $417,000 for FWS participation in the Treaty process, and provide funding of $315,000 for the Pacific States Marine Fisheries Commission's (PSFMC) Regional Mark Center. This funding level represents an increase of $65,000 more than the fiscal year 2010 enacted level for the Mark Center to make up for losses from other programs and allow the Mark Center to maintain the same level of service to the U.S. section.

This base funding for the FWS will pay for the critically important on-going work. The funding for PSFMC Mark Center 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 an 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. Tribal programs are essential for the United States to meet its international obligations. Tribal programs have taken on additional management responsibilities due to funding issues with State agencies. All participating agencies need to be adequately funded to achieve a comprehensive U.S. effort to implement the Treaty.

We are strongly recommending maintaining base funding of $417,000 for the FWS so the United States can maintain the critical database to implement the Treaty. We also strongly recommend funding of $315,000 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 PSFMC. The 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 and Puget Sound Chinook 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 through 2018. The Fraser River sockeye and pink chapter to the Pacific Salmon Treaty expired in 2010 and negotiators worked out an interim arrangement while Canada's Cohen Commission completes its judicial inquiry on the Fraser River sockeye fishery.

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 PSC to develop recommendations that help to ensure solutions that minimize impacts on listed stocks, especially if we are allowed to work towards 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 Pacific Salmon Commission budget.

SUMMARY OF TRIBAL AND FWS PROGRAMS UNDER THE U.S.-CANADA PACIFIC SALMON TREATY

DEPARTMENT OF THE INTERIOR

[Dollars in thousands]

| | Fiscal year 2010 enacted appropriation | Fiscal year 2012 recommendation | Increase |
|---|---|---|---|
| Bureau of Indian Affairs, Wildlife and Parks, Rights Implementation | 4,120 | 4,800 | 2,530 |
| U.S. Fish and Wildlife Service, Anadromous Fisheries | 667 | 732 | 65 |

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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.*

In the spirit of these profound words of our former president, I am honored to appear before this subcommittee on behalf of the Quinault Indian Nation and provide testimony on our priority requests and recommendations on the fiscal year 2012 budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS).

Tribal-specific priority requests:
—$7 million a year for Blueback Restoration—BIA (for 2012–2019);
—$500,000 for Substance Abuse Strategy—IHS;
—$325,000 to fully implement the Quinault Forest Management Plan (FMP); and
—$2.21 million McBride Road Maintenance and Emergency Reservation Exit.

Local/regional requests and recommendations:
—Affiliated Tribes of Northwest Indians;
—Northwest Portland Area Indian Health Board; and
—Northwest Indian Fisheries Commission.

Self-governance and national requests and recommendations:

BIA:

*Tribal Priority Allocation General Increase*.—Provide $82.9 million (10 percent increase more than fiscal year 2010);

*Contract Support Costs (CSC)*.—Provide $50 million Increase for BIA to fully fund the CSC, including direct CSC; and provide $5 million for the Indian Self-Determination (ISD) Fund;

*Law Enforcement/Tribal Courts/Tribal Detention Facilities*.—Provide $30 million more than fiscal year 2010 levels; and

Increase funding to the Office of Tribal Self-Governance (OTSG) to fully staff the office for the increase of tribes entering Self-Governance.

IHS:

*Fully Fund Current Services*.—Provide $532 million for IHS and tribal pay costs, inflation, and population growth; staffing for new/replacement facilities and healthcare facilities construction previously approved plan;

*Contract Health Services (CHS)*.—Provide $118 million increase for CHS;

*CSC*.—Provide $122 million for IHS to fully fund CSC; and,

*OTSG*.—Increase $5 million to the IHS OTSG.

We support all requests and recommendations of the National Congress of American Indians and the National Indian Health Board.

TRIBAL SPECIFIC REQUESTS JUSTIFICATION

*$61 Million Blueback Restoration ($7 Million Annually From 2012–2019)*

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 devel-

opment, 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 rebuild 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. 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 2019. Fertilization, data acquisition, and monitoring will continue for many years.

*$500,000 Substance Abuse and Security Strategic Plan*

The Quinault Indian Nation Substance Abuse and Security Strategic Plan seeks to improve, integrate, and strengthen the overall health and services to protect the communities on the reservation from the significant risks related to heroin and methamphetamine production, sale, and use by targeting enforcement, outreach, prevention, stabilization, and harm reduction services to high-risk populations.

Heroin and methamphetamine use within the Quinault Indian Nation is a serious concern and a significant public health and social challenge. Some of the major problems contributing to the spread of meth trafficking is the size and isolation of our communities, and jurisdictional issues related to law enforcement on tribal lands. Tribal and local agencies are discovering that cooperation and collaboration represent a way to leverage resources to attack the threat of heroin and methamphetamine. Cooperative, inter-jurisdictional law enforcement efforts are the only way that Federal, tribal, and State law enforcement agencies will be able to effectively combat methamphetamine.

During this past year, the Quinault Indian Nation identified border and security threats as an added component to our comprehensive substance abuse strategy. The Quinault Indian Reservation occupies 27 miles of international border along the Pacific Ocean. We believe drug traffickers have discovered our unpatrolled borders and the 22 points of entry via abandoned logging roads directly to U.S. Hwy 101. Our ocean fishermen have reported high-speed vessels making multiple trips into Raft River, a system in a very remote location along our central coast. Following our meetings with the U.S. Border Patrol, we learned that our coastline is not a part their regular patrol routes. Our resources protection officers and police officers have also received multiple reports of camouflaged persons exiting from boats onto our shore, while confirming no military operations were underway at that time. We have also received multiple reports of low-flying helicopters both within the interior and along our coastline at odd hours of night and early morning.

The Quinault Indian Nation's Substance Abuse Strategic Plan is part of a broader more comprehensive alcohol and drug strategy 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 supply while helping ensure safer communities.

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. We stress the urgent need to reclaim our communities to protect our families, our elders and our next seven generations from this menacing and deteriorating drug on the Quinault Indian Nation Reservation.

*$325,000 Fully To Implement the Quinault Forest Management Plan (FMP)*

From time immemorial, the Quinault people have been deeply connected with the land, water systems, and forests. The Quinault Indian Nation, with enthusiasm and tremendous hope for building a sustained economy, adopted an FMP in 2001. However, recent budget reductions have brought our efforts in implementing the plan to a near standstill. We are entering a second phase of implementation and must evaluate the plan's effectiveness and our need to undertake adaptive management measures. However, with recent and impending reductions in natural resource funding, we are left with very little hope for implementing the plan as it was originally intended. Moreover, the ESA created unfunded mandates for the Quinault Indian Nation FMP. We contend with ongoing issues, daily, due to a lack of funding and inadequate staffing levels. We urge you to be very cognizant of trust obligations and commitments to maximize tribal resources and restore funding levels to ensure that progress made, thus far, will continue to support a comprehensive and sustained management approach to reservation lands.

*$2.21 Million McBride Road Maintenance and Emergency Reservation Exit Route: BIA/Roads Maintenance Program*

The Quinault Reservation is located in Grays Harbor County in the village of Taholah, Washington; a rural isolated and economically deprived area. The village of Taholah lies in a tsunami danger zone. The site of the village is barely above sea level and experts have determined that the sea level is rising because of global warming patterns. For Taholah, tsunami is a health and safety risk factor that we must live with everyday. The Quinault Indian Reservation is interlaced with thousands of miles of roads that are left over from large logging contracts that ended in about 1980. Most of these roads do not have the required right-of-way and do not receive funding for maintenance.

The village of Taholah is accessible via SR 109 that parallels the Pacific Ocean. The McBride Road, a single forest road, is the only escapement route available to the 1,000 community members of the Quinault Indian Nation living in the village of Taholah. Its state of disrepair necessitates that immediate action be taken to bring the road up to a Class B gravel road status to be used in cases of emergency. The cost for this project is $876,500 to repair 10.75 miles and could be accomplished within a 3-month timeframe during dry weather conditions. The project will create four new jobs in right-of-way acquisition and road engineering and will impact about 400 jobs of timber workers, fishermen, and fishing guides that rely on these roads for their livelihood.

Major portions of this route are at sea level. What is particularly important to understand is that the portions of this road above sea level are susceptible to mudslides. Three such mudslides have occurred in the past 5 years. In a single event, the road blocked access for 3 days. Medical needs for village people became an issue, while those in need of kidney dialysis were particularly affected. Some tribal members were able to evacuate the village by using another, longer alternate route. Still, this application is unsafe for use by the general public because the forest roads are not patrolled, well-maintained, have limited signage and cell reception.

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## PREPARED STATEMENT OF THE RAMAH NAVAJO SCHOOL BOARD, INC.

### REQUEST SUMMARY

Mr. Chairman and members of the subcommittee: On behalf of the Board of Trustees of the Ramah Navajo School Board, Inc., we are requesting funding to address the education needs of American Indians and Alaska Natives (AI/AN) on the national level, and also the more specific education and health needs of the Ramah Navajo Reservation in Cibola County, at Pine Hill, New Mexico. Specifically, we are requesting the Congress to:

—Direct the Bureau of Indian Education (BIE) to reopen the Replacement School Construction Priority process to solicit new applications, or—in the alternative—appropriate $5.6 million for the replacement of Ramah Navajo Elementary School building;

—For the Indian Health Services (IHS), $3.45 million for a Ramah Navajo elder community center;

—For the IHS, $2.55 million for the Ramah Navajo School's water well and sewer system;

—For the BIE, continue the funding to support American Indian tribal colleges;

—For the BIE, funding for "Tribal Grant Support Costs" in the amount of $72.3 million to meet the indirect cost needs of all tribally controlled schools; and

—For the BIE, funding for the Indian School Equalization Formula (ISEF), the core academic budget, in the amount of $431 million.

BACKGROUND

The Ramah Navajo School Board, Inc., established in 1970, governs the K–12 Pine Hill School (a federally funded BIA/BIE school), the Pine Hill Health Center and more than 30 other school and community programs on the Ramah Navajo Reservation in Cibola County, at Pine Hill, New Mexico. We have the distinction of operating the first Indian-controlled health clinic and the first Indian-controlled high school in the country. The Ramah Navajo School Board serves the 4,000-plus members of the Ramah Band of Navajo Indians, and on their behalf, I want to thank you for the commitment and support you have provided to our community over the past 40 years. The Ramah Navajo people are well aware of the current fiscal climate in our country and the many difficult decisions that must be made to restore economic prosperity for all Americans. That being said, the Federal Government, through the BIE and the IHS, has an historic and long-standing trust responsibility to the health and well-being of American Indian communities such as Ramah Navajo, who, long before the current economic downturn, struggled to provide to their members basic services, such as education and healthcare. The BIE school system, for example, has long been underfunded, and the fiscal year 2012 proposed budget falls far short of remedying this state of affairs. Given the importance of education to the future viability of our community, we hope that the Congress will recognize and address the very real funding needs of our tribally operated school. Ramah Navajo, one of the most remote communities in the country, faces unique challenges and must receive continued funding to operate its facilities and provide essential community-based programs. With all these factors in mind, we unequivocally support the fiscal year 2012 budget requests prepared by the National Congress of American Indians (NCAI) for the BIE-funded school programs, and in particular, the request for realistic funding for Tribal Grant Support Costs (TGSC) and the ISEF Program. Ramah Navajo also has three community requests for which it seeks your support.

SPECIFIC REQUESTS

*Request No. 1*: Direct the BIE to reopen the "Replacement School Priority List" and/or appropriate $5.6 million needed to replace the Ramah Navajo elementary school building.—The Federal Government, through the BIE, is responsible for facility operations and maintenance for all buildings on Ramah Navajo's K–12 Pine Hill School campus. The elementary school (building #803), which opened in 1975, has served our community for the past 35 years. In August 2010, however, it was discovered that this building has sustained serious water damage, mold growth, and insect infestation. The consulting engineers have recommended the replacement of all exterior walls, the roof, and interior finishes. In replacing the exterior walls, it would be also be necessary to remove and replace plumbing and electrical equipment. Given the extent of the major renovation needed to bring the building up to a safe and usable condition, it has been recommended that the building be demolished, and a new elementary school building be constructed in its place. In the meantime, the elementary school building has been sealed closed due to the structural defects (e.g., the roof is on the verge of collapse in some locations), and also the high concentrations of mold in the building. As a result, our 300 elementary school students are housed in other school buildings. In addition to the concerns about the physical plant, the current situation adversely impacts our entire education environment; raises concerns about overcrowding and student health and safety; and limits our ability to expand our student enrollment. We have an emergency need for a new elementary school building, and the BIE has a process for evaluating school construction applications and ranking them on a priority list for funding. However, 6 years have passed since the BIE has added any new schools to the replacement school construction priority list. And since Ramah Navajo does not have any other way to make its case for a replacement elementary school building, we are left with an uninhabitable elementary school building. The fiscal year 2012 proposed budget includes no funding for replacement school or facility construction. This would inflict severe hardship on schools, such as Ramah Navajo, who now face a critical need for replacement facilities. Therefore, we urge the Congress to direct the BIE to reopen the competitive process by which Indian schools can submit applications to justify their requests for replacement school construction. Alternatively, and given the administration's proposed freeze on "new construction", we urge the Congress to direct the BIE to identify funding from the facilities improvement and repair account to immediately redress our critical building deficiencies so that our school can be fully utilized once more.

*Request No. 2*: Appropriate $3.45 million for a Ramah Navajo elder community center.—There is a great need in the Ramah Navajo community for an elder community center to be located near the Pine Hill Health Center on our school campus so elders can have a center dedicated to their needs. Our community is spread out over 625 square miles with only one paved road. Family hogans and houses are geographically remote, raising concerns about the well-being of our elders. Approximately 480 residents older than 65 and another 905 between the ages of 50 and 64 are seen at the Pine Hill Health Center. Although some of our elders qualify for part-time care takers through Medicaid to help with the functions of daily living, most of our elders do not, leaving them vulnerable to many unmet needs, such as accidental falls, taking care of personal finances, bathing, cooking and hot meals, and other elderly needs.

The Pine Hill Health Center has received an IHS Elder Initiative grant to conduct a comprehensive survey of our elder community covering everything from personal needs assessments, home safety and environmental assessments, thorough physical exams and a community evaluation and survey of elder needs. This study shows that the community is very much in need of an elder community center that will address the needs of our elders, including, but not limited to, healthcare, nutrition, education, intergenerational social activities in conjunction with the school, and space to train local caregivers. As the median age of our population rises, as our IHS-funded survey confirms, this community will increasingly require a facility where services to this growing and vulnerable population can be provided. The Ramah School Board officials have met with the IHS area office to discuss this need. We are beginning the process to get this project on the IHS priority list, but have been told that it is probably a 20-year waiting period. This is unacceptable to us and to our elders.

*Request No. 3*: Appropriate $2.55 million for the Pine Hill School water well and sewer system.—The Pine Hill School water well and sewer system, constructed in the early 1970s, was originally intended to serve only the new Pine Hill School and housing units for the school staff. Over the past 37 years, the board of trustees has added numerous other buildings and facilities for school and community programs. The Water and Sewer System also serves non-Ramah facilities, such as the Pine Hill Market, and provides clean water to nearby community housing projects (70-plus units). We seek funding for a new water and sewer system through the IHS sanitation facilities program. The funds requested are essential for the health and safety of our students, teachers, and housing residents. At this time, our west sewer lagoon does not comply with applicable Environmental Protection Agency laws and regulations, so we urgently need to bring the lagoon into compliance. The funds sought for this project will also be used for the design and construction of a new 8- to 10-inch sewer line main from the school campus to the sewer lagoon, and for the upgrade of the well, which is the principal source of water for our school campus.

*Request No. 4*: Continue funding to support American Indian tribal colleges throughout the country.—Since the threatened cuts to the BIE budget to support American Indian tribal colleges throughout the country will end the hopes of thousands of American Indians for a college education and skilled, living wage jobs, especially for their own tribes, we urge the Congress to continue the critical funding for these colleges at least at the same level as it did in the budget for the last fiscal year.

*Request No. 5*: Increase the TGSC for tribally operated schools to $72.3 million.—The TGSC, formerly known as administrative cost grants, cover those indirect/administrative costs incurred by tribes that have elected to take over operation of the BIE-funded schools on their reservations. This funding covers such expenses as payroll, accounting, insurance, background checks, and other legal, reporting and recordkeeping requirements. Almost all these costs are legally mandated and/or conditions for the receipt of program funding. Yet, appropriations for the TGSC have consistently lagged behind the needs of tribally controlled schools. In fiscal year 2010, for example, the amount appropriated by the Congress funded only 62 percent of the administrative costs incurred by schools. For fiscal year 2012, the proposed budget requests a $3 million increase more than the fiscal year 2010 enacted levels, which the BIE estimates would meet 65 percent of need. Given the ever rising costs of fiscal management, insurance, and other "contract support" expenses, and the possibility that three additional schools may be converting to tribally controlled status in fiscal year 2012, it is altogether likely that this additional $3 million will not be sufficient to raise the cost rate above the current 62 percent of need. For 19 of the last 20 years, our Pine Hill School, as well as all other tribally operated schools, has not received its full TGSC amount. On the other hand, significant efforts have been made in the budget to address Contract Support Costs (CSC) for the BIA and

the IHS non-school contractors. For example, the proposed budget requests an increase of $25.5 million to fund CSC for non-school contractors (with an additional $2 million to pay for the costs of new contractors). For the IHS, the administration seeks a $50 million increase. In fiscal year 2010, the BIA and the IHS non-school contractors also received significant increases, while tribally operated schools received no increases since fiscal year 2004. While we are grateful that the Congress has recognized the need to address the shortfalls in funding for our nonschool programs, these efforts do not remedy the very real impacts associated with inadequate funding of our school's TGSC, and we request that the comparable needs of our schools be recognized and fully funded. The NCAI has calculated that $70.3 million is needed to fully fund the TGSC for current grant schools with an additional $2 million for schools newly converting to tribally controlled status. We fully endorse this request.

*Request No. 6*: Fund the ISEF Account at $431 million in order to fulfill the Federal Government's obligation to Indian children in the BIE school system. These funds support Indian education programs, which is, of course, the core function of our schools. Without an increase to the ISEF, our own school will not be able to continue to recruit and retain the high-quality personnel needed for our education program to succeed. Key support services also require subsidies. For example, our food service budget, transportation, and facilities and maintenance funding falls far short of the amounts realistically needed, and these shortages must be supplemented by our ISEF funds. We must also provide school security, a school nursing staff, and after-school programs. All of these costs should be the responsibility of the BIE, but its budget for the ISEF chronically fails to supply the level of support needed and does not take into account the enhanced costs of operating a small school such as ours in a sparsely populated reservation community. Over the past 7 years, the ISEF budget has increased by only 13 percent, less than 2 percent per year. The proposed fiscal year 2012 budget requests $392.3 million. This translates into a "weighted student unit" amount of $5,320.62, an increase of less than $9 more than the fiscal year 2010 enacted amount. Instead, we urge that the ISEF appropriation be set at $431 million as recommended by the NCAI, the amount realistically required to begin to rectify the historic underfunding of the BIE school system. Our children deserve as much.

CONCLUSION

The Board of Trustees for the Ramah Navajo School Board, Inc., appreciates your support. We hope that this information will help the Congress, especially new members, better understand the needs of and unique challenges faced by the AI/AN communities generally, and the Ramah Navajo Reservation community, in particular. Thank you for this opportunity to present our testimony.

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## PREPARED STATEMENT OF THE RIVERSIDE-SAN BERNARDINO COUNTY INDIAN HEALTH, INC.

On behalf of Riverside-San Bernardino County Indian Health, Inc. of California, I write to request that the fiscal year 2012 appropriation include $615 million in contract support cost (CSC) funding for the Indian Health Service (IHS). According to IHS, this is the amount that is legally required to fully pay the contracts that tribal organizations like us (along with hundreds of Indian tribes) are carrying out to operate Federal IHS facilities and healthcare programs. Without this funding, in fiscal year 2012 Riverside will once again suffer a shortfall of $3,094,883 in carrying out its IHS contract.

The chairman and this subcommittee know well that, when the IHS contracts over the operation of its facilities to tribal organizations under the Indian Self-Determination Act (ISDA), the result is strengthened tribal government institutions; increased local employment and training; a reduced Federal bureaucracy; and—perhaps most importantly—increased local control over the design and delivery of critical healthcare programs. We take distant bureaucrats from Washington, DC out of the picture, along with their reams of regulations and manuals, to produce true local control over healthcare.

The Congress, the President, and every IHS Director since 1975 has recognized that no policy in American history has had a more profound effect on strengthening tribal institutions, quality of care, and local employment than has the Indian Self-Determination Policy reflected in the ISDA. This is why it is critical that the Congress honor and support that Policy by appropriating the sums required by law and by our contracts for fixed contract support costs.

As the subcommittee knows, CSC are fixed costs. They are set by the agencies and they must be paid off the top, no matter what. Since these costs are fixed, the direct result of CSC underpayments is the loss of local jobs and reductions in healthcare and related services. The impact for Indian country is particularly severe when you consider that Indian healthcare is barely one-half the amount the Government spends to care for Federal prisoners, and only 38 percent of the Nation's overall per capita healthcare spending.

The last thing we need to be doing is diverting the few funds we have in order to subsidize the Government's CSC underpayments. Doing that only punishes our Indian patients and dishonors the Government's trust responsibility to provide healthcare.

At Riverside we know that closing the CSC gap produces jobs and improves healthcare and outcomes among our people. In fiscal year 2010 Riverside was allocated $1,976,000 to partially reduce our CSC shortfall. With that, we opened 23 jobs, including 1 pharmacist; 1 pharmacy technician; 3 chemical dependency counselors; 1 nursing director; 5 registered dental assistants; 2 dental receptionists; 1 dentist; 1 case utilization review manager (for our Contract Health Care private-sector referral program); 1 optometrist; 2 opticians; 2 nurse practitioners; 1 patient escort; 1 fitness specialist to assist our diabetic patients; and 1 social worker. These are real jobs, good jobs, and permanent jobs. They are also a fraction of the jobs we lost to the CSC shortfall.

The time has come, after 35 years, to finally end the CSC shortfalls that have damaged our healthcare programs, punished our people, and broken the Government's contract promises. I therefore respectfully, but urgently ask that you consider increasing the contract support cost line in the IHS budget to $615 million. In making this request I wish to point out this request has the full support of the National Indian Health Board, the National Congress of American Indians and the National IHS Tribal Self-Governance Advisory Committee.

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## PREPARED STATEMENT OF THE SAC AND FOX NATION OF OKLAHOMA

On behalf of the Sac and Fox Nation of Oklahoma I am submitting the following budget priorities for the fiscal year 2012 budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). Thank you for considering these requests

### INTRODUCTION

At the time of this written submission, current year funding for fiscal year 2011 remains under negotiation and is currently funded under a continuing resolution through April 8, 2011. While discussions will resume in the Congress on proposals for a comprehensive plan to address a final enacted amount for fiscal year 2011, final funding levels remain uncertain. Therefore, our requests and analysis of the fiscal year 2012 President's proposed budget are compared to the fiscal year 2010 final enacted.

The President has committed to support and advance tribal Self-Determination and Self-Governance for the Nation's 567 federally recognized tribes. Consistent with that commitment, the fiscal year 2012 President's proposed budget presents a renewed opportunity for the U.S. Government to live up to the promises made to American Indians/Alaska Native (AI/AN) tribal governments. Further, it provides a concrete fulfillment of the President's promise to the tribal leadership to ensure that the AI/AN governments are full and equal partners in the family of governments.

### BIA REQUESTS

Overall, the fiscal year 2012 budget request for the BIA is approximately 4.5 percent below the 2010 enacted level. While we are concerned about several of the proposed decreases, we strongly support and urge the passage of those significant increases included in fiscal year 2012 President's proposed budget, including:

—$25 million increase in Contract Support Costs (CSC);
—$20 million increase for tribal law enforcement activities;
—$8.9 million increase to improve the state of Bureau of Indian Education (BIE) schools;
—$3.9 million increase to implement new safety and security measures at 10 schools and two dormitories;
—$3 million increase for tribal grant support costs; and
—$3 million for tribal management/development.

In order to effectively carry out the transfer of Federal activities to tribes under the Indian Self-Determination and Education Assistance Act, we respectfully request this subcommittee to protect and support the President's fiscal year 2012 proposed increases for the BIA programs and to support the following additional program increases:

*Tribal Priority Allocation (TPA) General Increase*.—Provide $82.9 million (10 percent increase over fiscal year 2010) for general increase.

TPA is one of the most important funding areas for tribal governments. It covers such needs as scholarships and higher education funding, human services, economic development, and natural resources management. This funding has steadily eroded due to inflation and population growth. The effects of rising costs of travel, equipment, supplies, and purchased services have been compounding for years while the Native American population has increased at 1.6 percent per year. Since tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, they are the main resources for tribes to exercise their powers of Self-Determination and Self-Governance (SG). We respectfully urge the subcommittee to provide at least a 10 percent ($82.9 million) "general increase" more than the fiscal year 2010 enacted level for TPA in order to maintain these programs and services.

*CSC*.—Provide a $50 million increase for the BIA to fully fund CSC, including direct CSC and provide $5 million for the Indian Self-Determination (ISD) Fund.

The CSC are the key to Self-Determination for tribes. Full funding of the CSC covers the fixed overhead costs that a tribe must incur to operate a BIA program or facility as required under the Indian Self-Determination and Education Assistance Act. When the CSC is not fully funded, tribes are forced to utilize limited direct program services dollars or tribal resources to cover these shortfalls. Further, contract support costs directly funds jobs—and those jobs directly enhance services for education, law enforcement, and other essential governmental services across Indian country. We respectfully urge the subcommittee to fund these essential services and not permit Indian agreements to remain the only Government contracts that are not fully funded.

*Law Enforcement/Tribal Courts/Tribal Detention Facilities*.—Provide $30 million more than fiscal year 2010 levels.

Effective implementation of the recently enacted Tribal Law and Order Act (TLOA) requires a commitment of resources if its intended goals are to be fully implemented to address issues of public safety and justice in Indian country. Increased and targeted funding will support tribes in their implementation of the TLOA. We respectfully urge the subcommittee to provide an increase in funds for officer recruitment and training, tribal courts and for tribal detention facilities operations and maintenance.

*Education*.—Provide $24.3 million to fully restore funding to Johnson O'Malley (JOM).

Investments in education for our Native children prepare our youth for active and equal participation in our economic systems as well as to help these students who have historically been underserved to achieve their dream of going to college and providing them with the skills to serve as future leaders. We respectfully urge the subcommittee to restore funding for the JOM Program which provides special and unique need as determined through parent committees.

Increase funding to the Office of Tribal Self-Governance (OTSG) to fully staff the office for the increase of tribes entering Self-Governance (SG).

IHS REQUESTS

The President's fiscal year 2012 proposed increase for the IHS represents a significant increase of $571 million (14.1 percent) more than the fiscal year 2010 enacted level. This represents a positive step toward meeting the overwhelming $22.1 billion needed to bring parity in healthcare for the AI/AN. Last year, permanent reauthorization of the Indian Health Care Improvement Act (IHCIA) was included as part of the Patient Protection and Affordable Care Act (ACA). Effective implementation of the IHCIA requires an investment in Indian health to ensure that Indian healthcare delivery system is strengthened so that the AI/ANs and Indian health programs benefit from these reformed systems.

We respectfully urge this subcommittee to hold Indian health program harmless and to protect and support the President's fiscal year 2012 proposed increases for the IHS programs from budget roll-backs, freezes, and rescission. We offer the following additional recommendations:

*Fully Fund Current Services*.—Provide $532 million for the IHS and tribal pay costs, inflation, and population growth; staffing for new/replacement facilities and healthcare facilities construction previously approved plan.

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. Maintaining current services is a fundamental budget principle. We respectfully urge the subcommittee to provide an increase necessary to maintain the current level of care.

*Contract Health Services (CHS)*.—Provide $118 million increase for CHS.

This increase of $118 million is a modest increase compared to the estimated needs of $1 billion. At present, less than one-half of the CHS need is being met, leaving too many Indian people without access to necessary medical services. We respectfully urge the subcommittee to provide to address this critical need.

*CSC*.—Provide $122 million for the IHS to fully fund CSC.

For fiscal year 2012, the estimated shortfall is $153 million. Investing funds here is wise. No part of the IHS budgets is more highly scrutinized than are the funds awarded under these contracts. There is a transparency and accountability here that is unrivaled in other government contracting work. Adequate CSC funding assures that tribes have the ability to deliver the highest-quality healthcare services to their members. We respectfully urge the subcommittee to fund these essential services and not permit Indian agreements to remain the only Government contracts that are not fully funded.

*OTSG*.—Increase $5 million to the IHS OTSG.

As of 2011, there are 334 SG tribes managing approximately $1.4 billion in funding. This represents 59 percent of all federally recognized tribes and 33 percent of the overall IHS funding. The OTSG supports tribes operating programs under the Tribal Self-Governance Amendments of 2000. The SG process serves as a model program for healthcare reform implementation and builds tribal infrastructures to provide quality services to the AI/AN people. We respectfully urge the subcommittee to provide an increase to provide for adequate implementation of this act.

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## PREPARED STATEMENT OF THE SOUTHCENTRAL FOUNDATION

My name is Charles Clement. I am the Chief Operating Officer of Southcentral Foundation (SCF) in Alaska. SCF is a tribal organization that compacts with the Secretary of Health and Human Services (HHS) under title V of the Indian Self-Determination Act (ISDA) to carry out various Indian Health Service (IHS) programs. In doing so, the SCF acts pursuant to tribal authority granted by Cook Inlet Region, Inc., an Alaska Native regional corporation designated by the Congress as an Indian tribe for purposes of ISDA activities. As my testimony reflects, we request that in fiscal year 2012 the Congress fully fund contract support cost requirements by $615 million, and that it also add $25 million to forward-fund a small portion fiscal year 2013 joint venture staffing requirements.

The SCF has carried out IHS programs under ISDA agreements for more than 25 years. In accordance with its compact with the HHS, the SCF currently provides medical, dental, optometric, behavioral health, and substance abuse treatment services to more than 45,000 Alaska Native and American Indian beneficiaries living within the municipality of Anchorage, the Matanuska-Susitna Borough, and nearby villages. The SCF also provides services to an additional 13,000 residents of 55 rural Alaska villages covering an area exceeding 100,000 square miles. To administer and deliver these critical healthcare services, the SCF employs more than 1,400 people.

Today, I will focus my remarks on two issues, contract support cost funding and joint venture funding.

### CONTRACT SUPPORT COST (CSC) FUNDING

The greatest impediment to the full performance of our self-governance compact with the IHS has been the historic underfunding of our CSC. Since those costs are fixed, when the IHS fails to cover our contract support costs—despite a statutory mandate and a contract obligation to do so—the SCF has no choice but to cut positions, which in turn cuts services, and which in turn cuts down our billings and collections from Medicare, Medicaid, and private insurers (billings which would otherwise go into additional staff and services for our people).

The reverse is also true, and it is proven: when CSC shortfalls are finally paid, the results are increased employment, increased services and increased collections leading to more employment and services. In fiscal year 2010, the President requested and the Congress approved an historic increase in "contract support cost"

appropriations for fiscal year 2010, for which the SCF is deeply appreciative. Nationally, this increase (which totaled $116 million) cut down the current shortfall in CSC payments by about one-half. In a moment I will detail the advances the SCF has already made with the partial restoration of its CSC funds in fiscal year 2010.

But before doing that I need to explain the costs that we are talking about. The majority of the SCF's CSC (about 80 percent) are comprised of fixed overhead costs that are determined by an indirect cost rate that is approved by the HHS's Division of Cost Allocation. The remainder of the SCF's CSC (about 20 percent) are set directly by the IHS through direct negotiations. Together, these are the fixed CSC that the SCF actually incurs, year in and year out, whether the IHS reimburses us or not. These costs are independently audited each year by certified public accountants, as required by law.

Even though OMB circulars require that every agency must honor our Federal indirect cost rate, and despite the fact that the ISDA mandates that the IHS must add "in full" all CSC to the SCF's self-governance compact, in the past, the IHS has never fulfilled those obligations. Nor has the IHS ever met its obligation to inform the Congress mid-year of the amounts it owes the SCF in the current year, and the IHS has never requested supplemental appropriations from the Congress to address those contract shortfalls. Instead, the IHS has adopted a practice of issuing its contract shortfall reports 1 year late, long after the Congress can do anything about it through the supplemental appropriations process.

So far as we have been able to determine, no other contractors are treated this way. The HHS, including the IHS, treats its contracts with Indian tribes—and only its contracts with Indian tribes—as if they were just grants. We provide a contracted service for a contracted price, but then the IHS only pays us what it thinks it can afford, and it never budgets enough in its annual appropriation to pay all of its contracts with all of the tribes.

This practice must stop. In fiscal year 2012, the IHS should finally pay its contract obligations in full. The CSC line-item should be fully funded at $615 million, as the IHS's own calculations disclose is required in the IHS budget justification.

It is said that CSC shortfalls are the necessary result of fiscal constraints. But as I have noted, neither the HHS nor any other Federal agency I know of ever uses that as a reason not to pay a Government contractor in full, whether the issue involves other IHS or HHS procurement contracts, or the Government's contracts to feed our troops overseas. Fiscal constraints are never a reason for a Government to renege on its contract obligations, and if they were no one could ever rely on the Government as a contracting party.

Existing fiscal constraints should also not fall disproportionately on the tribally administered portion of the IHS system. On the one hand, when fiscal constraints lead the Congress to reduce program funding, the burden of that decision is shared equally between the IHS-operated portion of the healthcare delivery system and the tribally operated portion of that same system. The tribe, like IHS, is then awarded a contract to operate a smaller program.

But when budgetary constraints lead to insufficient contract support appropriations, tribes, and tribal organizations like the SCF shoulder the full brunt of the reduction, requiring the contracted programs themselves to be cut in order to make up the difference. All the while, parallel programs that remain under the IHS operation are entirely protected from those funding decisions.

In effect, and in reality, underfunding CSC disproportionately balances budgetary constraints on the backs of tribal contractors, alone. It punishes the people served under those contracts by forcing reductions in contracted programs. If the Congress is going to cut budgets or limit budget increases, fairness demands that such actions occur in portions of the budget that are shouldered equally by the IHS and the tribes and tribal organizations.

The SCF's CSC requirements reflect critical infrastructure, often mandated by the Congress. They include federally mandated costs such as annual independent audits, and they also cover items such as liability and property insurance, workers' compensation insurance, and payroll and procurement systems. We have to buy insurance. We need to make payroll. We have to purchase supplies and services, and track property and equipment. Given these fixed costs, when CSC are cut, the SCF has no choice but to make up the difference through staffing and service reductions. As a result, the shortfall has had a direct impact on employment—or rather, unemployment—in our area. Indisputably, CSC shortfalls mean lost jobs.

At even a high estimate of $100,000 per average full-time equivalent employee, every $1 million loss in our CSC payments initially costs the SCF 10 jobs. In actuality, however, the impact is even worse, since the reduction in services also means a reduction in revenues from Medicare, Medicaid, and other third-party insurers and payers. Therefore, the true job loss for the SCF is more than 20 positions.

The SCF is one of the country's larger tribal healthcare contractors. In fiscal year 2008, the HHS failed to pay us roughly 40 percent of our entire CSC requirement: $10.7 million. The impact of such a large shortfall on jobs was stunning, and it severely constrained our ability to meet the healthcare needs of the Alaska Native and American Indian population in our service area. The shortfall meant we could not hire doctors, nurse practitioners, home health workers, psychiatrists, mental health clinicians, dentists, dental hygienists, optometrists, pharmacists, and substance abuse counselors—and I could list many more. Things only got worse in fiscal year 2009, when the SCF lost another $12.8 million, again nearly 40 percent of our CSC requirement.

But the reverse is also true, and it is proven: when CSC shortfalls are reduced, more healthcare is delivered. Thanks to this administration's unprecedented support in fiscal year 2010, the SCF saw its CSC shortfall close last year by about $8.8 million. As a result, the SCF in fiscal year 2010 opened 97 positions to fill multiple healthcare provider teams and support staff. If the remaining shortfall were closed through appropriate HHS budget priorities, the SCF would be able to add another 50 positions that currently cannot be filled.

The SCF applauds the President's proposal in fiscal year 2012 to narrow the nationwide gap by $66 million more than fiscal year 2010 levels. That said, these sums are simply not even close to sufficient to cover either the current shortfall this year or the anticipated shortfall next year. For that reason, the SCF respectfully calls upon the Congress to provide $615 million in CSC funding for fiscal year 2012, so that the HHS can finally honor these contracts in full.

The administration has made bold and historic efforts to narrow the gap. Given the continuing recession and a persistent gap in Indian healthcare, now is the time to finally close it. Every tribe has contracts with the IHS to carry out some of the agency's healthcare services, and nearly every tribe is currently being penalized for taking that initiative. Closing the CSC gap will directly benefit nearly every Indian and Alaska Native community in the Nation that is served by the IHS.

JOINT VENTURE FUNDING

The second issue I need to address concerns the many joint venture projects currently underway across the country in which several tribes and tribal organizations (including the SCF) have secured non-Federal financing to construct healthcare facilities to be operated by the tribes under self-determination or self-governance agreements, in exchange for a contractual commitment by the IHS to fund the staffing of those facilities once they are completed.

The SCF is gravely concerned that insufficient continuing services appropriations will be available to fully staff the several joint venture projects that will come on line in fiscal year 2013, as well as the associated CSC requirements for running those facilities. As things stand, the IHS already commits to only staff these facilities at 85 percent of full staffing. Without any CSC funding, that percentage will drop to 60 percent. Such an outcome will severely strain the ability of many tribes to provide effective care, to meet their debt service obligations, and to properly operate these facilities. Subcommittee instructions to the agency can help ensure that such consequences do not befall the joint venture program. Forward-funding a portion of these costs in fiscal year 2012 with $25 million (one-fifth of what will be required in fiscal year 2013) would be a sound management practice that would permit hiring to begin before we open our doors on October 1, 2012.

Thank you for granting me the opportunity to testify on behalf of the SCF and the 58,000 Native American people we serve.

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LETTER FROM SONOSKY, CHAMBERS, SACHSE, ENDRESON & PERRY, LLP

*May 5, 2011.*

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Re: Testimonies from tribes and tribal organizations regarding contract support costs in the fiscal year 2012 budget

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: I write on behalf of the National Tribal Contract Support Cost Coalition to request that copies of the enclosed

House testimonies be made a part of the Senate Committee's record on the fiscal year 2012 appropriation for Interior, environment, and related agencies.

These testimonies are all directed to the enormous shortfall still remaining in the contractual duty of the Indian Health Service (IHS) to pay full contract support costs under its contracts awarded to tribes and tribal organizations operating Federal hospitals, clinics, and other healthcare programs for the IHS across Indian country. Although this subcommittee has been open to the administration's past requests for increased funding to address this binding contract obligation, the administration's $462 million fiscal year 2012 request is, by its own admission, a stunning $153 million short of the full amount needed to pay these contracts in full.

The reasons supporting closing this gap in fiscal year 2012 are many, including:

—the legal duty to pay these contracts under the law and the Supreme Court's 2005 *Cherokee Nation* decision;

—the effectiveness of these contracts in improving health while producing local jobs and improved local governance;

—failing to pay these federally determined fixed costs punishes tribal contractors by compelling offsetting health program reductions and layoffs; and

—100 percent of contract support cost dollars go into tribal healthcare—not one penny goes to the agency bureaucracy.

But perhaps the greatest reason to pay the shortfall is that these fully performed contracts are the only contracts which the Federal Government sees fit to underpay, even after amendments and a Supreme Court decision declaring that these contracts are to be treated no differently than any other Federal contract.

Although the enclosed testimonies vary widely, they all address this same fundamental problem. They represent the views, not only of national organizations like National Indian Health Board and National Congress of Indians, but also the specific views of more than 290 tribes (individually or in tribal consortia) situated across the States of Washington, Idaho, Montana, Oregon, California, Nevada, Michigan, Wisconsin, Alaska, Oklahoma, and New Mexico.

Thank you once again for the subommittee's special commitment to Indian healthcare, as well as the subommittee's specific commitment to correcting the injustice that these contract support cost shortfalls impose upon nearly all of the 565 tribes contracting with the IHS to operate Federal facilities or services in 35 States under the Indian Self-Determination Act.

Sincerely,

LLOYD B. MILLER,
*Partner.*

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PREPARED STATEMENT OF THE SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM

I write as president of the SouthEast Alaska Regional Health Consortium (SEARHC) to urge that the subcommittee increase the Indian Health Service (IHS) requested appropriation for contract support cost (CSC) payments up to $615 million. This will permit the IHS to finally pay in full all of its contract obligations to SEARHC and the hundreds of other tribes and tribal organizations that operate IHS facilities across the United States.

The SEARHC is an inter-tribal consortium of 18 federally recognized tribes situated throughout the southeast panhandle of Alaska. Our considerable service area encompasses more than 35,000 square miles, an area larger than the State of Maine. With no road system connecting our communities, the challenges to deliver healthcare are considerable.

We meet this challenge through a network of community clinics and the Mt. Edgecombe Hospital, and our array of healthcare services includes medical, dental, mental health, physical therapy, radiology, pharmacy, laboratory, nutritional, audiology, optometry, and respiratory therapy services. In addition we provide supplemental social services, substance abuse treatment, health promotion services, emergency medical services, environmental health services, and traditional Native healing.

We administer more than $42 million in IHS facilities and related programs and services. These are Federal services which we operate on behalf of the Federal Government through a self-governance compact and associated funding agreement.

To carry out the Government's healthcare programs under this contract requires us to incur certain fixed costs, including a number of costs mandated by the Federal Government. These costs include substantial annual audit costs, insurance costs, and an array of administrative costs to operate our personnel and financial management systems.

Virtually none of these CSC are covered in the direct service budget which the IHS contracts to pay under our funding agreement. This is because the IHS either does not incur these costs at all (in the case of audit expenses and insurance costs), or because the IHS receives resources to carry-out these functions from other portions of the IHS budget, other divisions of the Department of Health and Human Services, or even other departments of the Federal Government. Still, these are mandatory fixed costs which SEARHC must incur year in and year out, and for SEARHC these costs are set every year by the Department's Division of Cost Allocation.

Decades ago SEARHC was required to accept a contract that did not provide for the payment of these CSCs. Over the years, however, the Congress amended the Indian Self-Determination Act to require that our full requirement for contract support costs be added "in full" to the negotiated budget for our direct services. Thus today, both the law and our compact and funding agreement require that CSC be added in full.

But this has not happened. The IHS will not pay the full amount owed under our contract. In fact, we never know how much IHS is going to choose to pay us until our contract has already been fully performed. We really have no choice in the matter—our people depend upon us to provide healthcare on a continuing basis.

No Federal agency should be able to simply declare unilaterally that it is not going to pay the full amount of a contract, and not tell the contractor how much it will actually be paid until the contract year is almost over. Yet that is what has been happening to SEARHC.

In the last completed fiscal year (2010) SEARHC was underpaid approximately $2,761,000 in fixed CSCs. SEARHC has no tax base, and thus no way to make up for the difference other than to take resources that would otherwise support the delivery of services. Again, this is because CSCs are fixed and must be paid off the top. The result is a severe impact on our ability to fully discharge our contract and provide maximum care to our beneficiaries.

Worst yet, the Government's conduct is simply wrong. So far as SEARHC has been able to determine, in no other area of Government contracting does an agency decide at the end of a year how much it is going to pay a contractor after it has already received the benefit of the bargain. The Government would never treat other Government contractors this way, and there is no excuse for the Government's treatment of tribal contractors, particularly given the mandatory language in the Indian Self-Determination Act which controls the award of our contract documents.

The SEARHC is a member of the National Tribal Contract Support Cost Coalition (NTCSCC), and we fully endorse the NTCSCC's testimony. We call for full funding of CSCs in fiscal year 2012. It has been almost 7 years to the day since the Supreme Court required that the Government honor its self-determination contracts and self-governance agreements with tribal healthcare providers; at long last we hope that the Congress will work with the administration to provide the funds necessary to meet that statutory and contractual commitment in full.

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## PREPARED STATEMENT OF THE SQUAXIN ISLAND TRIBE

On behalf of the tribal leadership and members of the Squaxin Island Tribe, I am honored to submit our funding priorities and recommendations for the fiscal year 2012 budgets for the Bureau of Indian Affairs (BIA) and the Indian Health Service (IHS). The fiscal year 2012 President's proposed budget presents a renewed opportunity for the U.S. Government to live up to the promises made to American Indians/Alaska Natives (AI/ANs) tribal governments. We want to thank this subcommittee for their long-standing support and urge your consideration of the following requests:

### TRIBAL-SPECIFIC REQUESTS

$1 million increase for Northwest Indian Treatment Center (NWITC) residential program in IHS.

### REGIONAL REQUESTS AND RECOMMENDATIONS

The Squaxin Island Tribe is actively involved in the collective Northwest Tribal efforts and supports the requests and recommendations of:

—Northwest Portland Area Indian Health Board;
—Affiliated Tribes of Northwest Indians; and
—Northwest Indian Fisheries Commission.

SELF-GOVERNANCE (SG) AND NATIONAL REQUESTS AND RECOMMENDATIONS

*Bureau of Indian Affairs*

*Tribal Priority Allocation (TPA) General Increase*.—Provide $82.9 million (10 percent increase over fiscal year 2010).

*Contract Support Costs (CSC)*.—Provide a $50 million increase for the BIA to fully fund CSC, including Direct CSC; and provide $5 million for the Indian Self-Determination (ISD) Fund.

Increase funding to the Office of Tribal Self-Governance (OTSG) to fully staff the office for the increase of tribes entering SG.

*IHS*

*Fully Fund Current Services*.—Provide $532 million for the IHS and tribal pay costs, inflation, and population growth; staffing for new/replacement facilities and healthcare facilities construction previously approved plan.

*Contract Health Services (CHS)*.—Provide $118 million increase for CHS.

*CSC*.—Provide $122 million for the IHS to fully fund CSC.

*OTSG*.—Increase $5 million to the IHS OTSG.

We support all requests and recommendations of the National Congress of American Indians and the National Indian Health Board.

SQUAXIN ISLAND TRIBE BACKGROUND

The Squaxin Island Tribe is located in southern Mason County, near Shelton, Washington in the 6th Congressional District. The tribal government and its economic enterprises constitute the largest employer in the county with more than 1,250 employees. The tribe is a signatory to the 1854 Medicine Creek Treaty and is a SG tribe. The tribe has a current enrollment of 1,017 and an on-reservation population of 426 living in 129 homes. Squaxin has an estimated service area population of 2,747; a growth rate of about 10 percent, and an unemployment rate of about 30 percent (according to the BIA Labor Force Report).

TRIBAL SPECIFIC REQUESTS JUSTIFICATIONS

$1 million increase for Northwest Indian Treatment Center (NWITC) residential program in IHS.

"D3WXbi Palil" meaning "Returning from the Dark, Deep Waters to the Light"—The NWITC has not received an adequate increase in its base IHS budget since the original congressional set-aside in 1993. An increase of $1 million would restore lost purchasing power and meet the need to add mental health and psychiatric components to treatment. This increase would allow the NWITC to continue its effective treatment of Native Americans.

The Squaxin Island Tribe operates the NWITC located in Elma, Washington (6th Congressional District). The NWITC is a residential chemical dependency treatment facility designed to serve American Indians from tribes located in Oregon, Washington, and Idaho who have chronic relapse patterns related to unresolved grief and trauma. The NWITC is unique in its integration of tribal cultural values into a therapeutic environment for co-occurring substance abuse and mental health disorders.

The NWITC has more than 15 years of experience providing residential treatment with culturally competent models and is accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF), an international accrediting organization for behavioral health programs. The NWITC is also certified by Washington State Division of Alcohol and Substance Abuse (DASA) Division of Behavioral Health and licensed by the Department of Health.

Approximately 180 clients are treated at the NWITC each year. In 2009, the NWITC served 193 patients from 28 tribes. In 2009, the NWITC added intensive case management and crisis support to alumni in order to continue to promote positive outcomes for clients. Our base allocation in 1994 was $850,161. In 2010 it was $994,877. If value equity to the 1994 baseline were maintained, the 2010 allocation would have been $1,250,895. Despite funding challenges, the NWITC has continued to develop and deliver innovative, culturally appropriate services to meet increasingly complex demands.

Let me share just one of the many NWITC success stories: X came into treatment referred by a tribe on the Kitsap Peninsula. He came pressured by court, but did not believe he could change—nor did he really want to. While in treatment his spirit awakened and he came to believe in a different possibility. He is now a chemical dependency counselor. He writes each year on the anniversary of his admission to

thank us for his changed life. He sends pictures of the children he is raising and tells us their lives are also changed.

It is critical to increase the NWITC's annual base allocation from IHS in order to sustain the current services to the tribes of the Northwest. We respectfully request the subcommittee to increase the annual base allocation for the NWITC by an additional $1,000,000 to guarantee that patients can be admitted based on need, not State funding streams, and that culturally infused, integrated, and comprehensive treatment services and recovery support services will be maintained.

SG AND NATIONAL REQUESTS AND PRIORITIES

Squaxin Island was 1 of the first 30 tribes in the Nation to enter into a Self-Governance Compact with the Federal Government. Today, the tribe establishes its own priorities and budgets for funds previously administered by the BIA and the IHS. In order to effectively carry out the transfer of Federal activities to tribes under the Indian Self-Determination and Education Assistance Act, we respectfully request this subcommittee to protect and support the President's fiscal year 2012 proposed increases for Indian Affairs programs and to support the following additional program increases:

*TPA General Increase*.—Provide $82.9 million (10 percent increase more than fiscal year 2010) for general increase. TPA is one of the most important funding areas for tribal governments. It covers such needs as scholarships and higher education funding, human services, economic development, and natural resources management. This funding has steadily eroded due to inflation and population growth. The effects of rising costs of travel, equipment, supplies, and purchased services have been compounding for years while the Native American population has increased at 1.6 percent per year. Since tribes have the flexibility to use TPA funds to meet the unique needs of their individual communities, they are the main resources for tribes to exercise their powers of Self-Determination and Self-Governance. We respectfully urge the subcommittee to provide at least a 10 percent ($82.9 million) "general increase" more than the fiscal year 2010 enacted level for TPA in order to maintain these programs and services.

*CSC*.—Provide $50 million increase for BIA to fully fund CSC, including Direct CSC; and provide $5 million for the ISD Fund. Contract support costs are the key to Self-Determination for tribes. Full funding of CSC covers the fixed overhead costs that a tribe must incur to operate a BIA program or facility as required under the Indian Self-Determination and Education Assistance Act. When CSC is not fully funded, tribes are forced to utilize limited direct program services dollars or tribal resources to cover these shortfalls. Further, CSC directly funds jobs—and those jobs directly enhance services for education, law enforcement, and other essential governmental services across Indian country. We respectfully urge the subcommittee to fund these essential services and not permit Indian agreements to remain the only Government contracts that are not fully funded.

Increase funding to the OTSG to fully staff the office for the increase of tribes entering SG.

IHS REQUESTS

The President's fiscal year 2012 proposed increase for the IHS represents a significant increase of $571 million (14.1 percent) more than the fiscal year 2010 enacted level. This represents a positive step toward meeting the overwhelming $22.1 billion needed to bring parity in healthcare for AI/ANs. Last year, permanent reauthorization of the Indian Health Care Improvement Act (IHCIA) was included as part of the Patient Protection and Affordable Care Act (ACA). Effective implementation of the IHCIA requires an investment in Indian health to ensure that Indian healthcare delivery system is strengthened so that AI/ANs and Indian health programs benefit from these reformed systems.

We respectfully urge this subcommittee to hold Indian health program harmless and to protect and support the President's fiscal year 2012 proposed increases for IHS programs from budget roll-backs, freezes, and rescission. We offer the following additional recommendations:

*Fully Fund Current Services*.—Provide $532 million for the IHS and tribal pay costs, inflation, and population growth; staffing for new/replacement facilities and healthcare facilities construction previously approved plan. 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. Maintaining current services is a fundamental

budget principle. We respectfully urge the subcommittee to provide an increase necessary to maintain the current level of care.

*CHS.*—Provide a $118 million increase for CHS. This increase of $118 million is a modest increase compared to the estimated needs of $1 billion. At present, less than one-half of the CHS need is being met, leaving too many Indian people without access to necessary medical services. We respectfully urge the subcommittee to provide to address this critical need.

*CSC.*—Provide $122 million for the IHS to fully fund CSC. For fiscal year 2012, the estimated shortfall is $153 million. Investing funds here is wise. No part of the IHS budgets is more highly scrutinized than are the funds awarded under these contracts. There is a transparency and accountability here that is unrivaled in other government contracting work. Adequate CSC funding assures that tribes have the ability to deliver the highest-quality healthcare services to their members. We respectfully urge the subcommittee to fund these essential services and not permit Indian agreements to remain the only Government contracts that are not fully funded.

*OTSG.*—Increase $5 million to the IHS OTSG. As of 2011, there are 334 SG tribes managing approximately $1.4 billion in funding. This represents 59 percent of all federally recognized tribes and 33 percent of the overall IHS funding. The OTSG supports tribes operating programs under the Tribal Self-Governance Amendments of 2000. The SG process serves as a model program for healthcare reform implementation and builds tribal infrastructures to provide quality services to AI/AN people. We respectfully urge the subcommittee to provide an increase to provide for adequate implementation of this act.

On behalf of the Squaxin Island Tribal Council and tribal members, thank you for this opportunity.

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## PREPARED STATEMENT OF THE SANTA MONICA MOUNTAINS CONSERVANCY

Mr. Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf revenues, not taxpayer dollars, these funds should go to their intended, and authorized, use.

As part of the full commitment to LWCF in fiscal year 2012, the National Park Service (NPS) included $3.044 million for the acquisition of land in the Santa Monica Mountains National Recreation Area in California in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for LWCF so that this important area can receive this needed funding.

Southern California is 1 of only 5 locations in the world that feature the Mediterranean biome. Characterized by mild, rainy winters and warm, dry summers, the biomes (geographically limited ecosystems) are moderated by the windward presence of cold ocean currents offshore. The landscapes in these areas are noted for the evergreen shrublands, called chaparral in California, that host very diverse, but spatially limited, ecosystems of flora and fauna. These Mediterranean biomes also present attractive climates for human habitation, leaving the ecosystems highly threatened by development. Protecting undeveloped lands in these fragile ecological areas has become especially urgent in the burgeoning Los Angeles metropolitan area.

The Santa Monica Mountains National Recreation Area was established in 1978 to protect land in the mountains northwest of the Los Angeles basin. In creating this park, the Congress noted the region's important scenic, recreational, and historic resources, as well as the public health benefits from protecting lands in the Santa Monica Mountains. In addition to NPS lands, a number of State-owned lands, including Point Mugu, Leo Carrillo, Malibu Creek, and Topanga State parks and several State beaches, are located within the boundaries of the national recreation

area. Millions of people visit the Santa Monica Mountain's each year exemplifying its importance and significance to the surrounding communities and beyond.

Within the Santa Monica Mountains are the Zuma and Trancas Canyons. The perennial streams running through these canyons give rise to an abundance of animal and plant life. Ecologically important, the canyons have been inhabited for more than 10,000 years. Ancestors of the Chumash Indians gathered food and found shelter in the canyons, which were later included in a Spanish land grant of 13,330 acres and became Rancho Topanga Malibu Sequit. Eventually the Pacific Coast Highway crossed the land, making its beauty accessible to travelers. Most of this land is now under NPS ownership, protecting its multitude of natural and historic resources.

The NPS at Santa Monica has identified a number of properties for future acquisition, and it is important for NPS to continue the acquisition and protection of these ecologically, recreationally, and archeologically important scenic lands. The President's fiscal year 2012 Budget recommendation of $3.044 million through the LWCF, if combined with funds made available in fiscal year 2011, will permit the acquisition of extremely important lands in and near the Zuma/Trancas Canyons.

The LWCF is our Nation's premier Federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at State parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in California, and I appreciate your consideration of this funding request.

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## PREPARED STATEMENT OF THE SHOSHONE-PAIUTE TRIBES

My name is Robert Bear. I am the chairman of the Shoshone-Paiute Tribes of the Duck Valley Indian Reservation. Our 290,000-acre Duck Valley Reservation straddles Idaho and Nevada. I, together with a six-member business council, oversee tribal government operations for our more than 2,500 enrolled members. I am testifying to respectfully urge the subcommittee to fully fund tribal contract support cost (CSC) requirements in fiscal year 2012 ($615 million for the Indian Health Service (IHS) and $225 million for the Bureau of Indian Affairs (BIA)), and to support the administration's request for $6 million to fund our water settlement in fiscal year 2012.

The Shoshone-Paiute Tribes face challenging conditions in an extremely remote area. While farming and ranching continue to be our primary businesses, our members struggle to make ends meet. The 2005 BIA Labor Force Statistics show that our members who reside in the Idaho portion of the reservation suffer an unemployment rate of 79 percent, while those who reside on the Nevada portion suffer an unemployment rate of 64 percent. For those tribal members fortunate enough to be working, 51 percent still live below the poverty level. From our Owyhee Community Health Facility, to our housing program, to the other programs the tribes operate under our title IV and title V self-governance (SG) compacts, conditions remain tough for our members.

Without the requested CSC increase, the Shoshone-Paiute Tribes will continue to suffer contract underpayments from the Government of $450,078 under our IHS compact and $145,026 under our BIA contract, together equivalent to 11 positions in healthcare, public safety, roads safety, housing, and other essential governmental services. Given not only our precarious local economy, but also the Government's legal obligations to our tribes, this is not acceptable.

Every $1 that BIA and IHS withhold in owed CSC funding means a $1 less in direct program services that we can spend on our members. It means staff vacancies for healthcare and social programs that our members so desperately need and deserve, and which they would receive were the Government still running these programs. From fiscal year 2007 through fiscal year 2010 these two agencies will have shorted us by more than $2 million—monies that the agencies were required to pay us, but did not pay us, under our SG contracts.

CSC shortfalls cost jobs is shown by what happened last year when the shortfall was partially reduced, thanks to this subcommittee's and the President's commitment. When IHS reduced our shortfall by $224,225, we added four jobs, including two medical coders and a clerk/voucher examiner (all to strengthen our third-party collections from Medicare, Medicaid, and other third-party payers), plus a security

guard. These are all good paying and vitally needed jobs that will now be permanent.

Our experience last year proves that reducing the CSC shortfall really does restore jobs that were lost on account of the historic shortfall.

CSC shortfall amount may be just another number to BIA and IHS officials who have long neglected their contractual obligations to tribes. But I know it means more to this subcommittee and this Congress. For us, these shortfalls mean not only lost jobs but a youth lost in the criminal justice system, or a diabetic elder who is turned away from needed counseling or denied prescriptions, or billings that go uncollected because we haven't the staff to pursue valid claims.

It also means a stop in forward progress toward greater self-determination, and instead continued dependence on BIA.

For instance, in 2008, we entered into an agreement with the Federal Highway Administration (FHWA) to assume the Indian Reservation Roads program serving the Duck Valley Reservation. We also notified BIA of our intent to assume the BIA Road Maintenance program. Our plan was to consolidate transportation planning, design, construction and maintenance under tribal administration. The only problem was that the prior administration would not provide required CSC. If we took over the BIA Road Maintenance Program in 2008, the BIA told us we'd have to divert program funds to pay for our insurance, audit and other CSC.

Had we been able to go forward, we would decide which roads to repair. We would coordinate with the Elko County School District to ensure that bus routes remain open during bad weather. We would be in charge of improving road safety on our reservation for our own people and our neighbors. We would employ our own members who need the work and can do the work.

Mr. Chairman, the Shoshone-Paiute Tribes cannot subsidize BIA- and IHS-funded programs. We simply haven't the means to do so. Besides, it is both wrong and illegal under the Indian Self-Determination Act to shortchange the tribal governments that offer to administer the Government's programs and that take those programs off of the Government's hands. We even secured a Supreme Court victory that says so in *Cherokee Nation and Shoshone-Paiute Tribes* v. *Leavitt* (2005). But until this subcommittee provides the necessary funds to meet those obligations, we will continue to see our contracts breached year in and year out.

As for the remainder of the President's budget, we want to salute the President for honoring the Government's commitment in our water settlement by allocating $6 million in the budget for this purpose in fiscal year 2012. While we appreciate the need to slim down Government expenditures wherever possible, a settlement is a legally binding obligation which must be honored and paid. We thank the President for recognizing this, and the subcommittee for its support as well.

Thank you for the honor of presenting testimony to this subcommittee on behalf of the Shoshone-Paiute Tribes of Idaho and Nevada.

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## PREPARED STATEMENT OF THE STANDING ROCK SIOUX TRIBE

On behalf of the Standing Rock Sioux Tribe, I am pleased to submit testimony concerning the President's fiscal year 2012 budget for the Bureau of Indian Affairs (BIA) and Indian Health Service (IHS). I want to express my appreciation to this subcommittee for its strong support of Indian tribes. I would like to focus my remarks on education, public safety, healthcare, and infrastructure.

The Standing Rock Sioux Tribe is situated in North Dakota and South Dakota. The reservation comprises 2.3 million acres, including 1.4 million acres of trust land owned by the tribe or tribal members. About 10,000 tribal members and nonmembers reside on the reservation in eight communities and in smaller towns. The tribe's primary industry is cattle ranching and farming. We are remote, rural Indian reservation.

As the Congress addresses the needs of the Indian country in light of the budget deficit, I would urge you to consider three fundamental questions. First, what is the impact of funding Indian programs on jobs? While Indian tribes like Standing Rock are often among the largest employers in their areas, unemployment in Indian country remains at levels that are unimaginable elsewhere. Federal investments in education, public safety, and infrastructure in Indian country are crucial to providing jobs in these chronically high unemployment areas.

Second, what kind of country are we? The Federal Government has a special trust obligation to Indian tribes arising from the Constitution, treaties, and other documents. Much has been promised to Indian tribes in return for the loss of our lands. Are we a country that keeps its promises? Maintaining needed funding for programs

aiding Indian country is one way to demonstrate the integrity of the United States in honoring its commitments.

Third, is it fair to limit the debate on the budget to only discretionary spending? Certainly not. The only way to fairly address the budget deficit is to put everything on the table. Social security, Medicare, tax reform, and other key issues need to be included. It is simply not right to undermine necessary programs for Indian country, while the major reasons for the budget deficit remain unaddressed. With these questions in mind, we turn to Standing Rock's specific recommendations.

In the 19th century, the Sioux Nation ceded millions of acres of land to the United States. But as recently as the 1950s, the United States Army Corps of Engineers flooded more than 56,000 acres of prime tribal farmland on the Standing Rock Sioux Reservation to create the Oahe Dam to increase navigation along the lower Missouri River and to provide cheap hydro-electric power to the north-central United States. Tens of millions of Americans benefit from the Oahe Dam, but it brought great hardship to our tribe. These hardships continue to this day.

The Oahe Dam devastated our tribe. It displaced more than 25 percent of our reservation's population. We lost our best farmland and are still working to reclaim irrigable lands on our reservation. The creation of Lake Oahe further isolated our reservation. It established over a 100-mile transportation barrier from Bismarck, North Dakota to Mobridge, South Dakota, where the first bridge crossing over the Missouri River south of Bismarck is located. Our rural location and lack of infrastructure (roads, safe drinking water, sewers, and electricity) contribute to the economic challenges our tribe faces. But working in partnership with the United States and our neighbors, we can turn challenges into opportunities for economic growth and job creation.

The tribe is working steadily to expand opportunities for economic development to provide jobs for our members and improve the standard of living on our reservation. We operate the Standing Rock Farms, a Parts-on-Demand operation, two modest tribal casinos, and a sand and gravel operation which helps us supplement services and programs for our more than 14,000 enrolled members. A few retailers also operate businesses on our reservation. Despite the measures we are taking at the local level to improve living conditions on our reservation, we have persistent unemployment above 50 percent, and a high dropout rate among our high school students. More than 40 percent of Indian families on our reservation live in poverty. Yet, the administration has proposed cutting discretionary spending for the BIA by $118.9 million or 4.5 percent more than the fiscal year 2010 enacted level.

*Education*.—Native Americans are poorly represented in colleges across the country. Investment in Indian education—at every level—is critical to the future success of our children.

*Scholarships and Adult Education (+$32 Million)*.—I recommend that the Congress double the funding for the BIA Scholarship and Adult Education Program by $32 million. Our tribe has provided $3 million in tribal funds over 3 years to support a scholarship program to provide more than 300 students with grants of between $3,000–$3,500/semester which allow them to pursue degrees from accredited colleges, universities, and vocational schools. The BIA financed scholarships total about $500,000 per year. This meets 25 percent of our need. The adult education component enables adults to obtain their GED or the required skills needed to transition to a community college or job placement.

*United Tribes Technical College (UTTC)*.—I urge the subcommittee to fully fund the UTTC, which is an exceptional institution that serves many of our tribal members and provides a sound education.

*Johnson O'Malley Act (JOM) (+$11 Million)*.—I urge the Congress to increase funding for the JOM program to $24.3 million to address the unique educational and cultural needs of Native children attending public schools (an increase of $11 million above the administration's request). The JOM was funded at $24 million in 1994. The JOM is a critical program that fully involves local communities and Native parents in the education of our children.

*Public Safety Needs*.—Living conditions on Standing Rock are difficult. According to recent Federal statistics (2010), more than 1,163 reservation households on Standing Rock had family incomes between 30 percent–80 percent of median family income in the area. On the North Dakota portion of our reservation (Sioux County, North Dakota), the median family income is $27,473. This figure is 57 percent of North Dakota's overall median family income of $47,898. On the South Dakota portion of our reservation (Corson County, South Dakota), the median family income is $27,591. This figure is about 59 percent of the South Dakota average median family income of $46,244. On Standing Rock, 485 households, or 42 percent of our least well off households, earn 30 percent of median family income.

We have far too few BIA public safety officers patrolling our eight districts and small communities on our 2.3 million acre reservation. Police officers in Indian country are our primary first responders. The BIA equipment and technology are outdated, including police cruisers, radios, and communications infrastructure. We do not have access to computerized law enforcement statistics.

In the spring and summer of 2008, following the deaths of several tribal members, at our request and with the help of our congressional delegation, the BIA began "Operation Dakota Peacekeeper" as part of the Department of the Interior's Safe Indian Communities initiative to reduce crime, target illegal drug activities, and provide much needed investigative support to prosecute domestic violence and crimes against children. A total of 56 BIA officers were detailed from their reservations to Standing Rock over a 7-month period.

Operation Dakota Peacekeeper more than quadrupled our normal BIA police force. Before the surge, we had only 10 BIA public safety officer positions filled. This was enough for two officers per 24-hour shift to patrol a 2.3 million acre reservation encompassing four towns, eight separate communities, 2,500 miles of roads, and a population of 10,000 residents. The public safety surge was an overwhelming success. Tribal elders felt safe in their homes and began to leave their doors unlocked and windows open at night. It also highlighted the glaring need for greater numbers of patrol and other public safety personnel on our reservation.

The Congress enacted and President Obama signed the Tribal Law and Order Act (TLOA) in law which creates a number of important mandates to strengthen tribal courts and justice systems.

*Criminal Investigations and Police Services (+25 Million)*.—In order for the administration to fully implement the TLOA and to address the shortfall of more than 1,800 police officers in Indian country cited in a 2006 GAP report, we encourage the Congress to increase funding for criminal investigations and police services to $215 million, or $25 million more than the 2.2 percent increase ($4.2 million) proposed by the administration above the fiscal year 2010 enacted level of $185 million.

*Detention/Corrects (+$15 Million)*.—Until the BIA addresses the shortages of corrections officers cited in the 2006 GAP report and to implement requirements of the TLOA, we recommend that the Congress increase funding for BIA-funded detention/corrections by $15 million above the administration's proposed budget of $85 million.

*Tribal Courts (+$20 Million)*.—We urge the Congress to increase the modest funding of $25 million appropriated for the Tribal Courts Program. Our tribe cannot effectively carry out criminal proceedings, let alone civil cases, with our small BIA allocation, even when heavily subsidized by the tribe. Our tribal courts are crowded, cramped and outdated and limit our ability to administer a comprehensive criminal justice system on the reservation.

*Facilities, Operation, and Maintenance (+$5 Million)*.—We urge the Congress to add an additional $5 million to the BIA-funded public safety and justice's facility, operation and maintenance budget of $13.7 million. Adequate maintenance and repair is essential to extend the useful life of facility infrastructure and make needed repairs until Indian tribes can invest in adequate infrastructure for tribal courts, police stations, and detention facilities.

*Healthcare*.—The majority of our tribal elders continue to suffer from diabetes, heart disease, and hypertension. Accidents are the leading cause of death among our members. On the North Dakota portion of our reservation, 6.6 percent of our tribal members are age 65 and older. In North Dakota generally, 14.7 percent are age 65 and older (more than double our figure). On the South Dakota portion of our reservation, 9.6 percent of our tribal members are age 65 and older. In South Dakota generally, this figure is 14.5 percent, more than 50 percent higher than on our reservation. More is needed to serve our elders properly. All our members deserve the opportunity to live full and productive lives and compete successfully in today's global economy.

We are pleased to see the administration acknowledge the large health disparity that exists between Native Americans and the rest of the population. The fiscal year 2012 funding of $4.166 billion for IHS services is recognition that Indian country still has a long way to go to improve the health of our members. Far too many of our members live with debilitating diseases and illnesses that shorten their lives. We urge the subcommittee to protect the administration's proposed increase of $508 million above the fiscal year 2010 enacted level for IHS services, which includes an increase of $89 million for Contract Health Services (CHS) and $63 million for Contract Support Costs. On Standing Rock, many members go without needed healthcare services each year because of inadequate CHS dollars. The proposed increases will better enable tribes and the IHS to implement provisions in the perma-

nent extension of the Indian Health Care Improvement Act that are designed to redress health disparities in Indian country.

*Taking Care of Existing Infrastructure Needs (+$75 Million)*.—I strongly oppose the $1 million cut the administration has proposed for the BIA Road Maintenance Program and the flat line funding this program has received over the last 20 years. The decision to underfund this program will cost taxpayers millions of dollars as tribes and the BIA must reconstruct roads far sooner due to poor road maintenance. With inadequate routine maintenance, roads which should last 20 years, last only 7–10 years. Limited to $25 million, tribes operating the Road Maintenance Program cannot tackle the large backlog of deferred road maintenance needs that make our roads and bridges unsafe and impede travel on our reservations. We invested $26.5 million, which we borrowed from Wells Fargo, to reconstruct nearly 20 miles of community streets. We installed sidewalks, curbs, gutters, and street lights throughout the reservation for the first time. We are struggling to maintain that investment because we expend most of our Road Maintenance Program funds during the winter months to pay for snow removal (labor, fuel, salt, sand, truck repairs, truck rentals, etc.) and to respond to other road emergencies such as floods.

Lack of adequate funding for the Road Maintenance Program and new construction (Indian Reservation Roads/Bridges Program) undermine our ability to achieve every major program priority we have (public safety, healthcare, education, housing, and economic development). All of these programs depend on and require a modern infrastructure. Road Maintenance is a public safety program. Poor road conditions contribute to the unacceptably high levels of serious injury and death on Indian reservation roads each year. We urge the Congress to appropriate $100 million annually for the Road Maintenance Program so that we can better maintain our road systems.

*Economic Development*.—We urge the Congress to appropriate $5 million for the BIA's Office of Indian Energy and Economic Development to help tribes build their reservation economies. Increased appropriations will allow this program to more effectively serve reservations to promote job creation and economic development we so badly need.

Thank you for providing our tribe the opportunity to present testimony.

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## PREPARED STATEMENT OF THE SAWTOOTH SOCIETY

Mr. Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior, Environment, and Related Agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in fiscal year 2012, the U.S. Forest Service (USFS) included $3.5 million for the Salmon-Selway Initiative in Idaho in the President's budget. Furthermore, USFS ranked this initiative as the second-highest LWCF priority in the country. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for LWCF so that this important project can receive this needed funding.

Located in central Idaho, the Salmon-Selway ecosystem, totaling almost 4 million acres, is one of the largest and wildest habitats in the continental United States. A rugged complex of mountains, rivers, and forests, it includes the Selway-Bitterroot and the Frank Church-River of No Return wilderness areas, five national forests, numerous rivers, and the Sawtooth National Recreation Area. The area provides unique habitats critical for fish and wildlife including threatened and endangered species such as Chinook salmon, steelhead trout, bull trout, bald eagle, lynx, and gray wolves. Each year in late summer, salmon and steelhead trout return to the high reaches of the Salmon and Clearwater rivers, traveling 900 miles and climbing 7,000 feet from the Pacific Ocean to the mountain tributaries of their birth—the highest salmon spawning grounds on earth.

The Salmon-Selway Ecosystem also offers unparalleled public recreation opportunities for hunting, fishing, hiking, cross-country skiing, whitewater rafting and kayaking, camping, and bicycling. Funding from the LWCF in fiscal year 2012 will protect two key properties to help conserve the wild character of the region, ensure public access for recreation, and protect wildlife habitat and water quality.

MORGAN RANCH, MIDDLE FORK OF THE SALMON WILD & SCENIC RIVER

Over the past decade, USFS has been working to protect key resources along the Salmon River and its tributaries by securing interests in critical inholdings from willing sellers. Some tracts have been conveyed into USFS ownership, and other properties have stayed in private ownership under conservation easements designed to maintain traditional uses while preventing incompatible development.

The Middle Fork of the Salmon WSR is among the most renowned rafting destinations in the world, enjoyed by an estimated 10,000 rafters every summer. Available for protection in fiscal year 2012 is phase II of the Morgan Ranch property, a 160-acre inholding on Sulphur Creek at the confluence with the Middle Fork of the Salmon Wild and Scenic River (WSR) corridor and within the Frank Church-River of No Return Wilderness. The Morgan Ranch property is located just 2.5 miles downstream from the Boundary Creek campground, a popular launch site for rafters and trailhead for the many hikers and equestrians who use the Middle Fork Trail. Rafters from the Boundary Creek put-in, 1 of 2 main launching sites along the Middle Fork, float right past Morgan Ranch on their way to the first rapids at Sulphur Slide.

Apart from its scenic and recreational importance, Morgan Ranch is a significant resource for fish and wildlife. The valuable wetlands and riparian habitat along Prospect and Sulphur Creek drainages constitute about half the property and support a wide diversity of wildlife including gray wolf, wolverine, moose, elk, sandhill crane, bald eagle, mountain lion, and mule deer. Sulphur Creek provides significant spawning and rearing habitat for Chinook salmon, steelhead trout, and bull trout, all federally listed endangered species. The area drainages also support westslope cutthroat trout and provide critical habitat for the only remaining wild run of Chinook salmon on the Snake River system. A combination of fee and conservation easement acquisition of Morgan Ranch will ensure permanent protection of this sensitive property while eliminating the threat of incompatible backcountry development.

RODEO GROUNDS RANCH, SAWTOOTH NATIONAL RECREATION AREA (NRA)

The Sawtooth NRA offers some of the finest and most renowned outdoor recreation in the world including fishing, white-water sports, hiking, Nordic skiing, and backcountry camping. Its mountains form the headwaters of six important rivers that feed the Snake River and offer vital habitat for area wildlife and four threatened and endangered salmonid species. More than 1,000 lakes and glacial tarns are also found inside the recreation area. With a proud ranching tradition stretching back for more than a century, traditional land uses have long been interwoven with the public values here, and stewardship of these natural and recreational assets has been outstanding. To protect the historic uses and compatible public recreation values of this remarkable landscape, the USFS has utilized LWCF appropriations dating back to 1972 to acquire conservation easements protecting some 17,000 acres of private land within the national recreation area.

Available for acquisition at the Sawtooth NRA in fiscal year 2012 is a conservation easement on the 160-acre Rodeo Grounds Ranch. Located just 5 miles from the historic town of Stanley, the property is a well-known and prominent component of the viewshed along Idaho Route 21—the Ponderosa Pine Scenic Byway—that connects the Sawtooth NRA to Boise. With substantial frontage on Valley Creek, a major Salmon River tributary, the ranch provides habitat for all four fish species listed as threatened or endangered in the Sawtooth NRA:

—Chinook salmon;
—sockeye salmon;
—bull trout; and
—steelhead.

USFS has identified Valley Creek as one of the most important tributaries in the Upper Salmon River watershed for the recovery of the Chinook salmon, especially for rearing and spawning habitat.

The conservation easement on Rodeo Grounds Ranch will allow for continued historic use and private ownership of the property, while conserving its natural values and recreational access by anglers to Valley Creek. This access would likely be lost if the property were to be developed, converted from existing use, or fragmented into

smaller holdings. Moreover, incompatible development of this key Sawtooth gateway property would irreparably compromise a scenic landscape that draws hundreds of thousands of visitors each year. The easement will protect the historic ranch structures and the scenic landscape of the valley.

The LWCF is our Nation's premier Federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at State parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Idaho, and I appreciate your consideration of this funding request.

The Sawtooth Society, formed in 1997, is a nonprofit and nonpartisan organization dedicated exclusively to:

—serving as an advocate for the SNRA;
—preserving open space in the SNRA; and
—enhancing recreation facilities and services in the SNRA.

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PREPARED STATEMENT OF THE ST. VINCENT NATIONAL WILDLIFE REFUGE, FLORIDA

Mr. Chairman and honorable members of the subcommittee: I, Landy Luther, am the current president of the Supporters of St. Vincent National Wildlife Refuge (NWR). Our organization was established to promote better understanding, appreciation, and conservation of the natural history and environment of St. Vincent NWR. Our goals are:

—Increase the public awareness of the Refuge;
—provide financial support to the Refuge; and
—to support Refuge projects.

We feel that our mission and goals are consistent with the acquisition of the property that is the subject of this testimony.

I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in fiscal year 2012, the U.S. Fish and Wildlife Service (FWS) included $1.35 million for the acquisition of land in St. Vincent NWR in Florida in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for LWCF so that this important project can receive this needed funding.

St. Vincent NWR encompasses a 12,500-acre undeveloped barrier island lying opposite the mouth of the Apalachicola River in the Gulf of Mexico. Located just off the Florida panhandle in western Franklin and Gulf counties, the island is 4 miles across at its widest point and 9 miles long. This triangular island is larger and wider than most of the northern gulf coast barrier islands. Prior to becoming a refuge, St. Vincent NWR was used primarily as a private hunting and fishing preserve. Established in 1968, the refuge was originally intended as a sanctuary for waterfowl, the majority of which are resident wood ducks and migrating blue-winged teal. Since then, however, the refuge mission has been broadened to include the protection of habitat for endangered species and to provide a variety of recreational activities.

St. Vincent NWR provides a sanctuary for a number of threatened, endangered, and recovering species. Loggerhead sea turtles come ashore to nest on the island's pristine beaches. Indigo snakes inhabit gopher tortoise burrows in the dunes. Wood stork and peregrine falcons stop on the island during their seasonal migrations, and bald eagles nest in the pines near the island's freshwater lakes and marshes. In 1990, St. Vincent became one of several Southeastern coastal islands where endangered red wolves are being bred. Once weaned, the wild pups raised here are taken

to reintroduction sites such as Alligator River NWR in North Carolina. These solitary animals once roamed the Southeast, but predator control programs and habitat loss have decimated their populations.

St. Vincent NWR serves as an important stop-off point in the Gulf of Mexico region for neotropical migratory bird species. Seaside sparrows nest in huge numbers and various other neotropical birds stop for food and shelter during spring and fall migrations. More than 260 bird species have been logged on the refuge and Christmas bird counts by the Audubon Society typically include more than 100 species. Wildlife is attracted to the island's diversity of habitat types. Ten separate habitat types ranging from tidal marsh to scrub oak and pure stands of cabbage palm have been identified on the island. Plants on the island include 15 species that are listed as threatened by the State of Florida.

Currently, the refuge staff travels to and from the undeveloped and uninhabited island using a boat that is docked on a mainland marina at Indian Pass. The dockage rights are subject to a month-to-month lease from a private landowner who has recently indicated an intent to sell and/or develop the property. Faced with the loss of this facility, the refuge staff must find another location to dock the boat, as it is critical for the management of the refuge to secure appropriate access to the island.

Available for acquisition in fiscal year 2012 is the 3.21-acres Schoelles tract. Located close to the refuge's administrative offices in the city of Apalachicola, the site includes a boat ramp and marina to accommodate the refuge boat. Properties available for purchase with pre-existing facilities are rare in this area. It is very difficult to obtain permitting for new marinas and ramps in Florida, making this property prime for development if it is not obtained by the refuge. Not only will the property's existing wet-slip marina and boat ramp provide immediate access for the refuge staff's motorized boat, it will also allow future recreational access to non-motorized boats such as canoes and kayaks.

Conserving this property will prevent its development into a coastal residential subdivision. Limiting coastal development is critical to reducing the costs associated with storm and hurricane damage as well as to protecting the quality of adjacent waters. Bounded to the north by Highway 30A and to the south by St. Vincent Sound, the inclusion of the parcel within refuge boundaries would provide a small buffer zone along the sound, designated a Class II Florida Outstanding Waterway. St. Vincent Sound supports endangered species communities, important recreational and commercial fisheries, and sea grass beds that provide significant waterfowl habitat. The ecological significance of these waters is underscored by the fact that they are protected as part of the Apalachicola National Estuarine Reserve.

A $1.35 million allocation from the LWCF in fiscal year 2012—as recommended by the President's budget—will maintain necessary access to St. Vincent Island for FWS staff; improve access to St. Vincent Sound for fishermen, oystermen, and recreational boaters; and protect additional natural resources along the mainland shore.

The LWCF is our Nation's premier Federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at State parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Florida, and I appreciate your consideration of this funding request.

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## PREPARED STATEMENT OF THE TRAVIS AUDUBON SOCIETY

On behalf of the Travis Audubon Society I would like to express my appreciation for this opportunity to submit our testimony. Travis Audubon urges you to complete the land acquisition for Balcones Canyonlands National Wildlife Refuge in Central Texas. As a first step toward that goal, we are requesting $5 million from the Land and Water Conservation Fund (LWCF) for 2012. Completing the Refuge is anticipated to cost approximately $87 million in today's dollars, so acting now is especially important for monetary reasons and because of the intense pressure from urban expansion that is occurring within the Refuge acquisition boundary.

Given the devastating impacts to wildlife from the Deep Water Horizon oil spill, it seems very timely for the Congress to pass legislation to permanently fund the LWCF at $900 million. Created in 1965 with monies from off-shore oil drilling receipts and authorized at $900 million per year, the LWCF is our most important

land acquisition tool. More than 8 million acres are unprotected within existing refuge boundaries including approximately 22,000 acres within the Balcones Canyonlands Refuge acquisition boundary. This makes funding the LWCF more important than ever. Travis Audubon urges you to fully fund the LWCF and to appropriate $5 million of the $900 million for land acquisition at Balcones Canyonlands National Wildlife Refuge.

Balcones Canyonlands Refuge, although 19 years old, is only slightly more than 50 percent complete. It is important to act now as time is a critical consideration in completing the Refuge. Because of the proximity of the Refuge to the Austin metropolitan area, urban expansion is a serious threat to habitat needed by the Refuge. There are already four real estate developments within the acquisition boundary of the Refuge and more are expected.

An appropriation of $5 million will allow the U.S. Fish and Wildlife Service to acquire approximately 1,550 acres of prime habitat for Balcones Canyonlands Refuge. Two of the three tracts to be purchased are key Golden-cheeked Warbler habitat and the third is potential Black-capped Vireo habitat. Both of these birds are on the endangered species list, and habitat protection and management are critical to their survival. In addition, protection of the third tract will help preserve the ranching heritage of the Texas Hill Country. The $5 million appropriation will fund purchase of the 350-acre 3 Creeks Ranch (second phase of this acquisition), the Penn property, and 1,000 acres of the Sunset Ranch, one of the last remaining large tracts of land with high-quality Golden-cheeked Warbler habitat left within the Refuge acquisition boundary. The rolling hills and steep canyons on this ranch provide nesting habitat for the Golden-cheeked Warbler and potential for Black-capped Vireo habitat management. The purchase of this large tract will also protect habitat for additional endemic species in the Hill Country as well as the unusual Karst topography of the Edwards Plateau. The ranch is situated near other Refuge property which makes it even more valuable as we attempt to protect large contiguous tracts of land. The properties have been appraised, and the sellers are willing. These acquisitions would be a significant step toward the long range goal of completing the Refuge. As mentioned earlier, acting now is particularly important, as the window of time is closing rapidly as a result of urban expansion, and the opportunity for protecting these species is at risk.

Balcones Canyonlands Refuge is located in the Texas Hill Country northwest of Austin, Texas and resides in Burnet, Travis, and Williamson counties. The Refuge was formed in 1992 to conserve habitat of the endangered Golden-cheeked Warbler as a step towards recovery and eventual delisting of the species. In addition to the Golden-cheeked Warbler, the Refuge serves to protect the habitat of the endangered Black-capped Vireo and numerous other wildlife species.

State-sponsored biological studies show that to stabilize and sustain these endangered songbirds, Balcones Canyonlands needs a total of 46,000 acres of habitat. It presently has some 23,000 acres. The Refuge augments a similarly named Preserve in Austin, comprised of nearly 30,000 acres and operated by the city and Travis County. The two parts were established for the same purpose and together are intended to provide habitat needed to enable recovery of these species.

In addition to the recovery of these endangered species, Balcones Canyonlands Refuge is a source of eco-tourism for the surrounding area. Over the longer term, the Balcones Refuge is expected to become a major draw for birders interested in viewing the endangered Warbler and Vireo, for which this area provides unique habitat. The Refuge has been described as one of the Last Great Places by the Nature Conservancy and as an "Important Bird Area" by two national conservation groups based on its "global importance" to the endangered Warbler and Vireo.

Also, Balcones Canyonlands offers central Texas a variety of recreational opportunities compatible with wildlife protection. Once completed, Balcones Canyonlands will be a step toward providing additional accessible public outdoor areas, identified as a critical need in a study by Texas Parks and Wildlife.

The Travis Audubon Society is a nonprofit, bird conservation organization with more than 2,000 members and supporters. Our vision is to inspire conservation through birding, and our logo is the Golden-cheeked Warbler. We were involved in the development of the Habitat Conservation Plan which created the Balcones Canyonlands Preserve in Travis County and the Balcones Canyonlands National Wildlife Refuge in Burnet, Travis, and Williamson counties. We care passionately about the Golden-cheeked Warbler and the Black-capped Vireo and about completing the Refuge which will protect critical habitat for these endangered songbirds. Because of all the reasons listed above, we strongly recommend that you set aside $5 million from the LWCF for Balcones Canyonlands Refuge for fiscal year 2012.

In closing, thank you for considering our request of $5 million. Your actions in support of our request will significantly improve our chances for creating a fully functioning Refuge. We very much appreciate your attention to this matter and thank you for the opportunity to present this statement to the subcommittee.

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PREPARED STATEMENT OF THE FRIENDS OF THE TAMPA BAY NATIONAL WILDLIFE REFUGES, INC.

Mr. Chairman and members of the subcommittee: On behalf of the 162 members of the Friends of the Tampa Bay National Wildlife Refuges, including Egmont Key National Wildlife Refuge (NWR), Passage Key NWR, and Pinellas NWR, I want to thank you for your leadership and strong support for the National Wildlife Refuge System (NWRS) through increased funding over the past few years. We realize that in this time of budget cuts, it may be difficult to justify increasing the NWRS funding, but once the refuge habitats start to decline it will cost many times more than these small increases to return them to a condition that will fulfill their mandates. I further thank you for the opportunity to offer comments on the fiscal year 2012 Interior, environment, and related agencies appropriations bill. We respectfully request that the subcommittee support the following:

—Increase the funding levels to $511 million for fiscal year 2012 for the operations and management of the NWRS;
—Fund $27 million for refuge revenue sharing;
—Fully fund the Land and Water Conservation Fund (LWCF) at $900 million;
—Fund $20.2 million for Landscape Conservation Cooperatives (LCC) in the U.S. Fish and Wildlife Service (FWS);
—Fund $20 million for inventory and monitoring for refuges;
—Fund $37 million for the NWRS construction account for large scale-restoration, visitor center, and energy-efficient projects;
—Fund $80 million for NWRS visitors services;
—Fund $39 million for refuge law enforcement;
—Fund $5 million for the management of the new Pacific Marine Monuments;
—Fund $65 million for the FWS' partners for fish and wildlife programs;
—Fund $95 million for the State & Tribal Wildlife Grants programs;
—Fund $50 million for the North American Wetlands Conservation Fund;
—Fund $$6.5 million for the Neotropical Migratory Bird Fund;
—Fund $8.4 million for Wildlife Without Borders; and
—Fund 8.5 million for the National Fish & Wildlife Foundation in the FWS's resource management general administration appropriation.

The Cooperative Alliance for Refuge Enhancement (CARE) has determined that the NWRS needs a budget of at least $900 million annually in operation and maintenance (O&M) funding in order to properly administer its 150 million acres as mandated in the Refuge Improvement Act. The current budget is far short of the amount actually required to effectively operate and maintain the refuges. An $8 million increase more than fiscal year 2010 levels to $511 million for the fiscal year 2012 appropriation will allow the refuges to maintain status quo without drastic cuts. This is a reduced amount from the $526 million that the NWRS actually requires just for O&M capabilities. In this time of tight budgets, we feel that an $8 million increase to $511 would be appropriate and appreciated.

The Tampa Bay Refuges (TBRs) are located at the mouth of Tampa Bay on the west central gulf coast of Florida. The budget increases in the past few years have meant increased management, protection, and restoration of the Refuges and the ability to better meet the Comprehensive Conservation Plan (CCP) goals. In 2008, the TBRs had one staff person who was split duty manager/law enforcement. It was very difficult for that one person to have the time to adequately manage the resources much less have time to patrol. Because of the incremental increases to the refuge budgets over the last few years, the TBRs have a full-time manager, a full-time law enforcement officer every weekend during the summer nesting season, and a Student Temporary Employment Program summer hire. Due to the past increases in budget and personnel the TBRs are able to do long-range planning for big-picture issues such as erosion and increased public use. With decreases in budget, these will fall by the wayside and the wildlife will have a degraded or useless habitat.

Egmont Key NWR has the Fort Dade Guardhouse that has been restored and will make a great visitor center. Without funding, staff will not be sufficient to keep the center open to the public. This will compromise outreach and education goals for the TBRs. Even now with the incremental increases, the TBRs find themselves short of funds to keep up with invasive species and predators that threaten the wildlife that the refuge system is mandated to protect. With smaller budgets, there will also

be less money for facilities maintenance which will then cost more to restore in the future. If the TBRs were to again lose ground on their budgets they would not be able to meet many of their CCP goals due to decreased staffing. Keeping the NWRS budget status quo with an increase to $511 million for fiscal year 2012 will keep the TBRs from losing too much ground.

The LWCF was created in 1965 and authorized at $900 million. These funds are used for land acquisition to protect wildlife and their habitats. With the effects of a changing climate, it is more important now than ever to establish key wildlife corridors between protected areas so wildlife can migrate to more suitable habitat as their historic ones changes. The price of real estate is low at this time and the $900 million can go much further in protecting habitats than it can in a higher real estate market. When we start to lose species due to lack of food, water, shelter, or space, we are changing the balance of nature. The FWS is in the planning stages for the new Everglades Headwaters NWR and Conservation Area through the center of the State of Florida. Funding to set aside these critical lands is urgently needed. With the new legislations enacted in Florida, it is all too easy for developers to wipe out environmentally sensitive lands. We will lose the possibility of these wildlife corridors forever if the areas are developed. We urge you to pass legislation to permanently fund the LWCF at $900 million per year as it was originally authorized to give wildlife a shot at having suitable habitats as our climate changes. Funding refuge revenue sharing at $27 million will also allow FWS to offset loss of local taxes on lands put into conservation, making it affordable for communities to help set aside lands for wildlife.

With the BP Deepwater Horizon oil spill still fresh in our minds, the Friends of the Tampa Bay NWR's are extremely aware of the necessity for wildlife inventory and monitoring. We urge you to appropriate $20 million for inventory and monitoring on refuges. Without historic data on flora and fauna, we cannot see trends in numbers and species to know how to adjust management of the lands. When disaster strikes—like an oil spill—we need to know what is on the public lands in order to help protect species and claim for losses. Friends of the Tampa Bay NWR's volunteers have been providing Pinellas Refuges with monthly bird survey data for many years and have recognized trends in usage.

Through partnerships including State & Tribal Wildlife Grants, the FWS is able to work together with the States to protect wildlife. This increases the amount of protection that can be afforded to wildlife. By funding the State & Tribal Wildlife Grants program at $95 million, you are helping fulfill the responsibility to keep our wildlife from becoming endangered or extinct.

The North American Wetlands Conservation Acts grants will also help create space, clean water, food, and shelter for wildlife by acquiring and restoring critical wetlands. Funding of this program at $50 million in fiscal year 2012 will create additional habitat for wildlife. This partnership through acquisition and restoration of critical wetlands also improves water quality and carbon sequestration.

The Friends of the Tampa Bay National Wildlife Refuges, a 501(c)3 organization, is 1 of 230 Friends groups who support the NWRs. As Friends groups, we provide assistance to the NWRs through volunteer labor and education. In fiscal year 2010, there were more than 40,000 friends and volunteers who provided services for the NWRS equal to 648 full-time equivalents (FTE), saving taxpayers millions of dollars. The interest in our NWRS is significant and we are proving it with our donated time and funds. The administration's proposal to cut $2.3 million from the visitor services budget will also decrease the amount of volunteer services that can be provided, causing an even greater impact to the refuges. We request $80 million appropriation for visitor services. Refuges are economic engines for the community. It is estimated that for each $1 the Congress spends towards a refuge, $4 is returned to the community in economic activity. Without volunteers, you lose many visitor services that fuel this economic activity.

In conclusion, the Friends of the Tampa Bay National Wildlife Refuges believes the NWRS can meet its important conservation objectives only with strong and consistent funding leveraged by the valuable work of refuge staff and volunteers. We again extend our appreciation to the subcommittee for its ongoing commitment to our NWRS. We encourage you to approve a $511 million for the fiscal year 2012 NWRS O&M budget managed by the FWS and to approve $900 million for fiscal year 2012 for the LWCF land acquisition budget, approve funding the State Wildlife Grants Program at $95 million and the North American Wetlands Conservation Act grants at $50 million, as well as the other important programs and projects outlined above. Each of these programs is an important part of keeping our planet healthy with a broad diversity of species.

PREPARED STATEMENT OF THE TAOS COUNTY BOARD OF COMMISSIONERS

Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior, Environment, and Related Agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of the LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the LWCF will permanently pay dividends to the American people and to our great natural and historical heritage. As the LWCF is funded from Outer Continental Shelf revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in fiscal year 2012, the administration has included funds in the President's budget request for two projects in Taos County. The U.S. Forest Service (USFS) designated $3.442 million for the Miranda Canyon property in the Carson National Forest and the Bureau of Land Management (BLM) proposed $1 million for the acquisition of the Martinez property along the Rio Grande National Wild and Scenic River (WSR). I am pleased that this funding was included in the overall request and urge the Congress to provide the full President's budget amount for LWCF so that these important projects can receive this needed funding.

The public lands in Taos County provide significant benefits to residents. The protected landscapes attract visitors from around the country who seek great open spaces, rushing river canyons, and abundant wildlife. This economic activity sustains our county, provides jobs, and makes Taos County a unique place to live, work, and visit. These lands also ensure water supply and quality. Development within forestlands burdens watersheds, fragments wildlife habitat, and places a strain on fire management. The landscapes also keep our western heritage in place and in view for all to see.

CARSON NATIONAL FOREST—MIRANDA CANYON

The 4,990-acre Miranda Canyon property is located 10 miles south of Taos on the spurs of Picuris Peak, a 10,801-foot mountain. There are also numerous meadows and riparian vegetation that provide excellent habitat for wildlife. The landscape has numerous ridges and peaks that provide breathtaking views of the Rio Grande Gorge to the west and of Wheeler Peak, the highest peak in New Mexico, to the north.

The Miranda Canyon property holds significant recreational, economic, and historic value in the region. The property is crossed by popular hiking trails—one of which reaches the summit of Picuris Peak. These trails provide access to the adjacent Carson National Forest and increase opportunities for camping, hunting, and horseback riding. The property also contains historical features such as the Old Spanish Trail, a pack mule trail that served as a link between land-locked New Mexico and coastal California between 1829 and 1848, after which other routes became more popular. Recognizing the national significance of this historic trade route, the Congress designated it the Old Spanish National Historic Trail in 2002. Increased recreational access to the forest and surrounding lands has a great positive impact on the local economy.

With the property on the forested slopes of Picuris Peak, it is highly visible below in the valley. The property's development would have serious consequences for the scenic and water resources of our county. The subdivision of the nearly 5,000-acre tract would have marred the prominent landscape and threatened the area's watersheds and water supplies.

The landowner is fortunately working to conserve the tract through USFS ownership, which has tremendous support from the community and residents of Taos County. The $3.442 million included in the President's budget will start the multiphase acquisition of the tract.

RIO GRANDE NATIONAL WILD AND SCENIC RIVER—MARTINEZ

The 61-acre Martinez property is located 15 miles northwest of Taos on the eastern rim of the Rio Grande Gorge. It is also just 1.5 miles north of the Rio Grande Gorge Bridge. The span, which carries the U.S. Route 64 roadway 650 feet above

the river, is the fifth-highest bridge in the Nation and is listed on the National Register of Historic Places.

This acquisition would continue the BLM's efforts to protect land along the Rio Grande; to date more than 19,000 acres have been protected. This conservation initiative has protected the gorge, expanded recreational access to the river and a network of trails along the gorge rim, and conserved habitat for bald eagles, peregrine falcons, and other birds.

The Rio Grande is one of the greatest natural resources in New Mexico. Every year 300,000 visitors come to the Rio Grande WSR. Thousands of people stop and admire the Rio Grande Gorge Bridge on their way to and from Taos on U.S. 64. Public lands, including the wild and scenic river, national forests, and BLM lands, provide opportunities for hiking, camping, hunting, fishing, horseback riding, wildlife watching, and photography. Whitewater rafting is particularly popular: Class III and IV rapids challenge rafters in the 17-mile Taos Box and 5-mile Racecourse sections of the river.

Second, the river is essential to water supplies in New Mexico. About 1.3 million people, or nearly 70 percent of the State's population, live in the 10 counties along the river. The Rio Grande provides vital drinking water to these residents and irrigation water for agricultural purposes.

Like Miranda Canyon, the Martinez tract is prominently located and visible to many. Development of the tract would damage the landscape and hinder recreational access in the river corridor. On July 6, 2010, the Taos County Commission unanimously passed a resolution in support of this acquisition.

The LWCF is our Nation's premier Federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at State parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation. In New Mexico, the LWCF definitely protects our local economy and water resources, our heritage, and our fantastic landscapes.

I want to thank the chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in New Mexico, and I appreciate your consideration of this funding request.

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## PREPARED STATEMENT OF THE TANANA CHIEFS CONFERENCE

My name is Jerry Isaac and I am submitting this testimony as president of the Tanana Chiefs Conference (TCC). The TCC is an intertribal consortium of 42 Alaska Native tribes situated in the interior of Alaska and spanning a largely roadless area of 235,000 square miles—almost equal to the State of Texas. I am submitting this testimony to address two specific issues relating to the fiscal year 2012 budget:

—staffing for joint venture (JV) facilities; and

—contract support costs (CSC).

As my testimony explains, the TCC believes that:

—JV staffing should be increased by an additional $25 million more than the President's budget, in anticipation of several JV projects coming on line in fiscal year 2013; and

—CSC funding to the Indian Health Service (IHS) should be increased to $615 million, and to the BIA should be increased to $228 million, in order to meet the agencies' legal obligations under their contracts and compacts with the tribes.

### STAFFING FOR JV FACILITIES

Last year, the TCC entered into a JV agreement with the IHS. Under the contract, the TCC agreed to secure its own financing to build a new desperately needed facility in Fairbanks, Alaska, to meet the growing needs of our villages. In return, the IHS signed a contract agreeing to provide the funds necessary to staff the facility at 85 percent of capacity. (The IHS says it does not staff any facilities at more than 85 percent of capacity). Under the JV agreement, the TCC will continue to administer all IHS-funded healthcare in our region out of the new facility, operating under our self-governance compact.

The new facility will cost approximately $72 million. All of this will be borrowed. As you can imagine, the debt service on these funds will be substantial. However, taking on this debt is feasible because once the facility is staffed and operational—as the IHS has contractually committed to do—the TCC make its debt payments out of program revenues.

In all of these respects, the TCC is no different than many other tribes and tribal organizations around the Nation that have in recent years benefited from the joint venture authority provided under section 818(e) of the Indian Health Care Improvement Act: the tribes secure funding to construct facilities which the IHS agrees are necessary and should be built but, which, as a practical matter, the IHS cannot build due to severely limited construction appropriations.

I am deeply concerned that, when all of the JV facilities come on line in fiscal year 2013, the increased required national appropriation for staffing ($100 million) and associated contract support ($25 million) will be too high for the Congress to address at one time. For that reason, and because we need to start hiring in fiscal year 2012 to be operational on October 1, I strongly recommend that the Congress consider adding to the fiscal year 2012 budget $25 million of the staffing requirements for these JV projects. Either by this means or otherwise, it is imperative that the follow-on fiscal year 2013 budget include sufficient funds for the IHS to fully meet its commitment that year to the TCC and the other JV participants that will operate completed construction projects in fiscal year 2013.

Honoring the IHS's contractual commitment to tribes and tribal organizations like the TCC—a commitment upon which the TCC has relied in the course of taking on substantial debt—must be the IHS's first priority.

CSC

The imperative to fully fund the IHS's CSC requirements comes from the same source: binding Government contracts that the IHS has entered into with the TCC and hundreds of other tribes and tribal contractors across the country.

At the end of fiscal year 2010 the TCC was suffering from a $3.2 million shortfall in its CSC requirements with the IHS. Had those funds been paid, the TCC would have been able to fill or create more than 70 positions. But because the IHS failed to meet its contractual obligation to pay the TCC's fixed costs incurred to operate the IHS's programs, the TCC had no choice but to cover those fixed costs by diverting direct service funds. Positions were then left vacant.

The same is true of the BIA contracts that we operate. In fiscal year 2010, the BIA's data reports that TCC was underpaid more than $1 million in CSCs, forcing vacancies in all of our BIA-funded compact programs.

This has been going on for years, and it is finally time that it stop.

The President's budget for fiscal year 2012 admits that, at the requested $462 million funding level, the IHS will be unable to cover $153 million in contract support costs it owes self-governance and self-determination tribes and tribal organizations. To be clear, that means a $153 million cut in tribally administered programs in fiscal year 2012, just as the TCC was required to cut $3.2 million in fiscal year 2010 from its own compacted programs. The same is true for our BIA compact, where another $1 million in programs was cut last year, and will be cut again next year absent full funding of our contracts.

It is not only illegal, but immoral for the IHS and the BIA to structure their budgets in such a way that they cut only tribally administered IHS and BIA programs—not IHS—administered or BIA-administered programs, but only tribally administered programs—in order to meet the agencies' overall budget targets. The thousands of Alaska Native patients and clients who we serve should not be punished because those services are administered under self-governance compacts instead of directly by the IHS or the BIA.

I am particularly concerned about this issue as we plan for fiscal year 2013. In fiscal year 2013, TCC will have a significantly increased contract support cost requirement associated with operating the new IHS JV clinic. We project the requirement will likely exceed $6 million. As it is, the IHS has only committed to staff the TCC's clinic at 85 percent of capacity. If none of the TCC's contract support cost requirements to operate the new clinic are covered, the resulting $6 million cut in staffing will drop the clinic to 65 percent of staffing capacity. This will severely compromise the TCC's ability both to administer the new IHS facility and to meet its debt obligations. Worse yet, services to our people will be gravely compromised.

We understand that the dollars required to finally close the gap in CSC requirements are large, but this is only because the problem has been allowed to snowball over so many years. Once a budget correction is made to finally close the CSC gap inside both agencies, maintaining full funding of CSC on a going-forward basis will be much more manageable.

This is why the TCC respectfully requests that the IHS appropriation for CSC be increased by $153 million above the President's recommended level, to $615 million, and that the BIA appropriation for CSC for fiscal year 2012 be similarly increased by $33 million to $228 million.

Thank you for the opportunity to present this testimony.

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PREPARED STATEMENT OF THE THEATRE COMMUNICATIONS GROUP

Mr. Chairman and distinguished members of the subcommittee, Theatre Communications Group—the national service organization for the American theatre—is grateful for this opportunity to submit testimony on behalf of our 488 not-for-profit member theatres across the country and the 30 million audience members that the theatre community serves. We urge you to support a funding level of $167.5 million for the National Endowment for the Arts (NEA) for fiscal year 2012.

Indeed, the entire not-for-profit arts industry stimulates the economy, creates jobs, and attracts tourism dollars. The not-for-profit arts generate $166.2 billion annually in economic activity, support 5.7 million jobs and return $12.6 billion in Federal income taxes. Art museums, exhibits and festivals combine with performances of theatre, dance, opera and music to draw tourists and their consumer dollars to communities nationwide. Federal funding for the arts creates a significant return, generating many more dollars in matching funds for each Federal dollar awarded, and is clearly an investment in the economic health of America. In an uncertain economy where corporate donations and foundation grants to the arts are diminished, and increased ticket prices would undermine efforts to broaden and diversify audiences, these Federal funds simply cannot be replaced. Maintaining the strength of the not-for-profit sector, along with the commercial sector, will be vital to supporting the economic health of our Nation.

Our country's not-for-profit theatres develop innovative educational activities and outreach programs, providing millions of young people, including "at-risk" youth, with important skills for the future by expanding their creativity and developing problem-solving, reasoning and communication abilities—preparing today's students to become tomorrow's citizens. Our theatres present new works and serve as catalysts for economic growth in their local communities. These theatres also nurture—and provide artistic homes for the development of—the current generation of acclaimed writers, actors, directors and designers working in regional theatre, on Broadway and in the film and television industries. At the same time, theatres have become increasingly responsive to their communities, serving as healing forces in difficult times, and producing work that reflects and celebrates the strength of our Nation's diversity.

Here are some recent examples of NEA grants and their impact:

*From the NEA's Access to Artistic Excellence Program*

La Jolla Playhouse in California was awarded a $25,000 Access to Artistic Excellence grant to present the world premiere play"Shah Mat", by playwright Naomi Iizuka. San Diego is home to many military installations and the corporate headquarters of several major defense contractors. It is also home to the third-largest Iraqi refugee community in the United States and a burgeoning Afghani community. "Shah Mat" will utilize extensive interviews with members of all of these communities, alongside original scenes and monologues, to examine the impact of the current wars in Iraq and Afghanistan on a city that serves as a microcosm of the Nation as a whole. Playing an important role in attracting tourism to the region, more than 100,000 people, 20,000 of whom were from outside the county, attended performances in 2010. In addition, the Playhouse's flagship education touring initiative brought a musical for young audiences to 43 schools across the county, reaching 15,500 children through 66 performances. La Jolla Playhouse is not only a vital cultural resource for the County of San Diego, but also a provider of hundreds of jobs. In 2010, alone, the Playhouse employed more than 450 people and engaged 1,085 volunteers.

Imagination Stage in Bethesda, Maryland was awarded $20,000 to support the commission and world premiere musical adaptation of "George and Martha: Tons of Fun" by playwright/composer/lyricist Joan Cushing. Based on a children's book written by James Marshall, the fun new musical will add to the vitally needed canon of children's theatrical literature. Imagination Stage produces theatre and arts education programs which nurture, challenge, and empower young people of all abilities. It offers a year-round season of professional shows (adult actors performing for families and classes), after-school programs and summer camps for ages 1–18, and arts-integration professional development training for teachers, students, schools and families. All programs are informed by a core belief in making the arts inclusive and accessible to all children, regardless of their physical, cognitive, or financial status.

Trinity Repertory Company in Providence, Rhode Island was awarded $20,000 to support a production of "Twelfth Night" by William Shakespeare. Associate Director Brian McEleney will direct and star in the cast, comprised of company members and graduate students from the Brown University/Trinity Rep Consortium. The Brown University/Trinity Rep MFA Programs were formed in the belief that graduate theatre training is most effective when it combines in-depth studio work with rigorous academic study and an ongoing relationship to a working professional theatre. For more than 40 years, Trinity Rep has been a leader in arts education, believing that theater has a unique power to enrich and transform young people's lives.

CENTERSTAGE in Baltimore, Maryland was awarded $30,000 to support the American premiere of "Let There Be Love", a new play by British playwright Kwame Kwei-Armah. The production will be accompanied by outreach opportunities, including postshow discussions and community engagement sessions. CENTERSTAGE is an artistically driven institution committed to engaging, educating, and expanding the horizons of diverse audiences through challenging, bold, thought-provoking classical and contemporary theater.

Milwaukee Public Theatre in Milwaukee, Wisconsin was awarded $10,000 to support performances of "Winter Voices: Native Stories to Warm the Heart", featuring storyteller, musician, and dancer Thirza Defoe. The organization will partner with Wisconsin Tribal Services to tour the production and accompanying workshops to multiple sites targeting American Indian families. Milwaukee Public Theatre has its roots in a profound belief in the arts as a healing resource that must be available to all people, regardless of age, ability/disability, culture, ethnicity, or income level. From its beginnings as a 2-person company of mime/musician/storytellers, it has grown into a multi-faceted outreach arts organization working yearly with more than 100 artists from all cultures and arts disciplines and reaching more than 100,000 people with highly diverse programming that tours throughout the community and beyond.

These are only a few examples of the kinds of extraordinary programs supported by the NEA. Theatre Communications Group urges you to support a funding level of $167.5 million for fiscal year 2012 for the NEA, to maintain citizen access to the cultural, educational, and economic benefits of the arts, and to advance creativity and innovation in communities across the United States.

The arts infrastructure of the United States is critical to the Nation's well-being and its economic vitality. It is supported by a remarkable combination of government, business, foundation, and individual donors. It is a striking example of Federal/State/private partnership. Federal support for the arts provides a measure of stability for arts programs nationwide and is critical at a time when other sources of funding are diminished. Further, the American public favors spending Federal tax dollars in support of the arts. The NEA was funded at $167.5 million in the fiscal year 2010 budget; however, it has never recovered from a 40 percent budget cut in fiscal year 1996 and its programs are still under-funded. We urge the subcommittee to maintain funding at $167.5 million to preserve the important cultural programs reaching Americans across the country.

Thank you for considering this request.

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## 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 2012 appropriations. My name is Thomas J. Cassidy, Jr. and I am director of Federal Land Programs. 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.

This is an unusual budget year and a challenging fiscal environment. The Conservancy recognizes that there is a need for fiscal austerity. However, we do not believe that conservation programs should suffer from disproportionate and extreme reductions, as did important wildlife and land conservation programs in the House-passed H.R. 1. Our budget recommendations this year do not exceed the President's budget request except for a few instances in which we recommend fiscal year 2010 funding levels. Moreover, as a science based and business oriented organization, we believe strongly that the budget levels we support represent a prudent investment in our country's future that will reduce risks and ultimately save money based on the tangible benefits natural resources provide each year to the American people. We look forward to working with you, Mr. Chairman, and members of the subcommittee, as

you address the ongoing needs for conservation investments to sustain our Nation's heritage of natural resources that are also important to the economic vitality of communities across this country.

*Land and Water Conservation Fund (LWCF)*.—The Conservancy is an enthusiastic supporter of the President's request to fully fund the LWCF and the mix of programs it funds. We are especially interested in the proposed competitive state-side program. We are hopeful that increased funding for the LWCF can be the catalyst for the kind of cooperative and community based conservation called for in the President's America's Great Outdoors Initiative.

This year, the Conservancy is specifically supporting 29 biologically rich land acquisition projects totaling $75.13 million. Priorities include continuing phased acquisitions of projects at Oregon's Hell's Canyon National Recreation Area, Montana Legacy Project; Arizona's Shield Ranch; South Carolina's Cape Romain National Wildlife Refuge (NWR) and the Silvio O. Conte National Fish and Wildlife Refuge. We are also pleased to support the administration's proposals for investing in conservation easements on the working ranches of the Kansas' Flint Hills Legacy Conservation Area and Montana's Rocky Mountain Front Conservation Area. Both of these projects exemplify landscape scale conservation through the cost effective means of conservation easements.

*Forest Legacy Program*.—We support $150 million for this program, and are specifically supporting nine projects totaling $26.485 million. We hope this year to complete the phased acquisition of Kentucky's Big Rivers Corridor, Idaho's Boundary Connections project and the phased acquisitions of New York's Follensby Pond and Tennessee's Northern Cumberlands.

*Endangered Species*.—The Conservancy enthusiastically supports the President's request of $100 million for the Cooperative Endangered Species Conservation Fund (CESCF). The Conservancy and its partners have used the Habitat Conservation Plan (HCP) and Recovery Land Acquisition Programs to secure key habitat for numerous threatened, endangered and at-risk species and, thus, to help avoid conflicts over Endangered Species Act issues. It has been an important catalyst for several local government-led HCPs that facilitate urban development and streamline permitting of essential transportation and energy infrastructure. In one part of Riverside County, California alone, a single HCP has facilitated development of transportation infrastructure that alleviates congestion and creates jobs in this rapidly growing area. The plan facilitates development on more than 700,000 acres through acquisition of 153,000 acres in new conservation lands. In recent years, CESCF funds have also been used to provide permanent habitat protection through conservation easement on high-priority private lands, such as in northern Idaho's Kootenai Valley, providing a critical link between higher elevation public lands of the Selkirk Mountains and Montana's Blackfoot Valley. 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.

*Climate Change*.—Fish, wildlife, and their habitats are and will continue to be profoundly impacted by climate change, regardless of our successes in reducing greenhouse gas emissions. If we are to get out ahead of such change to avoid disastrous losses in critical habitat and the species that depend on that habitat, we must develop the place-based science to make informed, cost-effective management investments. The Conservancy appreciates the President's commitment to respond to the global climate challenge, and this subcommittee's sustained leadership in supporting cooperative, science-based programs to respond to the global climate challenge help ensure resilient land and seascapes. In particular, we welcome this subcommittee's commitment to both the United States Geological Survey (USGS)-led Climate Science Centers and Department of the Interior's Landscape Conservation Cooperatives. The investments to date have catalyzed a critical program of work that will require continuing support as our knowledge and understanding of adaptation needs grow.

*Wildland Fire Management*.—Hazardous fuels reduction funding and projects are essential for protecting communities, watersheds, and habitats. We support the President's budget overall funding level for hazardous fuels reduction, however are concerned that an arbitrary ratio for funds going to Wildland Urban Interface (WUI) and non-WUI projects will constrain the ability of the Forest Service (USFS) and Department of the Interior agencies to fund fuels projects that protect communities, watersheds, special habitats, and other values critical to the agency's missions. We also support continued use of the FLAME account to ensure there is adequate funding for high-cost wildfire seasons.

*Integrated Resource Restoration*.—The Conservancy supports the President's fiscal year 2012 proposal for the Integrated Resource Restoration budget and notes the

significant improvements over the fiscal year 2011 proposal. We strongly support full funding of $40 million for the Collaborative Forest Landscape Restoration Program. We also support creation of the Restoration and Management of Ecosystems line item with $659 million by combining a variety of programs that were formerly separate functions, including Wildlife and Fisheries Habitat Management, Forest Products, Hazardous Fuels Reduction in Wildlands, and postfire Rehabilitation and Restoration. Separate funding for these and other activities led to inefficient, uncoordinated activities in wildlife, fisheries, timber, water source improvement, fuels reduction, and postfire rehabilitation that did not necessarily contribute to restoration goals. This new budget will enhance the USFS' ability to provide and measure important natural services, such as clean and abundant water, renewable energy from biomass, restored wildlife and fish habitat, and reduced risk of damaging wildfire in overgrown forests. A pilot of at least two regions, for 3 years, would be a reasonable step toward the administration's objective of integrated, efficient restoration funding.

*Forest Health Management*.—America's forests are threatened by a growing number of non-native pests and diseases. The Conservancy appreciates the subcommittee's leadership in consistently providing funding above the President's request. The Forest Health Management Program should receive an increase to the fiscal year 2010 level of $138 million to effectively address economically and ecologically damaging pests, including the Asian Longhorned Beetle, Emerald Ash Borer, Hemlock Woolly Adelgid, Sudden Oak Death, thousand-canker disease (threatening walnut trees), and the goldspotted oak borer.

*USFS Research Program*.—We support the President's request for the Forest Service Research Program to maintain funding of research to improve detection and control methods for the Asian Longhorned Beetle, Emerald Ash Borer, Hemlock Woolly Adelgid, goldspotted oak borer, and other non-native forest pests and diseases.

*State Wildlife Grants*.—The Conservancy endorses the Teaming with Wildlife Coalition's support of the President's request. 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 strongly support the proposed $20 million competitive grant program as a subset of the program.

*NWR Fund*.—The Conservancy shares the chairman's concern that the administration's request eliminates the discretionary funding of this important program that offsets the loss of tax revenues to counties due to the refuge system. We recommend funding this program at the fiscal year 2010 enacted level.

*Migratory Bird and Partnership Programs*.—The subcommittee has consistently provided vitally important investments for a number of migratory bird programs. Such investments are essential to reverse declines in bird populations through direct conservation action, monitoring and science. We urge the subcommittee to fund the President's request for such established and successful programs as the North American Wetlands Conservation Act (NAWCA) and the Joint Ventures, and the Migratory Bird Management Program. We support the President's request for the Fish and Wildlife Service (FWS) Coastal Program and Partners for Fish and Wildlife Program and request $10 million for the National Fish Habitat Initiative.

*International Programs*.—There are large unmet needs for international conservation. When well-managed conservation contributes much to human welfare in developing countries and globally. Recognizing that the current fiscal situation requires a measure of austerity, we support the President's request for the FWS' Multinational Species Conservation Funds, the international wildlife trade programs, Wildlife Without Borders and the Neotropical Migratory Bird Conservation Fund. Each of those programs face substantial cuts from the fiscal year 2010 enacted levels. We also support a line item and funding for the USFS' International Programs at its fiscal year 2010 enacted level of $9.818 million.

*The Bureau of Land Management (BLM) Climate Change, Ecoregional Assessments and Resource Management*.—The Conservancy supports the administration's recommended funding for the BLM's Climate Change Adaptation Initiative. This will enable completion of ecoregional assessments, a key information tool for the Bureau to respond to the growing challenges of climate change and energy development. We also recommend robust funding for the BLM resource management and transportation planning activities. These funds are needed to complete ongoing planning efforts and to initiate new planning efforts in key places, without which the Bureau cannot make informed mitigation and siting decisions for traditional and renewable energy proposals and take the management actions necessary to improve priority wildlife and aquatic habitats, ensure water quality, control invasive species, and manage off-road vehicle use. The BLM should also be encouraged to use exist-

ing data sets when available so that funding can be focused on critical data needs instead of creating duplicitous data sets.

*USGS: Water Resources*.—We support increased funding levels for the National Streamflow Information Program and the Cooperative Water Program, including work on water availability studies and work to implement a national water use and assessment program. As climate change, drought, and population growth increase the demands on water resources, it is critical to invest in the integration of State and Federal water resource data and to better understand water needs of human communities and the environment.

*Environmental Protection Agency (EPA)*.—The EPA's programs make important contributions to the Nation's conservation agenda. National estuary, wetland, and watershed programs protect vital water resources that are essential to community health and economic prosperity. Targeted geographic programs support scientific research, planning, and cost-effective actions to improve water quality and restore aquatic ecosystems. Targeted grant programs provide funding for states and localities to proactively protect their water supplies through traditional infrastructure improvements and through innovative green infrastructure protection strategies that are more cost effective in the long run. We support the President's request for the EPA's Water Ecosystem Programs and Geographic Programs, including the Great Lakes, Chesapeake Bay, Puget Sound, as well as the estuary and wetlands programs, and the Sustainable Community/Ecosystem research. We also support the President's request for the Clean Water State Revolving Fund and Categorical Grants for Non-Point Source and Pollution Control, with the added recommendation that the EPA allocate a significant portion of these funds to State and local projects that achieve habitat protection and restoration in aquatic ecosystems.

Thank you for the opportunity to present The Nature Conservancy's recommendations for the fiscal year 2012 Interior, environment, and related agencies appropriations bill.

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## PREPARED STATEMENT OF THE TOWN OF OPHIR

Mr. Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf (OCS) revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in fiscal year 2012, the U.S. Forest Service (USFS) included $4.04 million for the acquisition of land in the Uncompahgre National Forest in Colorado in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for LWCF so that this important project can receive this needed funding.

Located in the heart of southwestern Colorado's San Juan Mountains, the Ophir Valley project area in the Uncompahgre National Forest is one of the San Juans' hidden gems. A short detour of only a mile off of Highway 145—part of the nationally acclaimed 236-mile San Juan Skyway Scenic Byway—brings visitors into a compact valley ringed by 13,000-foot peaks and serrated ridge lines.

Against a backdrop of unsurpassed alpine scenery, Ophir Valley offers an abundance of recreational opportunities for residents and visitors, including hiking, camping, mountain biking, cross-country skiing, four-wheeling, and fishing. In addition, the valley supports habitat for the Canada lynx, a federally listed threatened species, and provides important habitat for the endangered Uncompahgre fritillary butterfly and other sensitive species. It also contains the headwaters of Howard Fork, a key tributary to the San Miguel River, which The Nature Conservancy has called "one of the last naturally functioning rivers in the West". The San Miguel sustains a globally rare narrowleaf cottonwood-Colorado blue spruce/black twinberry plant community.

While much of the Ophir Valley is in public ownership, the region's mining heritage also created hundreds of privately owned patented mining claims scattered

across the landscape like matchsticks. These private inholdings once were vital to sustaining 19th-century efforts to find and extract mineral wealth. Now, however, at a time when hard rock mining in southwestern Colorado appears increasingly less viable economically, many former mining districts, such as Ophir, are seeing these private inholdings develop into sites for second homes. As a result, more and more of the Ophir Valley's subalpine and alpine environments are at risk of being developed, potentially creating significant management issues for the USFS, fragmenting wildlife habitat, and spoiling the scenic splendor and recreational opportunities so important to residents and visitors.

Currently, the USFS has the opportunity to acquire all of the remaining acres out of a total 1,145 acres of patented mining claims that had been under one ownership in the Ophir Valley. Prior to this acquisition effort, these claims represented approximately 90 percent of the valley's privately owned inholdings. Federal appropriations provided in previous years have allowed the USFS to begin acquiring these mining claims, and the requested $4.04 million in fiscal year 2012 will allow the agency to purchase the final 445 acres. This project resolves many land use and access conflicts that stem from the development of private inholdings within public lands, while promoting effective land management practices by the USFS. In particular, the ongoing acquisition protects critical habitat, maintains high-quality recreational opportunities on public lands, protects water quality, and helps maintain the quality of life of the region's residents.

This protection effort is a natural extension of the successful Red Mountain project, located just to the north and east of the Ophir Valley along a different portion of the San Juan Skyway. It will also complement other land protection and recreation enhancement efforts along and adjacent to the San Juan Skyway, 1 of only 27 All-American Roads in the National Scenic Byway program. In recent years, for example, Great Outdoors Colorado Trust Fund has pledged $5.7 million for land protection in the area. In fiscal year 2012, an allocation of $4.04 million from the LWCF—as recommended in the President's budget request—is needed to enable the USFS to complete the protection of these critical inholdings.

The LWCF is our Nation's premier Federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at State parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Colorado, and I appreciate your consideration of this funding request.

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PREPARED STATEMENT OF THE TIMUCUAN TRAIL PARKS FOUNDATION, INC.

Mr. Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony on behalf of the Timucuan Trail Parks Foundation in support of the Forest Legacy Program (FLP) in the fiscal year 2012 Interior, Environment, and Related Agencies appropriations bill. The FLP works with landowners, the States, and other partners to protect critical forestlands with important economic, recreation, water quality, and habitat resources through conservation easement and fee acquisitions. For several years this United States Forest Service (USFS) program has been funded under the umbrella of the Land and Water Conservation Fund (LWCF).

In an historic embrace of conservation, the President's budget request includes full funding of the LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans. Of that $900 million, the President requested $135 million for the FLP.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the FLP is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to the LWCF and the FLP in fiscal year 2012, the USFS included $3.5 million for the Thomas Creek—Northeast Florida Timberlands project in Florida in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full Presi-

dent's budget amount for the FLP so that this important project can receive this needed funding.

It goes without saying that the State of Florida has experienced tremendous growth in recent decades, and one of the results of that growth has been the diminution of the State's forested lands. Among the goals of Florida's FLP is the mitigation of the rapid loss of environmentally important forests through the conservation of these forested communities. Statewide this effort is focused specifically on lands threatened by permanent conversion to nonforest uses and where partnerships complement existing land conservation efforts. In north Florida, FLP goals are expanded to include the support of sustainable forestry practices, a focus on riverine systems, the conservation of critical fish and wildlife habitat, and outreach to private nonindustrial forest landowners. This year the State of Florida has submitted a FLP project, Thomas Creek-Northeast Florida Timberlands, which meets these important State and regional goals.

Northeastern Florida is home to a diverse coastal ecosystem of marshes, wetlands, river corridors, forests, and uplands. The landscape has featured centuries of history through the Pre-Columbian, European colonization, and American periods. Given the presence of the large and growing population of Jacksonville in the center of the dynamic ecosystem, much of the conservation in the region is a cooperative effort among Federal, State, and local agencies, private landowners, and interested organizations. A centerpiece of this cooperative approach is the Timucuan Ecological and Historic Preserve (EHP), a unique preserve created by the Congress in 1988 that extends more than 46,000 acres at the mouths of the St. Johns and Nassau rivers.

The city of Jacksonville is leading an initiative with the National Park Service, the State of Florida, and private partners to protect a 1,780-acre forested property south of Thomas Creek and adjacent to the Timucuan EHP. Within this larger effort, 588 acres have been proposed for acquisition by the city of Jacksonville as part of the FLP. In fiscal year 2011, the President's budget includes the first 294-acre phase of this FLP property, which has a one-half mile border with Jacksonville's Bear Branch Preserve on its western side. On its northern flank lies State-owned conservation land within the Timucuan EHP along Thomas Creek. The property also includes a portion of the site of the 1777 Battle of Thomas Creek, known as the southernmost continental encounter between the Americans and British during the Revolutionary War.

The city plans to manage the FLP property for recreation, wildlife habitat, water quality protection, and sustainable forestry purposes. Eight miles of existing logging trails would be available for hiking and other recreational uses such as camping and hunting. The project area includes hardwood marshes along one-half mile of Bear Branch, a tributary of Thomas Creek. The slash pine and loblolly pine found on much of the tract are currently managed as a working forest. The City will continue sustainable forestry on the tract, recognizing the importance of forestry in the economy of northern Florida.

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. The watershed 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. West Indian manatees are known to frequent the waters of Thomas Creek and the preservation of this land would aid in protecting the water quality for this endangered species' habitat. Additionally, a number of Species of Greatest Conservation Need, as listed in the Florida Comprehensive Wildlife Conservation Strategy, have been identified on the property, including little blue heron, snowy egret, tricolored heron, and white ibis.

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 goal of the Reserve is to provide a wildlife and recreation corridor and a growth boundary for the rapidly growing Jacksonville area.

In addition to the Timucuan EHP and Bear Branch Preserve, the larger 1,780-acre property is within the vicinity of several other public facilities and sites. About a mile to the west is the 526-acre Jacksonville National Cemetery. Authorized by the Congress in 2003, the cemetery opened in January 2009. Jacksonville International Airport and facilities of the Florida Air National Guard are about 1.5 miles to the south.

This key location also poses significant development threats to the 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. The property also has proximity to Interstate 95, allowing for easy access to the rest of the Jacksonville metropolitan area. In fact, zoning is in place to convert the property into a golf course and residential community of 800 homes. But for the current downturn in the economy, this land would be well on its way to being developed within the next 5 years. These threats to the property will only increase in the future given its accessibility and population and economic growth trends.

The President's budget recommended an allocation of $3.5 million from the FLP in fiscal year 2012 for the protection of the recreational, historical, and natural resources of the Thomas Creek—Northeast Florida Timberlands property. The city of Jacksonville will provide $2 million to match the funds provided by the FLP for the second phase of this project.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Florida, and I appreciate your consideration of this funding request.

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## PREPARED STATEMENT OF THE WILDLIFE SOCIETY

The Wildlife Society appreciates the opportunity to provide testimony on the fiscal year 2012 budget for the U.S. Fish and Wildlife Service (FWS), Bureau of Land Management (BLM), U.S. Geological Survey (USGS), and U.S. Forest Service (USFS). The Wildlife Society was founded in 1937 and is a nonprofit scientific and educational association representing more than 10,000 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. Our mission is to represent and serve the professional community of scientists, managers, educators, technicians, planners, and others who work actively to study, manage, and conserve wildlife and its habitats worldwide.

### FWS

The State and Tribal Wildlife Grants Program is the only Federal program that supports States in preventing wildlife from becoming endangered. It is also the primary program supporting implementation of comprehensive wildlife conservation strategies, known as State Wildlife Action Plans, which detail conservation actions needed on the ground in every State to keep common species common. Funding assistance for these State wildlife agencies is one of the highest-priority needs for wildlife in order to prevent further declines in at-risk wildlife populations in every State. These grants also provide key funding to federally recognized tribal governments for wildlife management and conservation. We recommend the Congress appropriate $95 million for State and Tribal Wildlife Grants in fiscal year 2012. We also ask that the Congress support a reduction in the non-Federal match requirement from 50 percent to 30 percent, relieving some of the onus of providing adequate matching funding from severely cashed-strapped States.

The Cooperative Alliance for Refuge Enhancement (CARE) is a diverse coalition of 22 wildlife, sporting, conservation, and scientific organizations representing more than 14 million members and supporters. A comprehensive analysis by CARE determined the National Wildlife Refuge System (NWRS) needs $900 million in annual operations funding to properly administer its nearly 150 million acres, educational programs, habitat restoration projects, and much more. Many years of stagnant budgets have increased the operations and maintenance backlog; refuge visitors often show up to find visitor centers closed, hiking trails in disrepair, and habitat restoration programs eliminated. Invasive plant species are taking over on refuges, requiring $25 million per year to treat just one-third of its acreage, and illegal activities such as poaching are on the rise, requiring an additional 209 officers ($31.4 million) to meet law enforcement needs. We recommend that the Congress provide $511 million in fiscal year 2012 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. This program has remained drastically underfunded despite its demonstrated effectiveness. We recommend a small increase over the fiscal year 2010 funding level of $47.6 million, to bring the funding to $50 million in fiscal year 2012.

The Neotropical Migratory Bird Conservation Act Grants Program 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. The Wildlife Society recommends the Congress fund the Neotropical Migratory Bird Conservation Act at its full authorization level of $6.5 million in fiscal year 2012.

The Wildlife Society supports adequate funding levels for all subactivities within the Endangered Species Program. Endangered species recovery efforts can ultimately lead to delisting, resulting in significant benefits to species through State management efforts. Currently, all subactivities within the program are understaffed while the costs for management of listed species continue to rapidly escalate. We recommend the Congress match the President's request for the Endangered Species Program and provide $182.7 million in funding in fiscal year 2012.

The voluntary Partners for Fish and Wildlife Program provides financial and technical assistance to landowners to restore degraded habitat on their property. With more than two-thirds of our Nation's lands held as private property, and up to 90 percent of some habitats lost, private lands play a key role in preserving our ecosystem. We urge the Congress to provide $62.19 million in support of the Partners for Fish and Wildlife Program in order to allow landowners to help contribute to land and wildlife preservation.

Through its international programs, the FWS works with many partners and countries in the implementation of international treaties, conventions, and projects for the conservation of wildlife species and their habitats. International trade, import, and transportation of wildlife species can have a huge impact on America's security, economy, and environment. Careful regulation of imports and implementation of international policies is an important task. We ask the Congress to support FWS in protecting our economy, our environment, and our national security by providing a necessary $12.9 million in support of FWS international affairs.

BLM

The BLM lands 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 currently has only one biologist per 591,000 acres of land and estimated costs for recovery of threatened and endangered species on the BLM lands continue to rise. 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 the BLM's energy, grazing, and other nonwildlife-related programs, eroding both their ability to conduct proactive conservation activities and their efforts to recover listed species. This diversion of funding must be stopped. Given the significant underfunding of the BLM's wildlife programs, combined with the tremendous expansion of energy development across the BLM landscape, we recommend the Congress appropriate $40 million for the BLM wildlife management. This will allow the 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 also needed for the Threatened and Endangered Species Management Program, to allow the BLM to meet its responsibilities in endangered species recovery plans. The BLM's March 2001 report to the Congress called for a doubling of the threatened and endangered species budget to $48 million and an additional 70 staff positions over 5 years. This goal has yet to be met. In light of this, we strongly encourage the Congress to increase overall funding for the BLM's endangered species program to $33 million in fiscal year 2012.

The Wildlife Society appreciates the commitment of the BLM to addressing the problems associated with wild horse and burro management. The President has requested an increase of $12 million to allow the BLM to implement a new strategy for wild horse and burro management and act on recommendations provided in late 2010 by the Office of the Inspector General (OIG). The Wildlife Society is concerned about the BLM's emphasis on fertility control and its proposals to reduce the number of feral horses roundups held in fiscal year 2012. Horses are already above appropriate management levels (set by the BLM) in most areas, so the proposal to reduce the numbers of horses removed from the range is ill-conceived at best.

Given that horses and burros have been maintained above the appropriate management level for many years, we believe that additional funding should be requested to correct the habitat damage that has occurred due to overpopulation of these animals. The requested $75.7 million should be provided to the BLM if they continue removing excess horses from the range at a reasonable rate and focus additional resources on habitat restoration.

USGS

The basic, objective, and interdisciplinary scientific research that is supported by the USGS is necessary for understanding the complex environmental issues facing our Nation today. This science will play an essential role in the decisionmaking processes of natural resource managers as we adapt to climate change, and it will

help protect our water supply and conserve endangered species. More investment is needed to strengthen the USGS partnerships, improve monitoring, produce high-quality geospatial data, and deliver the best science to address critical environmental and societal challenges. The Wildlife Society supports funding of at least $1.2 billion for the USGS in fiscal year 2012.

The Cooperative Fish and Wildlife Research Units (CFWRUs) conduct research on renewable natural resource questions, participate in the education of graduate students, provide technical assistance and consultation on natural resource issues, and provide continuing education for natural resource professionals. In fiscal year 2001, the Congress fully funded the CFWRUs, allowing unit productivity to rise to record levels. Since then, budgetary shortfalls have caused an erosion of available funds, resulting in a current staffing vacancy of nearly one-quarter of the professional workforce. In order to fill current vacancies, restore seriously eroded operational funds for each CFWRU, and enhance national program coordination, the fiscal year 2012 budget for the CFWRUs should be increased to $22 million. This would restore necessary capacity in the CFWRU program and allow it to meet the Nation's research and training needs.

The Wildlife Society appreciates the fiscal year 2010 funding of $15.1 million for the National Climate Change and Wildlife Science Center. This center will play a pivotal role in addressing the impacts of climate change on fish and wildlife by providing essential scientific support. In order for this role to be fully realized, funding must increase. The Wildlife Society recommends that the Congress fund the National Climate Change and Wildlife Science Center at $25 million in fiscal year 2012.

USFS

Our national forests and grasslands are essential to the conservation of our Nation's wildlife and habitat, and are home to about 425 threatened and endangered, and another 3,250 at-risk species. In fiscal year 2011, the USFS combined several programs and budgets, including vegetation and watershed management, wildlife and fisheries habitat management, and forest products into a single integrated resource restoration activity budget. We are concerned with this merger because it makes accountability to stakeholders and the Congress more difficult. However, with these reservations noted, we urge the Congress to support the request of $854.242 million for the integrated resource restoration program in fiscal year 2012.

Integral to management of our natural resources is a deep understanding of the biological and geological forces that shape the land and its wildlife and plant communities. The research being done by the USFS is at the forefront of science, and essential to improving the health of our Nation's forests and grasslands. Furthermore, it will play a key role in developing strategies for mitigating the effects of climate change. We urge the Congress to provide $312 million in fiscal year 2012 for forest and rangelands to support this high-quality research.

WHITE NOSE SYNDROME (A CROSSCUTTING PROGRAM)

Finally, we ask the Congress to provide additional funding to fight White Nose Syndrome (WNS) in bats. The current loss of bat populations from WNS represents one of the most precipitous wildlife declines in the past century in North America, and will likely have significant ecological and economic consequences throughout the United States. Experts have recommended that $45 million will be needed over the next 5 years to study and combat WNS.

Federal agencies play a critical role in WNS response. The FWS is the lead agency, coordinating the nationwide effort to combat the disease and granting Federal monies to State wildlife agencies to assist in their WNS response. The USGS is conducting research vital to understanding this previously unknown disease. The National Park Service, BLM, and USFS are involved on their lands in monitoring and surveying bat populations, implementing decontamination measures with visitors, managing and closing caves, improving bat habitat, educating the public about WNS, and other activities. The Department of Defense monitors, surveys, and implements conservation measures for bat populations on its lands as well. We request a total funding level of $11.1 million for WNS research, monitoring, and response among these agencies in fiscal year 2012.

Thank you for considering the recommendations of wildlife professionals.

LETTER FROM THE UPPER PENINSULA PUBLIC ACCESS COALITION

*March 28, 2011.*

Hon. JACK REED,
*Chairman, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

Hon. LISA MURKOWSKI,
*Ranking Member, Subcommittee on the Interior, Environment, and Related Agencies, Washington, DC.*

DEAR CHAIRMAN REED AND SENATOR MURKOWSKI: On behalf of the Upper Peninsula Public Access Coalition (UPPAC), I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

UPPAC is a volunteer organization comprised of concerned citizens dedicated to the protection and preservation of the region's environmental quality and way of life. The common thread that connects us all is our appreciation for the aesthetic beauty of undisturbed shorelines as well as our use, enjoyment, and deep concern for the lakes, streams, rivers, and woodlands of Michigan's Upper Peninsula.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in LWCF is one that will permanently pay dividends to the American people and to our great natural and historical heritage. As LWCF is funded from Outer Continental Shelf revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to LWCF in fiscal year 2012, the U.S. Forest Service (USFS) included $1.5 million for the acquisition of land in the Hiawatha National Forest in Michigan in the President's budget. I am pleased that this funding was included in the request and urge the Congress to provide the full President's budget amount for LWCF so that this important project can receive this needed funding.

With its pristine rivers, winding streams, and vast wilderness areas, Michigan's Upper Peninsula shapes the rugged character of the upper Great Lakes region. Ensuring the lasting protection of this region's diverse ecosystems, preserving sensitive wildlife habitat, and securing lasting recreational opportunities are important conservation objectives identified by the USFS that further the goals of the Great Lakes Restoration Initiative, established by Presidential Executive order in February 2009.

The Great Lakes, Great Lands—Upper Peninsula conservation project was ranked by the Eastern region of the USFS as its top acquisition priority in fiscal year 2012. This project will greatly advance the objectives of the Great Lakes Restoration Initiative and the Northwoods Climate Change Response Framework by incorporating more than 3,500 acres of private land in the Upper Peninsula into the Ottawa and Hiawatha national forests.

The fiscal year 2012 Great Lakes, Great Lands request builds on past conservation successes in the Upper Peninsula. In fiscal year 2010, the Congress appropriated $1.3 million to protect the Prickett Lake parcel, which is immediately adjacent to the iconic Sturgeon River Gorge Wilderness and located within the Ottawa National Forest. Another Great Lakes, Great Lands property in the Ottawa National Forest is the Victoria Lake parcel that will protect important lands along the West Branch of the Ontonagon Wild and Scenic River and, like the Prickett Lake tract, is traversed by portions of the North County National Scenic Trail. Pending approval of the fiscal year 2011 Federal budget with funding to acquire the Victoria Lake property, the Great Lakes, Great Lands conservation focus will turn to protecting important inholdings within the Hiawatha National Forest referred to as the Hiawatha Watershed Health Project.

The Hiawatha Watershed Health Project is a landscape-scale conservation project focusing on the restoration and maintenance of watersheds that serve the central and eastern portions of the Upper Peninsula. The Hiawatha National Forest is seeking to acquire strategic inholdings from Plum Creek Timber Company that will result in the cost-effective consolidation of Federal ownership, the protection and conservation of the watersheds of Lakes Superior, Michigan, and Huron, and the promotion of the local tourist economy as new lands are permanently opened for the public to explore.

With more than 400 lakes and five National Wild and Scenic river ways, protecting land in the Hiawatha offers an unparalleled opportunity for watershed protection. Nearly 46 percent of the Hiawatha is wetland and approximately 775 miles of rivers and streams on the forest empty into the Great Lakes. Conservation of the Hiawatha inholdings will permanently protect lands within the Whitefish Wild and Scenic River watershed including a parcel situated at the northernmost section of Davies Lake that runs alongside the popular Bay de Noc to Grand Island Trail. The Stonington inholdings in the southern Hiawatha are bisected by the Big and Ogontz Rivers that drain into Ogontz Bay in Lake Michigan. The Hiawatha Watershed Health Project also aims to protect habitat for a number of species facing extinction. The tracts to be acquired offer secluded older forests, whose habitat favors the recovery of the endangered Eastern grey wolf, the threatened Canada lynx, and other imperiled species like the northern goshawk and the red-shouldered hawk.

Adding more than 2,500 acres of private land to the Hiawatha National Forest will bolster the Upper Peninsula's outdoor recreation economy. With more than 800,000 acres to explore and more than 1.5 million visitors per year, the Hiawatha is an exceptional outdoor recreation destination. Every spring and fall, hunters and anglers flock to the forest to hunt for bear and white-tailed deer and fish for steelhead and brook trout. The summer season attracts hikers, anglers, mountain bikers, campers, and sightseers, and in the winter, the "lake effect" drops an average of 200 inches of snow for snowmobilers and cross-country skiers to enjoy. The forest also includes more than 2,000 miles of forest road that are open for motorized use. Acquisition of the Hiawatha inholdings proposed in fiscal year 2012 will prevent the possible subdivision and development of key tracts, thus allowing traditional uses to continue unimpeded. Permanently opening private lands in the Hiawatha for the public to enjoy will enhance recreational opportunities in the forest and help support local recreational and related industries.

Protecting watersheds and forestland in the Hiawatha National Forest will also add important value to efforts by the Northwoods Climate Change Response Framework as these landscapes play an increasingly important role in sequestering carbon. The Northwoods Climate Change Response Framework, led by the USFS, is working to develop adaptive management strategies to help the region's forests thrive in a changing climate. Consolidating Federal ownership in the Hiawatha will secure large forest blocks where new science-based management protocols can be tested and applied.

The Great Lakes, Great Lands—Upper Peninsula project represents a substantial step toward achieving landscape-scale conservation and supporting the objectives of the Great Lakes Restoration Initiative. An allocation of $1.5 million from the LWCF in fiscal year 2012 to acquire private inholdings within the Hiawatha National Forest will provide significant watershed protection, safeguard substantial wildlife habitat, and cement the Upper Peninsula's reputation as a premier outdoor recreation destination.

The LWCF is our Nation's premier Federal program to acquire and protect lands at national parks, forests, refuges, and public lands and at State parks, trails, and recreational facilities. These sites across the country provide the public with substantial social and economic benefits including promoting healthier lifestyles through recreation, protecting drinking water and watersheds, improving wildfire management, and assisting wildlife and fisheries adaptation.

I want to thank the chairman and the members of the subcommittee for this opportunity to testify on behalf of this nationally important protection effort in Michigan, and I appreciate your consideration of this funding request.

Sincerely,

NANCY WARREN.

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## PREPARED STATEMENT OF THE USGS COALITION

### SUMMARY

The USGS Coalition appreciates the opportunity to provide testimony about the President's budget request for the United States Geological Survey (USGS) for fiscal year 2012. The USGS Coalition urges the Congress to appropriate at least $1.2 billion for the USGS in fiscal year 2012.

The USGS is uniquely positioned to address many of the Nation's greatest challenges. The USGS plays a crucial role in reducing risks from earthquakes, tsunamis, floods, landslides, wildfires, and other natural hazards, assessing water quality and quantity, providing emergency responders with geospatial data to improve homeland security, assessing mineral and energy resources (including rare earth elements and

unconventional natural gas resources), 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.

The USGS budget has been reorganized to reflect the agency's new structure. The fiscal year 2012 budget is now organized along the six crosscutting themes from the USGS science strategy, Facing Tomorrow's Challenges—U.S. Geological Survey Science in the Decade 2007–2017 (USGS, 2007). The budget request also includes a new National Land Imaging account that focuses on operation of Landsat satellites.

The USGS Coalition is an alliance of more than 70 organizations united by a commitment to the continued vitality of the USGS to provide critical data and services. 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.

ESSENTIAL SERVICES FOR THE NATION

Established by the Congress as a branch of the Department of the Interior in 1879, the USGS has a truly national mission that extends beyond the boundaries of the Nation's public lands to positively impact the lives of all Americans. The USGS plays a crucial role in protecting the public from natural hazards, assessing water quality and quantity, providing geospatial data, and conducting the science necessary to manage our Nation's living, mineral, and energy resources. Through its offices across the country, the USGS works with more than 2,000 partners to provide high-quality research and data to policymakers, emergency responders, natural resource managers, civil and environmental engineers, educators, and the public. A few examples are provided.

A failure to prevent natural hazards from becoming natural disasters will increase future expenditures for disaster response and recovery. Recent natural disasters provide unmistakable evidence that society remains vulnerable to staggering losses. The magnitude 9.0 earthquake and tsunami that devastated Japan on March 11, 2011, the magnitude 7.0 earthquake that killed more than 200,000 people in Haiti on January 12, 2010, and the small volcanic eruptions in Iceland that disrupted global air traffic in April 2010, provide compelling evidence that the United States must have the data to inform further actions to reduce risks from natural hazards.

Providing the information necessary to mitigate the impacts of natural hazards is a core function of the USGS. The USGS operates seismic networks and conducts seismic hazard analyses that are used to formulate earthquake probabilities and to establish building codes across the Nation. It monitors volcanoes and provides warnings about impending eruptions. Data from the USGS network of stream gages enable the National Weather Service to issue flood warnings. The USGS and its Federal partners monitor seasonal wildfires and 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.

The USGS assessments of mineral and energy resources—including rare earth elements, unconventional natural gas resources, and geothermal resources—are essential for making informed decisions about the Nation's future. Widespread deployment of new energy technologies can reduce greenhouse gas emissions, mitigate climate change, and reduce dependence on foreign oil. Many emerging technologies depend on rare earth elements and other scarce elements that currently lack diversified sources of supply. China accounts for 95 percent of world production of rare earth elements although it has only 36 percent of identified world reserves (USGS, 2010). A renewed Federal commitment to innovative research, information, and education on mineral and energy resources is needed to address these issues.

The USGS provides scientific information on water availability and quality of the United States to inform the public and decisionmakers about the status of freshwater resources and how they are changing over time. During the past 130 years, the USGS has collected streamflow data at more than 21,000 sites, water-level data at more than 1 million wells, and chemical data at more than 338,000 surface-water and groundwater sites. This information is needed to effectively manage fresh-wa-

ters, both above and below the land surface, for domestic, public, agricultural, commercial, industrial, recreational, and ecological uses.

The USGS plays a critical role in bioinformatics and managing natural resources, activities that are essential to our economy, security, and environment. The USGS provides fundamental scientific data that informs management of natural resources, control of invasive species, and monitoring of wildlife diseases that can cause billions of dollars in agricultural losses. The USGS provides critical information for resource managers as they develop adaptive management strategies for restoration and long-term use of the Nation's natural resources.

FUNDING SHORTFALL

The USGS budget has been nearly stagnant in real dollars since 1996 (Figure 1). The USGS budget for fiscal year 2010 is lower than the USGS budget for fiscal year 2001 in real dollars. The decline in funding for the USGS during this time period would have been greater if the Congress had not repeatedly restored proposed budget cuts. Federal funding for non-Defense Research and Development has increased significantly while funding for the USGS stagnated for more than a decade.

President Obama's fiscal year 2012 budget request for the USGS is $1.118 billion, a decrease of $15 million or 1.3 percent below the USGS budget request for fiscal year 2011. Although there is a $6 million increase in the total USGS budget request for fiscal year 2012 compared to the fiscal year 2010 enacted level, the fiscal year 2012 budget request contains significant cuts in many programs that are offset by increases in other areas, including a $48 million increase in a new National Land Imaging account that focuses on operation of Landsat satellites.

It appears that responsibilities for Landsat satellites have been transferred from NASA to USGS without a corresponding transfer of budget authority. In the USGS budget request for fiscal year 2012, budget increases for national land imaging are offset by budget decreases for core USGS science programs. This trend cannot continue without compromising the mission of the USGS. Past experience indicates that the cost of operating Landsat is likely to rise significantly in future years with the launch of Landsat 8, 9, and 10.

The USGS budget request for fiscal year 2012 includes $89.1 million in program reductions in valuable, long-standing programs. The proposed budget cuts would have significant negative impacts on core scientific capabilities of the USGS. Proposed budget cuts in the fiscal year 2012 USGS budget request include:

——$9.8 million for biological information management and delivery;
——$9.6 million for mineral resources;
——$8.9 million for National Water Quality Assessment;
——$6.5 million for Water Resources Research Act Program; and
——$4.7 million for earthquake hazards.

The USGS Coalition urges the Congress to appropriate at least $1.2 billion for the USGS in fiscal year 2012, a level that will support critical USGS programs that improve health and safety and provide the basis for future jobs and economic growth.

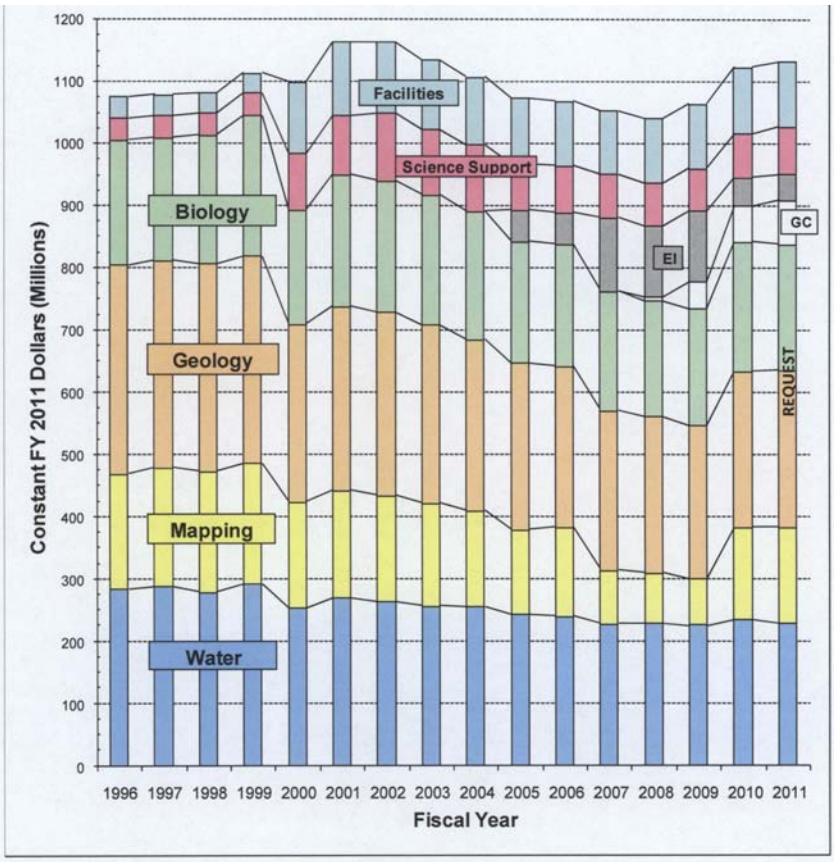


**Figure 1. USGS funding in constant 2011 dollars, FY 1996 – FY 2011.** EI is Enterprise Information and GC is Global Change. Source: USGS Budget Office.

The USGS Coalition is grateful to the Senate Interior, Environment, and Related Agencies Appropriations Subcommittee for its past leadership in strengthening the USGS.

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PREPARED STATEMENT OF THE UNITED TRIBES TECHNICAL COLLEGE

For 42 years, United Tribes Technical College (UTTC) has provided postsecondary career and technical education, job training, and family services to some of the most impoverished, high-risk Indian students from throughout the Nation. We are governed by the five tribes located wholly or in part in North Dakota. We are not part of the North Dakota State college system and do not have a tax base or State-appropriated funds on which to rely. We have consistently had excellent retention and placement rates and are a fully accredited institution. Bureau of Indian Education (BIE) funds represent about one-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. The requests of the UTTC board for the fiscal year 2012 BIE/Bureau of Indian Affairs (BIA) budgets are:

—$6.4 million in BIE funding for UTTC for our Indian Self-Determination Act contract, which is $2 million more than the fiscal year 2010 enacted level and the President's fiscal year 2012 request. This is our base funding.

—One-time funding to forward fund UTTC and Navajo Technical College who were inadvertently left out of the forward funding of the tribal colleges in fiscal year 2010. We estimate the cost to be $5 million.
—$4.375 million toward phase I of a planned Northern Plains Indian Police Academy located at UTTC. (BIA funding)

*Base Funding*.—UTTC administers its BIE funding under an Indian Self-Determination Act agreement, and has done so for 34 years. Funds requested above the fiscal year 2010 level are needed to:

—maintain 100-year-old education buildings and 50-year-old housing stock for students;
—upgrade technology capabilities;
—provide adequate salaries for faculty and staff (who have not received a cost of living increase for the past 2 years and who are in the bottom quartile of salary for comparable positions elsewhere); and
—fund program and curriculum improvements, including at least three 4-year degree programs.

Acquisition of additional base funding is critical as UTTC has more than tripled its number of students within the past 8 years while actual base funding for educational services, including Carl Perkins Act funding, have not increased commensurately (increased from $6 million to $8 million for the two programs combined). Our BIE funding provides a base level of support while allowing the college to compete for desperately needed discretionary contracts and grants leading to additional resources annually for the college's programs and support services.

*Forward Funding*.—There was a glitch in the fiscal year 2010 appropriations process which resulted in UTTC (and Navajo Technical College (NTC)) not receiving BIE forward funding. There is authority for forward funding for tribal colleges under the Tribally Controlled Colleges and Universities Act, 25 U.S.C. 1810(b)(1) and (2). This authority applies to all colleges funded under that act, including UTTC and NTC. When the administration requested $50 million for forward funding its fiscal year 2010 budget, they asked for it under the line item of "tribally controlled colleges and universities"—that line item includes 26 tribally controlled colleges. However, UTTC and NTC are funded under a different line item which is "tribal technical colleges" and thus when the Congress provided the requested $50 million for forward funding, UTTC and NTC were left out of the picture.

Forward funding requires a one-time extra appropriation of three-quarters of a year's funding; hence, we are requesting, in addition to our regular fiscal year 2012 appropriation, $3,330,750 in the fiscal year 2012 appropriations bill to forward fund UTTC. (75 percent of $4,441,000, the fiscal year 2010 BIE appropriation for UTTC, is $3,330,750). The total BIE fiscal year 2010 appropriation for "tribal technical colleges" was $6,669,000 ($4,4441,000 for UTTC and $2,228,000 for NTC). To forward fund both institutions would require $5,001,750 in addition to the regular fiscal year 2012 appropriation.

*Northern Plains Indian Law Enforcement Academy*.—We have been working toward the establishment of a police training academy on our campus. We have done this with the encouragement of our congressional delegation and tribes, especially those in the Northern Plains. Toward that end we signed a Memorandum of Understanding in 2008 with the BIA and the American Indian Higher Education Consortium to provide supplemental in-service training to BIA and tribal police officers as maybe agreed upon by the BIA.

In fiscal year 2010, $250,000 was appropriated to the BIA and designated as special initiative of the Indian Police Academy (IPA) in New Mexico to work with UTTC on law enforcement training matters. This is just the beginning of what is really needed. The only Indian police academy now is in Artesia, New Mexico which, while doing excellent work, can train only three classes of 50 persons annually. The BIA estimates that tribal police officers are staffed at only 58 percent of need, indicating that the need for police officers in Indian country is far greater than can be supplied just by the IPA in Artesia. To satisfy that need, the BIA needs to establish a full-fledged law enforcement academy in the Northern Plains. An academy at UTTC would allow tribal people in the Plains areas a more affordable choice of training locations, minimizing the distance and long separation of trainees from their families. Our campus has many built-in services and resources to meet the needs of trainees.

Our request of $4.375 million is for phase I of the police academy facility, which will include the basic building for instruction of 35,000 square feet, enough to train up to 165 law enforcement officers per year. We have entered into discussions with Federal, local, and State officials to ensure the facility and the training we offer will meet all requisite standards, and to coordinate what portion of the facility should

be placed at UTTC and which portions may be placed elsewhere, in order to share the cost.

Fourteen more things we want you to know about UTTC: We have:

—A dedication to providing an educational setting that is geared to the full range of student needs, thus enhancing chances for success—educational, cultural, necessary life skills.

—Services including campus security, a Child Development Center, family literacy program, wellness center, area transportation, K–8 elementary school, tutoring, counseling, and family and single student housing.

—A semester completion rate of 80–90 percent.

—A graduate placement rate of 94 percent (placement into jobs and higher education).

—A projected return on Federal investment of 20–1 (2005 study).

—Unrestricted accreditation from the North Central Association of Colleges and Schools.

—More than 30 percent of our graduates move on to 4-year or advanced degree institutions.

—A student body representing 87 tribes who come mostly from high-poverty, high-unemployment tribal nations in the Great Plains; many students have children or dependents.

—81 percent of undergraduate students receive Pell Grants, the highest percentage of Pell Grant recipients of any North Dakota college.

—21, 2-year degree programs, 8, 1-year certificates and 3 bachelor degree programs pending final accreditation this spring.

—An expanding curricula to meet job-training needs for growing fields including law enforcement, energy auditing, and health information management. We have also broadened our online program offerings.

—A critical role in the regional economy. Our presence brings $31.8 million annually to the economy of the Bismarck region.

—A workforce of more than 300 people.

—An award-winning annual powwow which last year had participants from 70+ tribes, featuring more than 1,500 dancers and drummers, and drawing more than 20,000 spectators. We annually feature indigenous dance groups from other countries.

*The Duplication or Overlapping Issue*.—The Government Accountability Office in March of this year issued two reports regarding Federal programs which may have similar or overlapping services or objectives (GAO–11–474R and GAO–11–318SP). Funding from the BIE and the Department of Education's Carl Perkins Act for Tribally Controlled Postsecondary Career and Technical Education were among the programs listed in the reports. The full GAO report did not recommend defunding these programs; rather, consolidation of these programs was recommended to save administrative costs. We are not in disagreement about possible consolidation of our funding sources, so long as program funds are not cut.

BIE funds represent about 54 percent of UTTC's core operating budget. The Perkins funds supplement, but do not duplicate, the BIE funds. It takes both sources of funding to frugally maintain the institution. In fact, even these combined sources do not provide the resources necessary to operate and maintain the college. Therefore, UTTC actively seeks alternative funding to assist with academic programming, deferred maintenance of its physical plant and scholarship assistance, among other things.

Second, as mentioned, UTTC and other tribally chartered colleges are not part of State educational systems and do not receive State-appropriated general operational funds for their Indian students. The need for postsecondary career and technical education in Indian country is so great and the funding so small, that there is little chance for duplicative funding.

There are only two institutions targeting American Indian/Alaska Native career and technical education and training at the postsecondary level-UTTC and NTC. Combined, these institutions received less than $15 million in fiscal year 2010 Federal funds ($8 million from Perkins; $7 million from the BIE). That is not an excessive amount of money for two campus-based institutions who offer a broad (and expanding) array of programs geared toward the educational and cultural needs of their students and toward job-producing skills.

UTTC offers services that are catered to the needs of our students, many of whom are first-generation college attendees and many of whom come to us needing remedial education. We also provide services for the children and dependents of our students. Although BIE and section 117 funds do not pay for remedial education services, UTTC must make this investment with our student population through other sources of funding to ensure they succeed at the postsecondary level.

Federal funding for American Indian/Alaska Native employment and training is barely 1 percent of the annual Federal employment and training budget but has an enormous impact on the people and communities it serves.

Our BIE and Department of Education Perkins funds provide for nearly all of our core postsecondary educational programs. Very little of the other funds we receive may 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 these funds. Thank you for your consideration of our requests.

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## PREPARED STATEMENT OF THE WILDLIFE CONSERVATION SOCIETY

Chairman Reed, Ranking Member Murkowski, members of the subcommittee: Thank you for the opportunity to submit testimony on fiscal year 2012 Interior, environment and related agencies appropriations act. My name is John F. Calvelli, Executive Vice President of Public Affairs with the Wildlife Conservation Society (WCS), which was founded with the help of Theodore Roosevelt in 1895 with the mission of saving wildlife and wild places worldwide. Today, the WCS manages the largest network of urban wildlife parks in the United States led by our flagship the Bronx Zoo. The WCS fieldwork helps address threats to more than 25 percent of Earth's biodiversity in 60 countries around the world, employing more than 4,000 full-time staff including 170 Ph.D. scientists and 100 veterinarians. Our domestic facilities generate $414 million in economic activity annually, according to a 2008 study.

At the outset, I recognize the subcommittee's responsibility in addressing the Nation's current fiscal climate while balancing priorities embedded in the American tradition of conservation. The pressures on our planet are mounting and conservation is a major antidote to unsustainable pressures on natural resources. The Department of the Interior (DOI) reports that in 2008 more than 400 million people visited national parks, refuges and public lands, generating more than 300,000 jobs and $25 billion in economic activity. Additionally, revenues generated by the DOI continue to exceed its annual appropriation. In fiscal year 2012, DOI projects revenues from nature-based activities at approximately $14.1 billion, in contrast to the administration's fiscal year 2012 budget request for the entire department of $12.2 billion. On a global level, by supporting conservation, the United States is making a direct contribution to our national security. For example, in Afghanistan and Pakistan, where the WCS is the only United States-based conservation organization at work, environmental degradation, including desertification from unsustainable land use, erosion caused by deforestation, and water contamination, have devastated the region's inhabitants. In March 2009, President Obama's strategic review of Afghanistan identified "sustainable economic development" and "restor[ing] Afghanistan's once vibrant agriculture sector" as major ingredients in American's overall effort to sap the strength of the insurgency. Reversing the environmental trends is a key component to achieving those goals. Investments in foreign assistance particularly in conservation activities comprise a small piece of the Federal budget. Yet, this funding has a tremendous impact helping to reduce conflict around scarce resources and preventing costly military interventions. As communities and countries stabilize and grow more prosperous, they become potential trade partners for U.S. goods. In fact, 11 of the 15 largest importers of American goods are past recipients of U.S. foreign assistance. This testimony will highlight both domestic and international programs at DOI and the Department of Agriculture (USDA) that are shaping the future of conservation.

### DEPARTMENT OF THE INTERIOR-WIDE INITIATIVES

*America's Great Outdoors (AGO).*—The WCS is pleased with the administration's agenda to protect and effectively manage our natural areas by encouraging American citizens, community groups, and all levels of government to share a leadership role in preserving our natural heritage. The WCS supports the AGO Initiative's emphasis on landscape-scale conservation promoting landscape connectivity and the protection of wildlife corridors. This connectivity is particularly important for some of the wide-ranging species that are conservation priorities for the WCS, such as the wolverine, Pronghorn antelope, and grizzly bear. Fully-funding the Land and Water Conservation Fund (LWCF), as the fiscal year 2012 President's budget requests, would also invest in Federal and State land acquisition that could help protect these critical wildlife corridors. The WCS applauds the DOI's goal of encouraging youth to connect with nature as a key component of the AGO Initiative. The Youth in Natural Resources Initiative includes a $2 million increase in funding for the National

Fish and Wildlife Foundation to, in part, foster youth education programs in classrooms through public-private partnerships with non-governmental organizations and others with a focus on preserving and protecting priority species and their habitats. According to the DOI, Federal funding will leverage at least an equal amount of private contributions, with a historical ratio of 2 to 1, or more.

BUREAU OF LAND MANAGEMENT (BLM)

*Eco-regional Assessments*.—As energy development, urban growth, and climate change continue to negatively impact wildlife and their habitat, a landscape-scale conservation strategy is needed. Unfortunately, BLM land-use policies historically have been driven by local considerations with decisions made at the field office level. The WCS is keenly interested in the BLM's planned efforts to assess the regional impacts on wildlife in high-priority energy development areas such as the National Petroleum Reserve-Alaska (NPR–A) and along the Path of the Pronghorn in Wyoming. The WCS has a long history of working to ensure a balance of both wildlife protection for migratory birds, caribou, and musk oxen in key areas of the NPR–A. Our goal is to help the oil and gas industry minimize potential impacts to wildlife as they begin to pursue development in Arctic Alaska. The WCS recommends a permanent prohibition on leasing in the "Special Areas" of Teshekpuk Lake, Utukok River Uplands, and the Colville River. At the same time, Special Areas should remain open for managed subsistence hunting by Native Alaskans. The WCS conservationists also seek to address disturbances to wildlife migration patterns, such as the Path of the Pronghorn, as energy development degrades and fragments wintering habitat across the Upper Green River Valley in western Wyoming. Proactive and strategic regional assessments by the BLM are critical to supporting the agency in properly managing these ecosystems. Through the Healthy Landscapes Program, these assessments will improve understanding of the existing condition of BLM landscapes at a broader level. The WCS believes this is an important strategy to address major stressors on wildlife and recommends continued significant funding for landscape-scale habitat conservation through the Healthy Landscapes Initiative. The WCS is also encouraged by the new Wild Lands Policy, which aims to ensure that all BLM lands with wilderness characteristics have been accurately inventoried. Additionally, the WCS appreciates the opportunity to weigh in with other public stakeholders on the designation of Wild Lands.

U.S. FISH AND WILDLIFE SERVICE (FWS)

*FWS State and Tribal Wildlife Grants (SWG) Program*.—The State and Tribal Wildlife Grants program gives States and tribes funding to develop and implement comprehensive conservation plans to protect declining wildlife and habitats before protection under the Endangered Species Act is necessary. This important program is supported by more than 6,200 organizations that have formed a national bipartisan coalition called Teaming with Wildlife of which the WCS is a steering committee member. The WCS recommends that the Congress at least maintain funding at $95 million in fiscal year 2012 for SWGs to implement State Wildlife Action Plans. In helping to leverage these funds, the WCS continues its highly successful Climate Adaptation Fund grants program with support from the Doris Duke Charitable Foundation. The Fund provides grants to nonprofit conservation organizations and State wildlife agencies working to ensure the ability of wildlife to adapt to a changing climate through applied, on-the-ground projects that demonstrate effective conservation actions. Since 2006, this WCS-administered fund has awarded 81 grants for $7.2 million to a wide variety of stakeholder groups that impact wildlife conservation in 46 States, including funding the State of Idaho's work to protect wildlife corridors. The WCS is doing its part to leverage Federal funding for this program by providing private funding opportunities. At the same time, a greater need remains. In addition to the domestic investments by DOI, the WCS supports the department's international programs that have a broad global impact. The remainder of my testimony will focus on international investments at DOI and USDA.

*Multinational Species Conservation Fund (MSCF)*.—The United States has a legacy of leading international wildlife conservation efforts and the MSCF Program exemplifies this by being the only dedicated source for global species conservation by any Government donor. The MSCF has been catalytic in paving the way for long-term investments in a particular landscape. It contributed to the discovery of more than 1.2 million animals in Southern Sudan, including 8,000 African elephants. This discovery has triggered the creation of Boma National Park in the world's youngest nation—one that has survived human conflict and decades of war. The MSCF has made similar investments throughout its existence since 1990. The world celebrated the Year of the Tiger in 2010 while the remaining 3,000 wild tigers continued to

battle dire circumstances. The Rhino-Tiger Fund is trying to reverse the decline of the tiger that is threatened by loss of prey, habitat loss, climate change, poaching for the illegal trade in tiger parts, and disease. The FWS is doing its part in showcasing the United States as a leader in tiger conservation as evidenced at the International Tiger Summit in St. Petersburg, Russia, which was the first-ever Heads of State summit dedicated to a single species. This signals strong commitment from the international community to saving the last remaining iconic species, an aspect exemplified by the MSCF Program which has had a history of making strategic investments. From 2005–2009, a little more than $45 million in grants for rhinos, tigers, elephants, great apes, and turtles to 256 national and international groups leveraged more than $75 million in additional support. As for doing our part, the WCS's Bronx Zoo Congo Gorilla Forest exhibit, which opened in 1999, has attracted visitors to allocate a portion of their admission fee—a total of more than $10.6 million—directly to field conservation projects in Central Africa's Congo Basin. The WCS remains committed to find similar ways to support this U.S. Government investment despite times of financial crisis. We support the fiscal year 2010 enacted levels ($11.5 million) for this program in fiscal year 2012 while seeking an additional $1 million to address the plight of tigers.

*Wildlife Without Borders (WWB) Global and Regional Programs*.—The FWS administered WWB Programs are a great investment in addressing cross-cutting threats to ecosystems and wildlife such as disease outbreaks in amphibians, providing solutions to protein-source crisis for food-scarce rural communities through addressing bushmeat issues, etc. WWB is making lasting impacts through capacity building, technical support and training, local community education, and citizen science. From 2005–2009, the WWB program across Africa, Latin America, the Caribbean and the Russian Far East awarded more than $12 million and leveraged an additional $22 million in direct conservation assistance. In recent years, this program has established a Critically Endangered Species Conservation Fund, which has begun investing in modest level support to the most dire species in need such as Andean cats and Ethiopian wolves. Other noteworthy efforts supported by this program include the Bushmeat-free Eastern Africa Network (BEAN) and MENTOR Fellowship Program which has supported wildlife professionals from Eastern African nations to gain skills to address conservation challenges such as bushmeat. The WCS recommends that the overall funding for the WWB Global and Regional Programs receive $8.4 million in fiscal year 2012.

U.S. FOREST SERVICE, INTERNATIONAL PROGRAM (FSIP)

The Forest Service International Program (FSIP) is an essential U.S. agency in combating the flow of illegal timber into the global marketplace. Illegal logging impacts to several U.S. forestry industries translates to approximately $1 billion in losses annually as American business are undersold by the cheaper illegal supply. Not only is illegal logging damaging to the environment, but it is also undercutting the U.S. forest products industry. Legally and sustainably harvested U.S. timber cannot compete with cheap illegal wood, and it is costing American jobs. The FSIP is one of the most important entities representing the U.S. forest products industry in international trade agreements, and its unmatched expertise is required by the Department of State and the U.S. Trade Representatives. Besides being uniquely positioned to promote forest conservation around the globe by drawing on the agency's diverse workforce of scientists, resource managers, international specialists and conservation biologists, the FSIP has increasingly leveraged modest funding from the Congress to make a big impact for the U.S. taxpayer. For every Federal $1 invested in the FSIP, an additional $4 are leveraged in matching funds and other contributions from partners. In recent years, the FSIP has helped researchers in the Russian Far East to monitor the populations of Amur leopards and Siberian tigers by ensuring a healthy and abundant prey base or food source for the big cats. The fiscal year 2012 President's budget request eliminates the line-item for this vital program. Restoring support for this program at a minimum at fiscal year 2010 enacted levels of $9.8 million is needed to sustain and enhance these important activities.

U.S. NATIONAL PARK SERVICE (NPS), INTERNATIONAL PROGRAM

In 1961, the U.S. Government initiated its first international conservation program with the creation of the Office of International Affairs (OIA). Since then, this office has facilitated technical assistance and exchange projects with counterpart agencies globally building on the legacy of American leadership in national parks management. Thanks to this program, the NPS is working on collaborative areas of trans-frontier concern, including at the Beringia Shared Heritage Initiative

(United States-Russia), and Big Bend/Rio-Bravo (United States-Mexico). The international work conducted by the NPS is not only about helping other countries protect their parks and heritage. It is about bringing home best practices and learning from international engagement that could benefit the American national park system. The WCS recommends $1 million for this office in fiscal year 2012 and encourages a strategic conversation with stakeholders that would draw on common objectives of parks and protected area management particularly in trans-frontier collaborative initiatives.

In conclusion, I appreciate the opportunity to share the WCS's perspectives and make a case for increased investment in conservation in the fiscal year 2012 Interior, environment, and related agencies appropriations act. Conservation of public lands is an American tradition and, as far back as 1909, Theodore Roosevelt recognized that the management of our natural resources requires coordination between all nations. Continued investment in conservation will improve our economic and national security while reaffirming our global position as a conservation leader. Thank you.

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PREPARED STATEMENT OF THE WASHINGTON WILDLIFE RECREATION COALITION

Mr. Chairman and honorable members of the subcommittee: I appreciate the opportunity to present this testimony in support of the Land and Water Conservation Fund (LWCF) in the fiscal year 2012 Interior, environment, and related agencies appropriations bill. In an historic embrace of conservation, the President's budget request includes full funding of the LWCF in fiscal year 2012. The proposed $900 million is the congressionally authorized amount for the program and seeks to renew focus on the promise of the LWCF: that it is right and wise to reinvest proceeds from offshore drilling receipts in the protection of natural resources and recreational access for all Americans.

I recognize that this subcommittee will face many demands in this tight fiscal climate. However, far-sighted investment in the LWCF will permanently pay dividends to the American people and to our great natural and historical heritage. As the LWCF is funded from Outer Continental Shelf revenues, not taxpayer dollars, these funds should go to their intended and authorized use.

As part of the full commitment to the LWCF in fiscal year 2012, the administration included nine project funding requests for the protection of land across the State of Washington in the President's budget. I am pleased this funding was included in the President's budget and urge the Congress to provide the full amount requested so that these important projects in Washington State will receive their share of funding.

Washington is fortunate to have outstanding public lands supporting its conservation and recreation heritage. From most high points in Seattle a resident or visitor is beckoned by the sight of the snow covered peak to the south sometimes hovering in the sky through the haze of the afternoon. Mount Rainier is one of our State's great symbols and has been protected in a national park since 1899. Across Puget Sound, a major water and economic resource of its own, the same viewer can see the jagged outlines of the Olympic Mountains, particularly stunning as the sunsets turn the mountains purple and the sky into layers of orange. The long line of the Cascades from the Canadian border to the Columbia River Gorge is protected in four national forests and is accessible via the Pacific Crest National Scenic Trail. Along not only Puget Sound, the Pacific Coast, and the Columbia River, but also the hills and open lands of eastern Washington lie exceptional habitats protected within national wildlife refuges for a diversity of species.

These parks, forests, refuges, and trails are generators for Washington's economy. The Outdoor Industry Foundation (OIF) estimates that outdoor recreation throughout the State contributes $11.7 billion annually to Washington's economy. This activity supports 115,000 jobs and produces $8.5 billion annually in retail sales and services—3.5 percent of the gross State product. The OIF found that 44 percent of Washingtonians view wildlife, 39 percent use trails, 36 percent camp, and 32 percent ride bicycles for recreational purposes.

In addition to fueling these economic engines for Washington's gateway communities, the LWCF improves the management of the public lands in our State. These measures make for better recreational experiences on the land, sustain habitats for wildlife, and ensure quality water supplies. They also reduce costs in fighting fires, controlling invasive species, and maintaining property boundaries. The LWCF accomplishes these management improvements largely because most of the funds go towards the acquisition of inholdings, private lands bordered on two, three, or four sides by existing public lands.

Washington has two excellent examples of the LWCF purchases reducing costs and improving public land experiences. First, in 2004, the Congress passed a law to expand the boundaries at the northwestern entrance of Mount Rainier National Park. For many years flooding would wipe away parts of the Carbon River Road and make the trailheads, campsites, and other visitor facilities inaccessible. The expansion and subsequent purchase of land via LWCF funding has allowed the National Park Service (NPS) to begin the process of moving facilities to higher ground, removing the future costs and burdens from frequent floods. Second, in the central Cascades, much of the land ownership pattern resembles a checkerboard. Public lands are interspersed with private lands. For many years the LWCF funds have been used by the Forest Service (USFS) to acquire priority checkerboard properties that increase recreational access, improve segments of the Pacific Crest Trail, and safeguard consolidated blocks of prime mountain and forest wildlife habitat and river watersheds that supply population centers like Seattle and Tacoma.

Within the fiscal year 2012 President's budget, there are requests for the LWCF funds at three Fish and Wildlife Service (FWS) refuges, two NPS units, and four USFS sites in Washington:

FWS

*Nisqually National Wildlife Refuge ($1.5 Million)*.—These funds would be used to acquire lands at the Black River Unit and along the Nisqually River Delta into Puget Sound in order to consolidate holdings, preserve wintering habitat for migratory birds, and protect wetlands habitat for fisheries.

*Willapa National Wildlife Refuge ($500,000)*.—The proposed properties are surrounded by refuge lands and would protect upland forests and wetlands for migratory and shorebirds.

*Turnbull National Wildlife Refuge ($500,000)*.—The acquisition protects water sources, wetlands, and wildlife habitat from the growing pressures of development from nearby Spokane and Cheney.

NPS

*Ebey's Landing National Historic Reserve ($1.5 Million)*.—The preserve protects a portion of Whidbey Island in Puget Sound that has an historic land use pattern of prairie and farming largely unchanged since settlement in the 1850s.

*Olympic National Park ($3.551 Million)*.—Funds would be used to acquire a tract adjacent to Grandy Creek, an important fish-bearing tributary stream to Lake Quinault threatened by enhanced development.

USFS

*Washington Cascades Ecosystem ($1.5 Million)*.—The request continues the acquisition of checkerboard forest ownerships that prevent further habitat fragmentation, ensures access, and protects water supplies.

*Columbia River Gorge National Scenic Area ($1.23 Million)*.—Funds are for acquisitions in Washington and Oregon to protect tracts as the unit celebrates the 25th anniversary of its creation in 2011.

*Pacific Crest National Scenic Trail ($2.939 Million)*.—The multistate request for the trail includes checkerboard parcels in the central Cascades that would improve trail stewardship and access.

*Pacific Northwest Streams ($2.265 Million)*.—This USFS program acquires key riparian tracts in Washington and Oregon to protect waning populations of anadromous fish, including salmon.

We support these requests for the LWCF funds to acquire critical tracts in the parks, refuges, and forests of Washington.

I want to thank the Chairman and the members of the subcommittee for this opportunity to testify on behalf of these nationally important protection efforts in Washington, and I appreciate your consideration of these funding requests.

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## PREPARED STATEMENT OF THE YUKON-KUSKOKWIM HEALTH CORPORATION

My name is Gene Peltola and I write on behalf of the Yukon-Kuskokwim Health Corporation (YKHC) to strongly endorse testimony submitted to the subcommittee by the National Tribal Contract Support Cost Coalition. As the Coalition's testimony notes, it is absolutely imperative that in fiscal year 2012 the Indian Health Service (IHS) finally meet its legal obligation to pay in full the contract support costs which it owes under our self-governance compact and annual funding agreement, as well as the amounts owed to all other tribes and tribal organizations carrying out con-

tracts with the IHS. According to the IHS, in fiscal year 2012 this will require an appropriation of $615 million, an increase of $153 million more than the President's budget request.

The YKHC last year suffered a nearly $4 million shortfall in the contract support costs which the IHS owed us under our self-governance compact and funding agreement, and we will experience the same shortfall this year. This is an enormous financial penalty, particularly when you consider that the YKHC contracts with the Federal Government to administer Federal healthcare services to 58 federally recognized tribes located across a roadless area covering 75,000 square miles, nearly the size of Idaho and almost twice the size of Virginia. Cutting almost $4 million out of our direct care budget every year in order to cover the fixed costs which, by law and by contract, the IHS is obligated to pay, causes untold hardship for our tribal communities struggling with some of the most severe healthcare conditions in the United States.

While we appreciate that there are many priorities competing for the Congress's attention, we do not think it is too much to ask that the Government honor a contract that we at the YKHC have honorably carried out in full, year in and year out, and with far greater results and standards of excellence than were ever present when the healthcare system in our area was operated by the IHS.

The YKHC therefore strongly supports the testimony submitted to the subcommittee by the National Tribal Contract Support Cost Coalition.

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