S. HRG. 113–28

CURRENT PUBLIC LANDS, FORESTS, AND MINING BILLS

HEARING

BEFORE THE

SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

OF THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

ON

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APRIL 25, 2013

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CURRENT PUBLIC LANDS, FORESTS, AND MINING BILLS

THURSDAY, APRIL 25, 2013

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

The subcommittee met, pursuant to notice, at 2:34 p.m. in room SD–366, Dirksen Senate Office Building, Hon. Joe Manchin presiding.

OPENING STATEMENT OF HON. JOE MANCHIN, U.S. SENATOR FROM WEST VIRGINIA

Senator MANCHIN. The committee will come to order.

I'd like to welcome everybody to the Subcommittee on Public Lands and Forests and Mining. This is my first committee meeting as a Subcommittee Chairman. I appreciate very much having my friend, John Barrasso, here also.

This is my first meeting as the chairman of subcommittee. It's clear just from today's agenda that the subcommittee will be actively involved in many Federal land management issues that are vitally important to Senator's home States, not just in the West, but throughout the Nation. I know the key to being able to successfully consider the large number of bills that will come before the subcommittee this Congress is being able to reach bipartisan support as much as possible.

Toward that end, I look forward to working closely with Senator Barrasso, the subcommittee's ranking member, as well as with the other members of the committee.

This afternoon the subcommittee will consider 20 bills most of which were also, the committee—before the committee last Congress and in a few cases the Congress before that. Because we already have a legislative record for most of the bills we are following a more streamlined hearing format today. The purpose of this hearing is simply to update the hearing record and allow committee members another opportunity to ask any questions they may have.

We have a lot to cover this afternoon. In addition to statements from committee members our Majority Leader is with us today, Senator Reid, from Nevada and our Chairman of Finance, Senator Baucus, from Montana, asked to speak in support of their bills. We have 2 witnesses testifying on behalf of the Forest Service and Interior Department.

I understand that many of these bills have considerable support and are non-controversial while others are more complicated and

may be more controversial. But I'd like to emphasize that my commitment to continue working with the bill sponsors to try and get these bills ready for full committee consideration. While I know there may be issues of concern on both sides, there's been a lot of hard work from the bill sponsors and others to get these bills where they are today.

So we'll do our best to try and address any concerns to move forward.

At this time I'd like to recognize my friend, Senator Barrasso, for his opening statement.

Senator BARRASSO. Thank you very much, Mr. Chairman. I do have a statement. But with your permission I do look forward to working with you in this capacity.

With your permission we may want to invite the 2 Senators, I know their time is limited. Perhaps I can give my statement after they've completed theirs.

Senator MANCHIN. Thank you very much for that consideration.

With that, Majority Leader, Senator Reid.

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

Senator REID. Senator Barrasso, you're very kind. Thank you very much.

I've already apologized to my senior companion here, Senator Baucus. I'm going to take just a short period of time. I've already apologized to him.

The State of Nevada is a huge State, area wise. Eighty-seven percent of the State of Nevada is owned by the Federal Government. No other State compares to that.

I sponsored the reintroduction of Lyon County Economic Development Conservation Act with my friend, Dean Heller and the rest of the Nevada Congressional Delegation. Lyon County Economic Development Conservation Act would allow the city of Yerington, Nevada in partnership with Nevada Copper Development 12,500 acres of land surrounding the already operating Pumpkin Hollow mine site that is located now on private land. The bill would also designate about 50,000 acres as a wilderness area, Wovoka, named after the great Indian, Wovoka. The bill would provide a huge positive impact for Lyon County.

Nevada has been hit hard by the economic downturn. No State in the Union has come close to the economic problems we've had in Nevada. For 20 years we led the Nation in economic vitality. For the last 4 or 5 years we've been at the other end of the spectrum.

We've led the Nation in unemployment until just recently. We led the Nation in foreclosures until just recently. Difficult time.

No part of Nevada, though, has been hurt worse than the area about which I'm talking now. As we speak Lyon County has 15 percent unemployment. That is 50 percent of Lyon County school children qualify for free or reduced lunch programs.

Yerington is about 70 miles south of Reno. The city of Yerington would be allowed under this legislation to purchase 10,400 acres of lands surrounding their current operation. The City would partner with Nevada Copper to expand their operation resulting in hundreds of new jobs.

Now, Mr. President, I'm sorry, Mr. Chairman, I've indicated that Yerington is economically depressed. This is a great shot in the arm. When I first started running State wide in Nevada in 1970 there was another vital part of that economy it was an Anaconda mine, copper mine. It's there now, but it's only the big, empty pit. We've been trying to reclaim that for the last 15 or 20 years.

This is badly needed in Yerington, Lyon County, but all over the State of Nevada. That's why I was a little disappointed this morning that an interview yesterday with a Reno newspaper I said that I would hope that they would be hiring Nevada people to do this work. In the paper I read today that they criticized me for saying that. Saying well half the people we've hired already are from Nevada. Half the people shouldn't be from Nevada, they should all be from Nevada.

We have the highest unemployment until just the last couple months in the entire State. We've got people who can do any kind of work, craftsmen that can do anything. No one can criticize the fact that we don't have mining. We have the largest gold mining operations in the entire country. We're the third largest producer of gold in the world, the State of Nevada.

So I would hope that the people here, they're going to get this legislation and we're going to pass it. But I would hope that they would look to Nevada and Nevada employees to do their work. This is a real important piece of legislation. It protects natural lands that are important to the people of Nevada.

As I've indicated Wovoka Wilderness Area is named in honor of the Native American spiritual leader, the father of the Ghost Dance, who was born and raised in the area. A cultural and natural resource hero, worthy of a high level of protection, so their children and grandchildren can enjoy the beauty for generations. It's a wonderful area on the Walker River system.

I can't stress enough how very, very important this legislation is for preserving beautiful lands and also releasing lands that can be used to their best use and for a mine. This is terribly needed. I repeat for the third time.

Briefly, I'd also like to just put in a good work for the Pine Forest Recreation Enhancement Act which is also on your agenda for today. This creates 20,000 acres of pine forest wilderness. I would just acknowledge that my Republican colleague in the House is the person that's pushing this more than anyone else.

It's something that he believes in. I believe in. It would, I want to stress the importance of the local effort that went into crafting this bill led by Congressman Amodei. The Nevada State Legislature endorsed both these pieces of legislation. I would hope that you will report in both of these favorably.

[The prepared statement of Senator Reid follows:]

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

ON S. 159 AND S. 345

Thank you Chairman Manchin and Senator Barrasso for the opportunity to address your subcommittee about our bipartisan proposals to create new opportunities for economic development and conservation of Nevada's public lands.

This January, I cosponsored the reintroduction of the Lyon County Economic Development and Conservation Act with my colleague Senator Heller and the rest of the Nevada congressional delegation.

The Lyon County Economic Development and Conservation Act would allow the City of Yerington, in partnership with Nevada Copper, to develop approximately 12,500 acres of land surrounding the already operating Pumpkin Hollow mine site. The bill would also designate approximately 48,000 acres of public lands as the Wovoka Wilderness Area, while protecting the rights of ranchers who earn their living on the land.

This bill will provide for a huge positive economic impact to Lyon County, the Nevada county that was hardest hit by the economic recession. Lyon has a current unemployment rate of 14.6%—five points higher than in the rest of Nevada. This year, over 50% of Lyon County's schoolchildren qualify for free or reduced lunch programs.

The City of Yerington will be allowed to purchase 10,400 acres of land surrounding Nevada Copper's current Pumpkin Hollow mining operation. The City will partner with Nevada Copper to expand their operation, resulting in 500 construction jobs and adding 800 permanent jobs. These are desperately-needed, good paying mining jobs that should last for twenty years or more. I encourage Nevada Copper to use the local and state labor force to fill these jobs. Lyon County and Nevada have been hard hit and has the trained labor force to fill these positions.

This bill also protects natural lands that are important to the people of Nevada. The Wovoka Wilderness Area, located in the southern Pine Grove Hills, is named in honor of the Native American spiritual leader and father of the Ghostdance who was born and raised in the area. The cultural and natural resources here are worthy of a high level of protection so that our children and grandchildren can continue to enjoy them for generations.

Wovoka is home to 13 miles of the East Walker River, multi-colored canyons, pinyon-juniper forests, seasonal lakes and critical habitat for the bi-state Sage Grouse. The land also is rich in ancient human history. The archaeological resources include petroglyphs, ritual sites and a prehistoric village site.

This bill is the result of a collaborative process that took into consideration the concerns of local officials, industry, ranchers, conservationists, and other interested parties in Lyon County.

I also would like to take the opportunity to say a few words about another bill you are hearing testimony on today: the Pine Forest Recreation Enhancement Act, which creates the 26,000 acre Pine Forest Wilderness Area. I reintroduced this legislation this February, again with the support of the entire Nevada congressional delegation.

I want to stress the tremendous local effort that went into crafting this bill. This wilderness proposal was presented by the county commission to our delegation with almost unanimous support from the community. The Nevada State Legislature endorsed the exceptionally collaborative process that went into developing this bill.

The Pine Forest area is an incredible remote destination for hunters, anglers, hikers and campers. It has vital habitat for a number of animals, including the Lahontan Cutthroat Trout-which is native only to Nevada. This is a treasured place for Nevada families and should be protected for generations to come.

I look forward to working with the Senate Energy Committee to move both of these bills forward.

Thank you again for the opportunity to be here with you today. I request that my statement be included in the record.

The CHAIRMAN. Chairman Manchin.

Senator MANCHIN. Senator Wyden.

The CHAIRMAN. If I could just interrupt very briefly while Leader Reid is here and Chairman Baucus is here. I think they both have done very good work here. I just want to assure them that it's my intent to work very closely with Chairman Manchin, with Senator Murkowski. Your bills, in my view, are high priority legislation. We are going to work very closely with both of you to get them out of this Committee and get them out quickly.

Senator REID. Mr. Chairman, thank you very, very much.

Senator MANCHIN. Thank you.

Any questions to the Leader?

If not, Mr. Leader, thank you so much for your——

Senator REID. Heller better not ask me any questions.

[Laughter.]

Senator MANCHIN. You're carrying water today for him.

The CHAIRMAN. Chairman Manchin.

Senator MANCHIN. Senator Wyden.

The CHAIRMAN. Could I take about 2 minutes and just speak very briefly on the bills that you're looking at today with respect to Oregon. I can do it in about 2 to 3 minutes.

Senator MANCHIN. Senator, thank you.

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

The CHAIRMAN. Thank you very much, Mr. Chairman.

I just wanted to touch very briefly on the Oregon Treasures legislation that you're considering here today. They go right to the heart of the strategy I've tried to advance for our State. We've got to get people back to work in the woods in my home State. That's what we have focused on with respect to getting the harvest up. We think we can do that consistent with the environmental laws.

We also want to protect our treasures. We want to do it for 2 reasons.

One, they're special places.

But also the economics of public lands have changed and outdoor recreation, which is something we can promote with this legislation, is also an economic winner.

Americans now spend $646 billion a year in outdoor recreation. The Outdoor Industry Association estimates its spending results in 141,000 direct Oregon jobs. So we have a host of challenges in the West.

I know Chairman Baucus works through many of these same issues as well and has been so helpful to us. We've got to get people back to work in the woods. That means getting the harvest up.

We also want to protect our treasures. They're for our kids. But particularly because of the importance of recreation in places like Montana and Oregon, Western State Senators all see the same thing.

Thank you for your willingness, Mr. Chairman, to let me make this brief statement and for the good work you're doing here in the subcommittee.

Senator MANCHIN. Thank you, Senator, for that and for your input on these two bills. As you know we'll be taking them seriously.

At this time we have Chairman Baucus. Thank you so much for coming. The floor is yours.

STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM MONTANA

Senator BAUCUS. Thank you, Mr. Chairman. I'm very happy to see the chairman of the full committee here and Senator Barrasso, all the rest of my friends.

This is pretty important to me and to the State of Montana and, I think, to the Nation. This is support of S. 255. What is it? It's the North Fork Watershed Protection Act.

Let me read you a quote from John Muir, which I think applies. He said. "Everybody needs beauty as well as bread. Places to play in and pray in where nature may heal and cheer and give strength of body and soul alike."

This is one of those places. It's a very, very special place. I know all members of this committee have special places in their home States.

Some of them are beaches and mountains or the plains, whatever they might be. For us in Montana we have several ourselves, but this is one of them. This is pretty high up there.

When I first came to the House a few years ago, what 30 some years ago, I immediately realized that one of my major efforts is going to be to protect, it's called the North Fork of Flathead River. The North Fork of the Flathead River begins up in British Columbia. It flows south from British Columbia and into East alongside of Glacier National Park as it flows south of Glacier Park. It would be to the east of it into Flathead Lake.

Flathead Lake is the largest natural freshwater lake west of the Mississippi, the largest. It's the largest natural freshwater lake west of the Mississippi. It's pristine.

I don't know now, but for many, many years it's drinkable. You can drink the water from Flathead Lake. It's that pristine. It's that clear.

It's also the summer playground for a lot of Montanans, for a lot of people outside of Montana, who come there in the summer. It's great skiing in the winter. It's really, really special.

It's the most intact ecosystem of the contiguous United States. It's a wide gravel bed river. The North Fork of the Flathead flows next to tall peaks from British Columbia into Montana and as I said, feeds the largest natural freshwater lake west of the Mississippi. That's Flathead Lake.

It drains snow melt from places like Kintler Peak. On this photograph over to my right Kintler Peak is the tallest peak. Kintler Peak is in Glacier National Park.

Many times I've backpacked in the summers across Glacier National Park, 4 or 5 days hike into Kintler Lake. It was upper Kintler close by and Lower Kintler is just one of the most special places that one could ever hope to see. It's like Alaska. It's very, very similar to many places in Alaska.

On the other side of the North Fork run off comes from many species of trees, lodge pole, spruce trees. Again back into Glacier National Park. This drainage has the highest vascular plant diversity and the highest density of large carnivores in the lower 48. More in Alaska, but in the lower 48 this is the largest population of large carnivores and vascular plant diversity.

Silver tipped grizzlies feed on huckleberries, buffalo berries in this same pristine valley. Native bull trout find cold water and clean gravel for their reds. It is, I mean, when you float the North Fork, you're just stunned.

It's so deep. It's so clear. It's running so fast. There's just so much water. It's hard to find words to describe it.

It's the most important wildlife corridor along the Canadian border between the Great Plains and the Cascades. Montanans, very many days, enjoy hunting and fishing there. Today, about 2 million

people visit Glacier National Park every year, that's about $100 billion in the economy. It supports 1,400 jobs.

One day several years ago it really dawned on me how important it was to protect this resource. It was in 1976 and I talked to a couple scientists. One guy was named Jack Stanford and the other is Rick Howard. They explained to me how all the mining up in British Columbia, there's coal mining up there, economic benefits stay in Canada. But some of this coal mined would be shipped across the ocean over to Canada as coking coal, but yet all the environmental degradation flowed south. It was—the water flowed south into Montana and also air currents that flowed south into Montana.

So what do we do? We thought, without being too involved here, I put together something called a baseline data study. They get the baseline data for the whole basin so we could know the effects whether it's Canadian, whether it's Forest Service in the United States, whether it's tourism in the United States or the private sector operations, homeowners along the lake. That baseline data has helped us realize what we have to do to protect this resource.

Then what did we do? We went to the Canadians. Said, let's figure this out together. We signed a compact. Montana did with British Columbia so that both British Columbia and Montana are working to protect.

I realize if we're going to show the Canadians we're doing our part a key here is to withdraw leases, oil and gas leases in the National Forest there. I mentioned just to the west of this river. Most of the leases have already voluntarily withdrawn.

The oil companies said, hey we're not going to find oil and gas here. We've got a lot of better prospects out in other parts of the country with fracking, horizontal drilling, you know, other parts of Montana, other parts of the country. We're not going to drill here.

So they've voluntarily withdrawn. There are just a few acres left of National Forest land. This bill provides that those acres—the bill provides that there be no future leases in the area.

It doesn't pull the other leases out. It doesn't tell companies they've got to leave. It just says no future oil and gas leases in the area. As I said or implied, there's very little acreage left here anyway because most of the leases have already been withdrawn. The companies have voluntarily withdrawn.

So I just urge you, Mr. Chairman and the rest of the committee, to look very seriously at this. This bill is the one missing piece. Given all the other efforts we've undertaken in roughly 30 some years.

I know it's—what I'm next going to say applies to all of this. I was drawn to public service by the belief that each of us has a moral obligation that when we leave this place, we're not here forever. When we leave this place we leave it as good as shape or in better shape than we found it. Each of us has that moral obligation.

It's environmental.

It's economic.

It's political.

That's because we're only here for a short period of time on this Earth. For me, this is one of those areas where we can be sure that

we're leaving this place in as good a shape, maybe even better shape, because of the protections that we founded. It's not controversial. Chamber of Commerce supports it. The entire Montana Congressional Delegation supports it. The two Democrats in the Senate, one Republican in the House. It's all supported.

I just urge this committee to help finish this one little piece. That's going to show to Montanans and to all those who enjoy Glacier National Park, that hey, we're doing something that makes sense here. I strongly urge the committee's support for this legislation.

Senator MANCHIN. Any questions to Senator Baucus?

If I could just ask one question very quickly. Are there people trying to develop or encroach in that land or are you just wanting to make sure it's protected so it doesn't happen?

Senator BAUCUS. No. No. It's very interesting when I first traveled up to North Fork in the late 1970 you could see the remnants of old rigs. I mean, they're old. I mean, it's about 40 years old. There's just nothing left.

But no, there's no activity. There's none whatsoever.

Senator MANCHIN. Thank you, Senator.

Senator Murkowski.

Senator MURKOWSKI. Just to follow up on that. So there's no current activity in terms of production. There are still some areas that are held, that the leases are held. Most have been relinquished.

Of those that have not been relinquished are you aware of any interest in exploration or potential production?

Senator BAUCUS. Nope. No. When I say most, I think it's 70, maybe 75 percent of the leases have been voluntarily relinquished.

There are many leases. I've talked to the company, one major company. There are a couple, 3 companies, but one major company a couple times. They just like to keep it. To be honest they want to be compensated if they are withdrawn or they want to trade.

But I say to them, you know, I appreciate that. But everyone else in your industry, most everybody else in your industry has voluntarily relinquished. I asked, are they exploring? Are they drilling? Are they looking? No. No. They're not. I'm not, again, this bill does not apply to those leases. This bill just says that no future leases would be available in the National Forest. That's all this one says.

Senator MURKOWSKI. Got it.

Senator MANCHIN. No future leases.

Senator MURKOWSKI. Got it. I think I need to look at it and see if it really is as close to Alaska as the picture is, but maybe have to do a field trip. Thank you.

[Laughter.]

Senator MANCHIN. No, no, I could see it either. Alaska, not entirely I could see it, but it's special.

Senator MANCHIN. Any further questions?

Senator, thank you so much for your presentation.

Senator BAUCUS. Thank you.

Senator MANCHIN. A truly special place. Thank you.

Senator BAUCUS. Thank you.

Senator MANCHIN. Without further ado what we'll do is Senator Barrasso you want to have your opening statement and then we'll ask any members that want to make a statement after that.

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

Senator BARRASSO. Thank you so much, Mr. Chairman. It stated a little earlier, I'm so looking forward to working with you, Senator Manchin, in your new role as Chairman of this very important subcommittee. I like the new name of the Subcommittee on Public Lands, Forests, and Mining.

It was nice to have Senator Baucus as well as Majority Leader Reid here with us today to testify in support of their bills.

Most of the 20 bills we have on the agenda today have been considered by this committee in past sessions of Congress including 2 that I'm co-sponsoring—that I'm sponsoring.

The Grazing Improvement Act, S. 258.

The Good Neighbor Forestry Act, S. 327.

It's hard to comprehend, Mr. Chairman, but the Good Neighbor Forestry Act, a bipartisan bill, has lingered in this Committee now for 4 and a half years. The first time I introduced the bill was July 2008. I'm hopeful that things will be different this Congress. I hope under Senator Wyden and Senator Murkowski's leadership we can work together to move this legislation through committee and see it enacted into law.

I want to point out that bipartisan support of this Committee. Senators Udall, Lee, Johnson, Heller and Flake have co-sponsored this legislation. The Good Neighbor Forestry Act allows the Forest Service and the Bureau of Land Management to enter into cooperative agreements with States to get work done on the ground across ownership boundaries.

This cooperative authority isn't new. It has existed for nearly a decade in 2 States, in Colorado and in Utah.

I am sure we will hear today from the Administration's witnesses that it is an effective tool to address the management challenges that we face: reducing wildfire risk, removing invasive species, preventing insect and disease, improving watersheds and conserving habitat. These challenges know no boundary lines and are best tackled through integrated partnerships that this bill would facilitate.

Good Neighbor Authority is set to expire September 2013 in Utah and in Colorado. So it's time to prevent Good Neighbor Authority from expiring in Utah and Colorado and to extend it to other Western States. Our Western forests have benefit from—they would benefit from having this tool in the tool box, this common sense legislation and will advance the all lands vision for our forests.

The other bill I'd like to just mention briefly, Mr. Chairman, is the Grazing Improvement Act, S. 258. This bill would provide needed regulatory certainty to ranching businesses operating on public lands.

It also provides key tools to the Federal agencies to more efficiently process the grazing permit renewal work load.

The bill would codify the year to year appropriation rider language providing for automatic renewal of grazing permits. These are ones that have been enacted every fiscal year since 2004.

Now as you know, Mr. Chairman, that the agencies are asking Congress for this rider in the President's budget request for Fiscal

Year 2014. The measure would also extend the term of a grazing permit from 10 to 20 years and provide continuity for family ranching operations in the rural communities and traditions they support.

In addition, the bill provides the agencies with a categorical exclusion to satisfy NEPA requirements for the renewal, reissuance or transfer of a grazing permit in certain rangeland health objectives are met. This categorical exclusion would reduce the current level of litigation that according to Mr. Connell's testimony, "continues to pose significant work load and resource challenges for the BLM." These needed improvements to the grazing permit process are long overdue.

I look forward to hearing the testimony of our witnesses on these bills and all of the bills on the agenda today. I hope the agencies will testify on these two active management bills with the same level of enthusiasm and support as the wilderness bills on the agenda.

In conclusion, Mr. Chairman, I ask that 3 items be submitted for the record.

One is the testimony of Robert Skinner, a Grazing Improvement Act support letter and Western Governors Association letter to Secretary Vilsack supporting the Good Neighbor Policies.

Thank you, Mr. Chairman.

Senator MANCHIN. Thank you, Senator.

What we do if anyone has opening statements we'll see if—start with Senator Heinrich, if you have any opening statement at all, Senator?

STATEMENT OF HON. MARTIN HEINRICH, U.S. SENATOR FROM NEW MEXICO

Senator HEINRICH. Actually I was going to let Senator Johnson, if he wants to go first.

Senator MANCHIN. What I was going to do was go back and forth as everybody arrived and do it that way, so.

Senator HEINRICH. OK. I'll be happy to give mine then.

Senator MANCHIN. Did you have to go?

Senator HEINRICH. OK.

Thank you, Chairman and also Ranking Member Barrasso for calling this hearing. I want to thank you for including a number of bills that have been in the works involving New Mexico for a number of years now.

I wanted to start by just clarifying the continued need for S. 241, the Rìo Grande del Norte legislation. After the President's designation of the Rìo Grande del Norte National Monument just last month, that designation, I think, was an incredible recognition of the community's work in Northern New Mexico. They've been working to give special attention to this area for several decades now.

The bill that the monument was originally based on which the subcommittee is considering today does one thing that a national monument designation by the President cannot do. It designates 2 areas currently managed as wilderness study areas as wilderness. I want to thank the subcommittee for considering consideration of

this bill so that we can get the final management plan in place for this new national monument.

I also wanted to note my support for S. 368, which would reauthorize FLTFA. FLTFA is an excellent model for public land management that supports conservation goals as well as economic development. As a sportsman I especially appreciate FLTFA's role in protecting critical wildlife habitat. Outdoor recreation is a critical and growing part of New Mexico's economy. FLTFA helps us preserve the places that draw visitors to New Mexico from around the world.

Last, I'm also pleased that the subcommittee is considering S. 360, the Reauthorization of the Public Lands Service Corps.

S. 609, to convey land in San Juan County, New Mexico.

S. 312, to adjust the boundary of the Carson National Forest in New Mexico.

I'm an original co-sponsor of all 3 bills and would like to thank the subcommittee for their consideration.

Senator MANCHIN. Thank you, Senator.

Senator Heller.

STATEMENT OF HON. DEAN HELLER, U.S. SENATOR FROM NEVADA

Senator HELLER. Mr. Chairman, thank you and certainly do look forward to working with you and the ranking member on this subcommittee. When it has to do with public lands as Senator Reid said, 87 percent of Nevada is owned by the Federal Government. Public lands and mining, as you can imagine, are 2 huge issues facing the State.

So, anyway, I'd like to speak briefly, if I may, on the Nevada bills that are before us today.

S. 757 does 2 things.

The first is to allow the city of Mesquite, Nevada and Lincoln County, Nevada to use the funds in their respective special accounts that were created over a decade ago for conservation. Both the city of Mesquite and Lincoln County were charged with the development and implementation of a multi-species habitat conservation plan. Unfortunately the BLM is determined that the lack of the work implementation in the enabling laws means its special account funds that could have been used for conservation have been languishing.

I think we can all agree that money is better spent on protecting habitat on the ground then sitting in special accounts at BLM.

The second thing S. 757 does is to provide the city of Mesquite with additional time to purchase land around their airport. This is necessary because the economic downturn meant the city had to reprioritize spending. The city still wishes to purchase the land for long term development. This bill will allow them to do so.

S. 342, the Pine Forest Range Recreation Enhancement Act is an example of what, I believe, is a wilderness done right bill. This legislation was developed in order to resolve outstanding wilderness study areas in Humboldt County. It is a result of a collaborative community process where all stakeholders who were given a seat at the table. Legislation will improve recreation access, provide appropriate, permanent protection in the Pine Forest range.

This type of collaboration is a model for how public land designation should be handled. I'm pleased to support this wilderness legislation.

But there's no more urgent legislation for Nevada than the Lyon County Economic Development Conservation Act Senator Reid mentioned, S. 159. I authored this legislation initially to answer the desperate needs in Lyon County for economic development and activity. This bill is an excellent example of the balance between conservation and development.

Currently Lyon County has 14.2 percent unemployment. It is the highest unemployment rate in the State with the highest unemployment in the Nation. Both the city and the county have had to severely cut staff and services. Without this legislation and the economic activity it will bring, they'll be forced to cut more essential services.

This bill will convey to the city at fair market value approximately 12,500 acres of Federal land with no conservation value surrounding the Pumpkin Hollow project site. Upon completion of the conveyance, the Pumpkin Hollow project is estimated to create 800 mining jobs, 500 construction jobs. The lands conveyed by this bill will also be used for industrial, recreation and infrastructure purposes that will create sorely needed jobs and economic development for Yerington.

The bill will also designate the Wovoka Wilderness Area while protecting the rights and interests of ranchers and miners who earn their living on the land in the area. The newly created wilderness will protect habitat and important cultural resources for generations to come. I'm pleased to have worked with Senator Reid to find a balance between development and conservation that will create jobs in Lyon County and beyond.

Again, I want to thank Senator Reid for his support and help on this. But more importantly, I want to thank his staff. Between his staff and my staff working together to solve these issues and these problems, we're going to move Nevada forward. I look forward to doing that. I urge all my colleagues to support these important pieces of legislation.

Thank you, Mr. Chairman.

Senator MANCHIN. Thank you, Senator.

PREPARED STATEMENT OF HON. DEAN HELLER, U.S. SENATOR FROM NEVADA, ON S. 757

Mr. Chairman, I would like to speak briefly about the Nevada bills before us today.

S. 757 does two very simple things. The first is it allows the city of Mesquite, Nevada and Lincoln County, Nevada to use the funds in their respective special accounts that were created over a decade ago for conservation.

Both the City of Mesquite and Lincoln County were charged with the development and implementation of a multi-species habitat conservation plan.

Unfortunately, the BLM has determined that the lack of the word "implementation" in the enabling laws means that special accounts funds that could have been used for conservation have been languishing. I think we can all agree that money is better spent on protecting habitat on the ground than sitting in special accounts at the BLM.

The second thing S. 757 does is provide the City of Mesquite with additional time to purchase land around their airport. This is necessary because the economic downturn meant that the City had to re-prioritize spending. The City still wishes to purchase the land for long-term development and this bill will allow them to do so.

S. 342, the Pine Forest Range Recreation Enhancement Act, is an example of what I believe is 'wilderness done right.' This legislation was developed in order to resolve outstanding wilderness study areas in Humboldt County.

It is the result of a collaborative community process where all stakeholders were given a seat at the table. The legislation will improve recreational access and provide appropriate permanent protection in the Pine Forest Range. This type of collaboration is a model for how public land designations should be handled and I am pleased to support this wilderness legislation.

There is no more urgent legislation for Nevada than the Lyon County Economic Development and Conservation Act. I authored this legislation initially to answer the desperate need in Lyon County for economic development and activity.

This bill is an excellent example of balance between conservation and development.

Currently, Lyon County has 14.2 percent unemployment. It is the highest unemployment rate in the state with the highest unemployment in the nation. Both the county and the city have had to severely cut staff and services and without this legislation and the economic activity it will bring, they will be forced to cut essential services.

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The bill will also designate the Wovoka Wilderness Area, while protecting the rights and interests of ranchers and miners who earn their living on the land in the area. The newly created wilderness will protect habitat and important cultural resources for generations to come.

I am pleased to have worked with Senator Reid to find a balance between development and conservation that will create jobs in Lyon County and beyond.

I urge all of my colleagues to support these important pieces of legislation.

Senator Johnson.

STATEMENT OF HON. TIM JOHNSON, U.S. SENATOR FROM SOUTH DAKOTA

Senator JOHNSON. Thank you, Senator Manchin for holding this hearing. There are 2 bills today that are of particular interest to South Dakota, the Black Hills Cemetery Act introduced by my colleague, Senator Thune and myself, and the Good Neighbor Forestry Act which was introduced by Ranking Member Barrasso.

The Black Hills Cemetery Act will transfer ownership of 9 historic cemeteries in the Black Hills National Forest to the local entities that have cared for them for generations. The current arrangement with special use permits is more suited for temporary uses of Forest System land. Providing local ownership of these cemeteries makes a lot better sense for everyone involved. I look forward to working with my colleagues to advance this bill.

The Good Neighbor Forestry Act has been explained by my good friend, Ranking Member Barrasso. The Black Hills is a perfect example of the need for cooperation among all levels of government to address major forest health challenges like the pine beetle. The bill will enhance the cooperative efforts that are already underway.

Thank you again, Mr. Chairman.

Senator MANCHIN. Thank you, Senator.

Senator Lee.

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

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

I want to thank you for holding this hearing today. These issues are also of great concern to me because most of the land in my State is owned by the Federal Government, about two-thirds of it. Managing that amount of land often, nearly always, requires Federal legislation, even for many parochial issues.

Consequently hearings like these are critical to what we do in my home State. So I thank the Senator from West Virginia and the Administration witnesses that have come here to testify today.

The Hill Creek Cultural Preservation and Energy Development Act will resolve a long standing land ownership problem in Eastern Utah. The legislation, if passed, will resolve this issue in a manner that benefits the school children of Utah. At the same time protect culturally significant land located on the Ute tribe of the Uintah and Ouray Reservation.

The Utah School and Institutional Trust Lands Administration or SITLA, as it's known at home, is tasked with managing its portfolio of State trust lands for the benefit of K through 12 public schools. The revenues generated by SITLA are a critical source of funding for public education in Utah. This legislation will assist SITLA in its goal of ensuring that Utah schools have the resources needed to provide the best possible education for Utah's children.

The Ute tribe supports this legislation because it will help the tribe develop its mineral resources while also preserving lands of significant cultural value. The bill presents—prevents the tribe from having to decide between good paying jobs and the preservation of important tribal lands and gives the tribe the opportunity to achieve both.

In addition the legislation also ensures that the Federal Treasury is held harmless by providing that the United States will receive the same amount of revenue as it would receive if the Bureau of Land Management managed the land.

S. 27 represents an approach to resource development that carefully balances the interests of all stakeholders. I urge the committee to act quickly to move this legislation.

I'd also like to express my support for S. 28, the Y Mountain Access Enhancement Act. This bill would transfer a small amount of Forest Service land to Brigham Young University for the purpose of preserving continued access to the Y, which to those who haven't been to Provo, Utah, is a large block Y built into the side of the mountain overlooking the city and campus of BYU. This bill will benefit both the university and the local community. I'd ask for quick action by the committee in approving that.

Thank you.

It's a lovely Y. I'll promise I'll take you there sometime.

Senator MANCHIN. Is it made with trees or rocks?

Senator LEE. It's rocks. They've been white washed over the years. They use the more sophisticated version of white wash recently to make sure that it stayed white.

Senator MANCHIN. It sounds like quite an investment, I'm sure

Senator LEE. Yes. It's been there for about 100 years.

Senator MANCHIN. I understand completely.

Senator LEE. As a third generation BYU Cougar it has a lot of emotional value.

Senator MANCHIN. I can tell.

Last but not least is Senator Murkowski.

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

Senator MURKOWSKI. Thank you, Mr. Chairman and to our ranking member, thank you for the hearing today. Lots of bills on the calendar which we appreciate. Senator Wyden and I have been working to figure out the process that we can efficiently move some of these very important public lands bills through the committee and with the leadership of the 2 of you, I think we're making great progress.

I'd like to focus my comments this afternoon on 2 bills that I'm co-sponsoring. I have 3 before us. But I'm only going to address 2 of them today.

The first is the Southwest Alaska Native Land Entitlement Finalization and Jobs Protection Act. We know it as the Sealaska Lands bill.

There's also a second bill that I call the Small Miners bill, S. 366, that would reinstate the mining claims of small miners in Alaska, claims that I strongly believe have been unjustly taken from them.

But turning first to Sealaska. This is a bill that has been kicking around the committee here since 2008. I think that we're close to working out the final few points of contention. I'd like to think that we can get it wrapped up very, very soon and pass the bill.

For members of the committee who are new or have not heard much about the Sealaska provision, it's a pretty simple premise and purpose. What we're doing here with Sealaska legislation is to provide for final settlement of outstanding aboriginal land claims under the Alaska Native Claims Settlement Act. This bill accomplishes this purpose by conveying approximately 70,050 acres of selected land in Southeast Alaska on the Tongass National Forest to Sealaska. That's exactly the acreage that BLM estimates will finalize Sealaska's remaining land entitlement.

Southeast Alaska's 20,000 native corporation shareholders have waited 42 years for this settlement. We think that it is long enough. When the Native Land Claims settlement was passed 40 years ago it was with the understanding we'd get these conveyances. We would move them through the process. Alaska's native people would move forward. Unfortunately for the 20,000 natives in Sealaska, they've been, kind of, in this holding pattern for far, far too long.

Over the past 2 years my staff has worked diligently and I thank them. I thank all those that they've been working with. But they've been working well with the Forest Service, with the staff on the Democratic side here, interested stakeholders, uninterested stakeholders, people from all over Alaska, to really sort through the many issues with the bill.

It's not an easy task. Nearly every acre, I would venture to say, that every acre of the 16.9 million acre Tongass is precious to someone. But in this process, in this multiyear process, more than 175 changes have been made.

I think these changes have vastly improved the bill from the 2008 original. We know that it's not easy to make everyone happy. But I think that what we have in front of us is fair, equitable and

a workable solution to the complicated land patterns in Alaska's panhandle.

Although the Forest Service agrees that our bill has come a long way, there's still a few issues that it wants to work on. The most significant one raised concerns the Forest Service Tongass Timber Program. The Forest Service has raised concerns that settling Sealaska's land claims could affect its plans to transition timber harvesting in the Tongass from the old growth to the young growth trees.

Now it's my understanding that to mitigate these concerns and to help jump start the transition, the Forest Service is asking that the bill be amended to include a provision exempting the Forest Service from compliance with culmination of mean annual increment requirements. As Senator Risch would understand that as CMAI requirements. These apply to even aged timber harvest under the National Forest Management Act.

Now, Mr. Chairman, I am willing to consider some flexibility with regards to the CMAI requirements in order to help the forest make this transition work. But I do ask for some commitments from the Forest Service to address the needs of the existing timber industry that's being expected to make this transition. These existing timber businesses need some time. They need sufficient timber. They need economic certainty in order to survive and for this transition to have any chance of succeeding.

So I do hope that we can reach a compromise on this outstanding issue that we can all live with that enables the bill to move forward with the Administration's unqualified support.

I do have, Mr. Chairman, some letters where folks have been asked to have them included into the record of variety groups in the State. They include testimony from Sealaska Corporation, letters from the Archery Trade Association, the city of Tenakee Springs, the Point Baker Community Association and the Safari Club International.

Senator MURKOWSKI. I'd like to say just a couple words here on the small miner bill. This is S. 366. This is yet another attempt to try to right a wrong that I really think we should have been able to resolve some time ago.

Back in 1993 Congress enacted a small miner waiver that exempted the small miners. Those are those that own 10 claims or fewer. They were exempted from maintenance fee to keep title to their claims provided that they performed at least $100 of assessment work per year on the claims.

In order to get the waiver the miners have to file an application. If there are any defects in the application the miners are supposed to be given notice and an opportunity to cure. Unfortunately BLM has interpreted this waiver as allowing miners to cure their defects in their applications but only if these forms or fees are turned in on time. Otherwise the cure remedy doesn't exist. BLM then moves to extinguish the claims without appeal.

So I have attempted to solve the problem by making it clear that the BLM had to notify miners if the applications or fees weren't received on time. Give the miners 60 days to solve the defects. This is exactly what Congress thought it was passing in 1993.

So I offered that fix in the 109th Congress, the 111th, then the 112th and again this year. It's still being opposed by BLM. They say that it's just due to the potential notification costs.

So I'm prepared, given the testimony that the government is submitting, to amend the bill substantially at mark up to simply address the claims on a case by case basis. On the other hand if the BLM can resolve these problems Administratively, I would certainly encourage it to do so. I understand that also may be the case with my Cabin Fee bill. Again, if it can be done without legislation, by all means, let's make it happen that way.

Mr. Chairman, thank you for allowing me just a little extra time to give my statement and hopefully provide a little clarity in terms of where we're going with Sealaska. But again, appreciate the work that you and the ranking member are doing.

Senator MANCHIN. Thank you very much.

I see that Senator Udall has arrived.

STATEMENT OF HON. MARK UDALL, U.S. SENATOR FROM COLORADO

Senator UDALL. Mr. Chairman, thank you for agreeing to hold a hearing on S. 341 which is the San Juan Mountains Wilderness Act and several other bills that are on the list that are important to Colorado.

My San Juan Mountains Wilderness bill was first introduced in 2009 by former Congressman John Salazar. I'd like to express my appreciation for the extensive effort that John and his staff made to work with all the stakeholders involved and to develop the original bill in 2009. The bill would designate over 33,000 acres of National Forest Service and Bureau of Land Management Land in Southwestern Colorado as wilderness, mostly through expansions of the existing Lizard Head and Mount Sneffels wilderness areas.

It would also establish a new area called McKenna Peak, which includes imposing sand stone cliffs rising 2,000 feet above the surrounding area. These are important lands that possess critical wildlife habitat, clean water and other scenic values. So they are very worthy additions to our national wilderness preservation system. The bill would also protect 28,000 acres on Sheep Mountain and Naturita Canyon with other special designations.

Now Mr. Chairman, this is a grass roots bill. By that I mean it was developed based on the ideas of a lot of local business people, residents, recreationalists. It protects existing water rights and it continues existing uses as they are now such as grazing, established heliskiing on Sheep Mountain and the Hard Rock 100 which is important and popular foot race and grueling as well because the 100 stands for a hundred miles. It does not affect any current legal motorized or mechanized access.

As I alluded to the bill reflects extensive collaboration done over several years of local leaders and interested stakeholders. Because of this community based effort a large group of citizens, local leaders and other stakeholders from across Southwestern Colorado have supported my bill including the Ouray, San Miguel and San Juan, San Juan County Commissions, the city of Ouray and the Towns of Ophir, Ridgeway, Mountain Village, Telluride and Norwood. We've also had groups representing hunters and anglers in-

cluding the Bull Moose Sportsmen Alliance, Back Country Hunters and Anglers and Trout Unlimited to have endorsed this bill.

As I said on a couple cases already there is a long list of small businesses in the region who support the bill because they know protecting public lands helps create jobs and draws new residents, tourists and businesses to the surrounding communities. This region and I say in fact, much of my State depends on our public lands not only for recreational opportunities, hunting and fishing and the scenic vistas that are so present, all of which are vital to our local economies. But also we're dependent on these areas for in the way in which they protect our municipal water supplies and provide clean air.

Support, therefore, from local businesses is not a surprise, but it's par for the course in tourism and recreation dependent economies. The outdoor industry is one of our most important economic drivers. Wilderness is one of our State's great economic engines. I'm proud to be able to lead the efforts on this bill.

Our population by the year 2050 is expected to double. We need to be proactive so that future generations can experience the beauty, clean air and water and wildlife that we have today. I'm proud of our successful work. The past in designating wilderness at James Peak and in Rocky Mountain National Park. I'm committed to getting this bill and similar community driven efforts to the finish line.

Mr. Chairman, I thank you for, again, indulging my interest in this bill. But I wanted to, before I close, briefly express my strong support for 2 other bills on the agenda today.

The first is my good friend, Senator Barrasso's bill. I'm an original co-sponsor of it. What the Wyoming Senator would do is expand and reauthorize the Good Neighbor Authority. This authority has been in places, a pilot project in my State for 10 years. It's proven to be cost effective and as well as a common sense way to reduce wildfire risk at the boundary between the National Forest and private property.

Wildfires, we found out, doesn't respect orders and neither should our solutions. I look forward to working with Senator Barrasso across the partisan divide to pass what's very common sense and clearly a bipartisan idea.

Then finally, Mr. Chairman, I support S. 368, which is the reauthorization of the Federal Land Transaction Facilitation Act. This act is another common sense approach that funds land conservation, especially in the West. It will benefit businesses, land owners, sportsmen, communities, historic preservation, recreational interests. It's critical that it be reinstated as soon as possible.

Mr. Chairman, again, thank you for holding this hearing.

Senator MANCHIN. Thank you, Senator.

What we'll have at this time is our 2 panelists, Mr. Jim Peña, Mrs. Jamie Connell come forward.

Mr. Peña, if you'd like to start with your presentation.

STATEMENT OF JIM PEÑA, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. PEÑA. Mr. Chairman, Ranking Member Barrasso and members of the committee, my name is Jim Peña. I serve as Associate Deputy Chief for the National Forest System with the U.S. Forest Service. Thank you for inviting me today to testify regarding a number of bills that affect the national forests.

Before I begin my testimony I'd like to apologize for a few technical errors that we made in our written testimony. The process of creating and clearing testimony on 12 bills at the same time has been somewhat of a challenge. We've already made some corrections and are in the process of making a couple more. Thank you for your patience. I'm sorry for any confusion that this might have caused.

We look forward to working with you on these bills as they move through the Senate.

Would you like me to just go through the bills affecting the Forest Service first?

Senator MANCHIN. If you can very briefly.

Mr. PEÑA. Sure.

My first comments will be on S. 28, the Y Mountain Access Act.

It would direct the Secretary to convey to Brigham Young University all right, title and interests of the United States in 2 parcels comprising of approximately 80 acres of National Forest system land in the Uintah-Wasatch-Cache National Forest in the State of Utah.

The Department does not object to the conveyance of the 2 parcels but would like to work with the Subcommittee and sponsor to address public access at the trail head.

Senator MANCHIN. So noted.

Mr. PEÑA. My comments on S. 159, the Lyon County Economic Development and Conservation Act will focus on Sections 3 and 4 as they pertain to management of the Toiyabe National Forest.

Section 3 of S. 159 would add almost 50,000 acres to the National Wilderness Preservation System creating the Wovoka Wilderness. The Forest Service categorized this area as having a high capacity for wilderness during its forest plan revision in 2006.

The Department supports the goals of the legislation and would like to work with the committee on the following concerns.

First, we'd like the bill to use more specific terms to describe the roads as some are used to determine the location of portions of the wilderness boundary. This will avoid any confusion about where the wilderness boundary should be located.

We also would like to work with you on sections that limit either the President's or the Secretary's discretion to review and approve water developments and wildlife management activities within the wilderness.

Senator MANCHIN. That will be duly noted.

Mr. PEÑA. Next we'd like to address S. 255, the North Fork Watershed Protection Act of 2013.

S. 255 would subject to valid existing rights withdraw national forest system lands located in the North and Middle Forks of the Flathead River watershed in Montana from location entry and pat-

ent under the mining laws and from deposition under the Mineral and Geothermal Leasing Law.

S. 255 would also withdraw a small amount of land in the Kootenai National Forest.

The Department supports 255, however, I defer to the Department of the Interior on issues related to the management of Federal mineral estate as it's within the jurisdiction of the Secretary of Interior.

Senator MANCHIN. Duly noted.

Mr. PEÑA. The Department generally supports S. 258, the Grazing Improvement Act but would like to work with the committee on a few provisions in the bill.

S. 258 would revise the permitting process for grazing in the National Land Policy and Management Act of 1976. Specifically the bill would extend the duration of the permit from 10 to 20 years.

The bill would also make permanent the language used in annual appropriation riders requiring permits to be renewed with existing terms and conditions if NEPA has not been completed on allotments associated with the permit.

The bill would establish and require the use of categorical exclusions and prohibit the agencies from preparing an environmental assessment or environmental impact statement under NEPA.

The bill would also provide the Secretary with sole discretion to determine the priority and timing of completing the NEPA environmental analysis of grazing allotment, notwithstanding the schedule in section 504 of the Rescissions Act.

The Department understands and shares the committee's desire for increasing Administrative effectiveness for both the Forest Service and the permitee. The Department can support the concept of having flexibility to issue a longer term permit where current management is continued and the allotments are monitored to assure they are meeting Forest Plan standards.

The Department believes that the Secretary rightfully should have the sole discretion to determine the priority and timing for completing the environmental analysis of grazing allotments and as always—as is always the case under NEPA.

However, we don't support being limited to only using categorical exclusions in certain circumstances for grazing permits. The Department would like to work with the committee and sponsor to make this modification to the bill.

I'd also like to thank Senator Barrasso for his willingness to work with us and for the changes he's already made in the bill in response to our previous concerns.

Senator MANCHIN. So noted.

Mr. PEÑA. S. 312 would modify the boundaries of Carson National Forest in the State of New Mexico to include approximately 5,000 acres of private land known as Miranda Canyon that is adjacent to the existing national forest boundary.

The Department supports the adjustment of the boundary because it will create an opportunity for the acquisition of Miranda Canyon property as part of the Carson National Forest.

Senator MANCHIN. Duly noted.

Mr. PEÑA. S. 327 would authorize the Secretary of Agriculture and Secretary of Interior to enter into cooperative agreements or

contracts with State foresters authorizing State foresters to provide certain forest, range land and watershed restoration and protection services in the States West of the 100th Meridian.

We support Good Neighbor Authority, but would like to work with the committee to make some minor technical corrections.

Senator MANCHIN. Duly noted.

Mr. PEÑA. S. 340 would allow the Sealaska Corporation, a regional corporation established under the Alaska Native Claims Settlement Act to obtain its remaining land entitlement under the Alaska Native Claims Settlement Act from portions of the Tongass National Forest. These areas are outside the withdrawal area to which Sealaska's selections are currently allowed.

The Department of Agriculture supports the principles or the principle objectives of this legislation to finalize Sealaska's remaining Alaska Native Claims Settlement Act entitlement and promptly complete its conveyance.

However the last 2 years the Forest Service has worked diligently with USDA, the Department of the Interior, Sealaska, the Alaska Delegation, members of staff of the committee and others, in particular, Senator Murkowski and her staff, to develop a solution that is agreeable to all parties. In particular we wish to thank Senator Murkowski and her staff's efforts working with the Administration to resolve these long standing issues.

S. 340 represents a major step forward in that effort. If Sealaska Board of Directors approves a total of a little over 70,000 acres of Federal land would be conveyed to the full and final satisfaction of Sealaska's remaining land entitlement under Alaska Native Claims Settlement Act. We understand there is some concern that S. 340 would create a precedent for other native corporations to seek similar legislation. We believe the circumstances surrounding this legislation are unique and that no such precedent would be created.

The biggest remaining issue deals with the potential effects of the bill on the transition to young growth forest management in Southeast Alaska and ways to offset those effects. Under 340 many of the oldest, second growth stands on the Tongass would be conveyed to Sealaska accelerating Sealaska's young growth program but substantially delaying development of the Forest Service young growth program. In order for the Tongass to continue its transition to harvesting young growth without any delay caused by the transfer of lands to Sealaska, the Administration recommends that a limited amount of young growth timber on the Tongass be expressly exempted from CMAI which limits the harvest of young growth forest stands until they've reached their maximum rate of growth.

We look forward to the close working relationship to resolve the few issues that remain and then we'll be able to move this forward.

Senator MANCHIN. Duly noted.

Mr. PEÑA. S. 341 would designate 9 parcels of the Grand Mesa Uncompahgre, the GMUG, National Forest as wilderness under the National Wilderness Preservation Act.

The Department supports S. 341 and would like to offer minor modifications to the bill that would enhance wilderness values and clarify the special management area designation.

We thank Senator Udall for his collaborative approach and appreciate the local involvement that has contributed to wide support in Colorado for this bill.

Senator MANCHIN. Duly noted.

Mr. PEÑA. S. 353 would affect the National Forest lands by transferring Administrative jurisdiction over a parcel of land currently administered by the Bureau of Land Management to the Forest Service and by making changes to 2 existing Wild and Scenic River designations.

The Department has no objection to either of these parcels being exchanged out of Federal ownership if the BLM, Bureau of Land Management, determines that the land exchange would benefit, provide public benefit.

The Department is supportive of the Wild and Scenic River designation technical changes as they provide a more appropriate naming convention and better reflect management classifications and direction for the Chetco River.

Senator MANCHIN. So noted.

Mr. PEÑA. The Department strongly supports S. 360. This bill would strengthen and facilitate the use of public lands service corps program helping to fulfill Secretary Vilsack's vision for engaging young people across America to serve their community and their country. It's also consistent with the goals of the President's America's Great Outdoors Initiative which includes catalyzing the establishment of a 21st century conservation service corps to engage young people in the public lands—in public lands service work.

S. 360 would help USDA and our sister agencies, Department of the Interior and NOAA expand opportunities for our youth to engage in the care of America's great outdoors and is a fine example of multiple agencies coming together to implement a shared goal.

Senator MANCHIN. Duly noted.

Mr. PEÑA. S. 344, the Black Hills Cemetery Act would require the cemetery to convey without consideration 9 parcels of the National Forest system lands containing cemeteries located on National Forest System land in the Black Hills National Forest to local entities. The conveyance of these 9 cemeteries is consistent with the land and resource management plan for the Black Hills National Forest.

The Department does not object to making the Federal land available for use as cemeteries. But it does not support conveyance of National Forest system lands without compensation for the value of the properties.

Senator MANCHIN. Duly noted.

Mr. PEÑA. S. 736, the Alaska Subsistence Structure Protection Act of 2013 would provide relief to the rural Alaskan cabin users who depend on the Tongass National Forest for subsistence fishing, hunting and gathering by capping the fee that may be charged for special use permits authorized in the use of these cabins.

The Department does not oppose S. 736 but would appreciate the opportunity to work with the committee staff on technical changes to the bill.

The Forest Service currently has authority to implement the changes in fees required by the bill. We'd like an opportunity to make those changes administratively to fit our fee structure.

Senator MANCHIN. Duly noted.

Mr. PEÑA. That concludes my run through of the bills. I'd be happy to take any questions now or at the end.

Senator MANCHIN. I thought what we'd do is we'd go ahead and have Ms. Connell do hers. Then we'll have the members ask questions as they finish.

Mr. PEÑA. Thank you.

[The prepared statement of Mr. Peña follows:]

STATEMENT OF JIM M. PEÑA ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, FOREST SERVICE, DEPARTMENT OF AGRICULTURE, ON S. 28

Mr. Chairman, Ranking Member Murkowski, and members of the committee, thank you for inviting me here today to testify regarding S.28, the "Y" Mountain Access Enhancement Act.

S.28, the "Y" Mountain Access Enhancement Act, would direct the Secretary to convey to Brigham Young University (BYU) all right, title, and interest of the United States to 2 parcels comprising approximately 89 acres of National Forest System land in the Uinta-Wasatch-Cache National Forest in the State of Utah, as shown on the accompanying map. The southern parcel is a split estate, so the United States would only convey what it owns (the surface estate). The United States does not own the underlying mineral estate.

The Department does not object to the conveyance of the two parcels, but would like to work with the Subcommittee and the sponsor to address public access at the trailhead. The trailhead and beginning portion of the "Y Mountain Trail" are located on land owned by the University. These parcels are adjacent to it. Historically, the public has been permitted access to the trailhead and trail. Section 2(c) of the bill seeks to provide the same reasonable public access for the trail that historically has been allowed. To accomplish this objective, the Department recommends that section 2(c) be revised to provide for the reservation by the Secretary of an easement for public access for the portion of Forest Service Trail #2062 that would be conveyed to the University. In addition, there is no legal public access to the trail and trailhead located on BYU owned property. Therefore, to ensure legal public access, the Department suggests the committee consider an amendment to allow the Secretary to obtain an easement from BYU for the trailhead parking lot and the portion of trail that traverses across BYU property.

The bill provides for the conveyance of this land for consideration in the amount equal to the fair market value of the land. The bill also requires the proceeds from the sale shall be deposited in the general fund of the Treasury to reduce the Federal debt. The Department recommends utilizing Public Law 90-171, commonly known as the "Sisk Act" (16. U.S.C. 484a), which would allow for the deposit of proceeds received for a conveyance into the fund established under the Sisk Act for the acquisition of land or interests in land within the State of Utah.

ON S. 159

Mr. Chairman, Ranking Member Murkowski, and members of the committee, thank you for inviting me here today to testify regarding S.159, the Lyon County Economic Development and Conservation Act.

Section 2 of the bill pertains to public lands managed by the Bureau of Land Management. This testimony will address Sections 3 and 4 in my comments as they pertain to the management of the Toiyabe National Forest.

Section 3 of S.159 would add the Wovoka Wilderness to the National Wilderness Preservation System. These 47,449 acres are the largest remaining tract of wild country in Lyon County Nevada, encompassing the southern portion of the Pine Grove Hills south of Yerington Nevada. The core of this proposed wilderness is the Forest Service South Pine Grove Hill Inventoried Roadless Area. The Forest Service categorized this roadless area as having a high capacity for wilderness during its Forest Plan Revision wilderness evaluation in 2006.

Designation of the Wovoka Wilderness would preserve sage-grouse habitat, protect prehistoric cultural resources, ensure the availability of primitive recreational resources, and maintain high air and water quality in the area, while ensuring the conservation of ecologically diverse and important habitats. Further, the bill encour-

ages the collaboration between the Department and the Lyon County Commission on local wildfire and forest management planning. The Department supports these worthy goals and would support S.159, if the bill is amended to address the following concerns.

S.159 would provide for several standard provisions for the management of wilderness area within the National Wilderness Preservation System. However, it introduces several new provisions that raise concerns.

Section 3(c)(2) would require that the wilderness boundary be placed 150 feet from the centerline of adjacent roads when they border the boundary. While this is generally a good policy, we are concerned that the term "roads" is open to interpretation. We would prefer the use of the term "forest roads" or "public roads" which reflects those roads designated by the Forest Service during our travel planning process or by other jurisdictions. This will avoid any confusion about the intent of the provision during creation of the legal description.

The Department objects to Section 3(d)(7), relating to water rights. Specifically, Section 3(d)(7)(E)(ii)(I) would prohibit the Forest Service from developing for its own purposes any water resource facility other than a wildlife guzzler. Additionally, Section 3(d)(7)(E)(ii)(II) would require the Forest Service to approve applications for the development of water resource facilities for livestock purposes within the Bald Mountain grazing allotment submitted by Bald Mountain grazing allotment permittees within 10 years of designation of the wilderness. The President's discretion under the Wilderness Act to review and approve any potential water development structure or facility that is deemed in the national interest should not be limited by these provisions.

Section 3(e), relating to wildlife management, also presents concerns. Section 3(e)(3) would give the State authority to use helicopters and other aircraft for specified wildlife management purposes without specific permission from the Forest Service. Section 3(e)(4) would constrict the Forest Service's authority to restrict hunting or fishing, and section 3(e)(5) would perpetuate in perpetuity the application of a 1984 Memorandum of Understanding between the Forest Service and the State to State wildlife management activities in this wilderness area.

The Department objects to Section 3(f) Wildlife Water Development Projects, which would require the Secretary to authorize structures and facilities for wildlife water development where the Secretary determines that the development will enhance wilderness values by providing more naturally distributed wildlife populations and the visual impacts of the structures and facilities can be visually minimized. This language, while it provides some flexibility, still removes Secretarial discretion to consider the impact of wildlife water developments on other wilderness values. The Department already has the discretion to consider the placement of wildlife water developments consistent with the Wilderness Act and House Report 101-405. This section is an unnecessary abridgement of the Secretary's discretion.

Section 4 of the bill would withdraw an area of National Forest from (1) entry, appropriation, or disposal under public land laws, (2) location, entry and patent under the mining laws, and (3) operation of the mineral laws, geothermal leasing laws and mineral materials laws. The use of motorized and mechanical vehicles within the withdrawn area would be limited.

The Department would like to work with the committee and the sponsor of the bill to ensure all valid existing rights may continue in the future.

ON S. 255

Mr. Chairman, Ranking Member Murkowski, and members of the committee, thank you for inviting me here today to testify regarding S.255, the North Fork Watershed Protection Act of 2013.

S.255 would, subject to valid existing rights, withdraw National Forest System (NFS) lands located in the North Fork and Middle Fork of Flathead River watersheds in Montana which are primarily managed as part of the Flathead National Forest from location, entry and patent under the mining laws and from disposition under the mineral and geothermal leasing laws. S.255 would also withdrawal a small amount of land in the Kootenai National Forest. Currently there are 39 existing leases or claims in the North Fork comprising 56,117 acres and 18 existing leases or claims in the Middle Fork comprising 8,595 acres. The Department supports S. 255, however, I would like to clarify that although the Department has surface management authority concerning mineral operations, the management of the federal mineral estate falls within the jurisdiction of the Secretary of the Interior. We defer to the Department of the Interior on issues related to the status of the existing claims and leases.

The Forest Service administers surface resources on nearly 193 million acres of NFS lands located in forty-two states and the Commonwealth of Puerto Rico. The Forest Plan for the Flathead National Forest blends areas of multiple uses in the North Fork and Middle Fork with areas of specific or limited uses elsewhere on the Forest. Under current law, NFS lands reserved from the public domain pursuant to the Creative Act of 1891, including those in S. 255, are open to location, entry and patent under the United States Mining Laws unless those lands have subsequently been withdrawn from the application of the mining laws. This bill would withdraw approximately 362,000 acres from the operation of the locatable and leasable mineral laws subject to valid existing rights. This includes approximately 291,000 acres on the Flathead National Forest and approximately 5,000 acres on the Kootenai National Forest in the North Fork watershed and 66,000 acres in the Middle Fork watershed on the Flathead National Forest.

The majority of North Fork and Middle Fork of the Flathead has low to moderate potential for the occurrence of locatable and leasable minerals. A portion of the Middle Fork does have an area of high potential for oil and gas occurrence. Much of the North Fork and Middle Fork was leased for oil and gas in the early 1980s. Subsequently, the Bureau of Land Management (BLM) and Forest Service were sued and BLM suspended the leases in 1985 to comply with a District Court ruling (Conner v. Burford, 605 F. Supp. 107 (D.Mont.1985)). Presently, there are no active locatable or leasable operations, including oil and gas, in the North Fork or Middle Fork.

We recognize the bill would not affect the existing oil and gas leases because they would constitute valid existing rights. We also recognize the bill would not change the court's order in Conner v. Burford requiring the BLM and Forest Service to prepare an environmental impact statement (EIS) under the National Environmental Policy Act before authorizing any surface disturbing activities on the affected leases.

The Flathead National Forest and Flathead County rely on the close proximity of local sources of aggregate to maintain roads economically and as a source of building materials. We are pleased this bill would not preclude the removal and use of mineral materials, such as aggregate. The ability to continue using those local mineral materials would allow us to more easily maintain local roads, thus reduce erosion related impacts to streams and lakes in the North Fork and Middle Fork drainages.

ON S. 258

Mr. Chairman, Ranking Member Murkowski, and members of the committee, thank you for inviting me here today to testify regarding S.258 the Grazing Improvement Act. The Department supports this bill. We believe that this bill would increase efficiencies, but not at the expense of good land stewardship.

The Department understands and shares the committee's desire for increasing administrative efficiencies for both the Forest Service and the permittee and while the Department supports certain provisions, we cannot support S.258 as written. The Department specifically has concerns with requirements and definitions in the use of categorical exclusions. The Department also recognizes that the Forest Service and the Bureau of Land Management operate under different authorities, such as the Rescissions Act of 1995, which determines how the Forest Service is to apply NEPA for grazing allotments. As a result, various provisions in S.258 affect the agencies differently. We therefore defer to the Department of the Interior on those provisions that don't directly affect the Forest Service, or the impacts of those provisions on Department of the Interior programs.

The Forest Service enjoys a cooperative relationship with the vast majority of the over 6,800 individuals who hold permits for grazing, permitting approximately 8.2 million animal unit months on nearly 94 million acres of National Forests and Grasslands. Grazing permittees have helped provide for the effective stewardship of our public lands for many decades. While the vast majority of the grazing permittees are excellent stewards in caring for range resources, there are some areas where permittees need to take action to improve range conditions. The Forest Service is working with many permittees to make such improvements.

In addition, the Forest Service's grazing program not only helps support the economies of rural communities across the west, but it also helps maintain open space on private lands. Most permittees utilize and need both public and private lands to graze livestock economically. The loss of grazing on public lands can result in the loss of grazing on private lands that may lead to the conversion of private open space to other uses such as subdivision development.

S.258 would revise the permitting process for grazing in the Federal Land Policy and Management Act of 1976. Specifically, the bill would extend the duration of the

permit from 10 years to 20 years. The bill also would make permanent the language used in annual appropriation riders which has required expiring permits to be renewed with existing terms and conditions if the National Environmental Policy Act (NEPA) has not been completed on allotments associated with the permit. It further would expand the appropriation riders language to include transferred or waived permits or leases.

The bill would establish and require the use of categorical exclusions (CE) and prohibit the agencies from preparing an environmental assessment or environmental impact statement under NEPA. CEs, which require no public notice, would apply if a decision continues the current grazing management on an allotment; monitoring has indicated that the current grazing management has met or is satisfactorily moving towards meeting land use management plan objectives; or the decision is consistent with the policy of the Department regarding extraordinary circumstances. While we support providing the line officer with the option to use a categorical exclusion category where the parameters of what constitutes a minor adjustment are narrowly defined, we do not support requiring use of categorical exclusions. The bill also would provide the Secretary with the sole discretion to determine the priority and timing for completing the environmental analysis of a grazing allotment, notwithstanding the schedule in section 504 of the Rescissions Act.

S.258 also exempts crossing and trailing authorizations as well as the transfer of grazing preference from NEPA. We defer to the Department of the Interior on these provisions.

S.258 would require that grazing permits be issued for a term of 20 years rather than the current 10-year term. Permits may be issued for a shorter term on land that is pending disposal or will be devoted to a public purpose, or where it is in the best interest of sound land management on those allotments that have not had initial NEPA.

The Department understands and shares the committee's desire for increasing administrative efficiencies for both the Forest Service and the permittee. The Department can support the concept of having the flexibility to issue a longer term permit where current management is continued and the allotments are being monitored to assure they are meeting Forest Plan standards. The Department believes that the Secretary rightfully should have the sole discretion to determine the priority and timing for completing environmental analyses of grazing allotments, as is always the case under NEPA. We do not, however, support being limited to only using CEs in certain instances for grazing permits. We have completed NEPA analyses on threefourths of our grazing allotments. We have been able to move forward with our renewed, reissued and transferred grazing permit program. Our analyses, with or without a CE, have been helpful in determining range conditions, a matter of great concern to all permittees and the Forest Service. We look forward to continuing to work with the committee and sponsors of this bill.

ON S. 312

Mr. Chairman, Ranking Member Murkowski, and members of the committee, thank you for inviting me here today to testify regarding S.312, the Carson National Forest Boundary Adjustment Act of 2013.

S.312 would modify the boundaries of the Carson National Forest in the State of New Mexico to include approximately 5,000 acres of private land known as "Miranda Canyon" that is adjacent to the existing National Forest boundary. The Department supports the adjustment of the boundary because it will create an opportunity for the acquisition of Miranda Canyon property as part of the Carson National Forest.

The Trust for Public Land currently owns most of the Miranda Canyon Property and will purchase the rest from Weimer Properties by the end of the year. It is located approximately four miles south of Taos, New Mexico. Weimer Properties spent several years proposing to develop a subdivision and seeking to acquire approval from the Taos County Board of Commissioners. Approval of the subdivision was not granted and the Taos County Commissioners requested the New Mexico Congressional delegation consider placing this land under the stewardship of the U.S. Forest Service.

The Miranda Canyon Property is an expansive piece of property that ranges in elevation from 7,200 ft. to 10,800 ft. The property has various vegetative types from low elevation sagebrush and piñon—juniper to high elevation mixed conifer forest including large aspen clones. The landscape has numerous ridges and peaks that provide breathtaking views of the Rìo Grande Gorge to the west and of Wheeler Peak (highest peak in New Mexico) to the north. The property contains historical features such as the Camino Real Trail and unique geologic features such as a small

volcano and Miranda granite—1.7 billion year old rock outcrops that rival the age of rock found at the bottom of the Grand Canyon. There are also numerous meadows and riparian vegetation that provide excellent habitat for wildlife.

The proposed boundary adjustment has wide grass roots support from the local residents, the Taos County Board of Commissioners, the Village of Taos, and local Native American Tribes and Pueblos. To date, there has been no opposition voiced to adjusting the boundary of the Carson National Forest. The adjustment of the Forest boundary would open the door to the potential federal acquisition of Miranda Canyon from a willing seller. The cost of acquiring the Miranda Canyon property would be approximately $10,500,000, subject to the availability of appropriations. The properties are in the process of a conservation sale to the United States through an agreement with the Trust for Public Lands, a 3rd party non-profit organization. This agreement keeps the property from being developed or sold on the open market until funding is appropriated. The acquisition would provide additional recreation opportunities for hunting, sightseeing, camping, hiking, interpretation, and horseback riding for the public.

Thank you for the opportunity to testify is support of S.312. The Department supports the acquisition of the Miranda Canyon property because it would make an outstanding addition to the National Forest System.

ON S. 327

Mr. Chairman, Ranking Member Murkowski, and members of the committee, thank you for inviting me here today to testify regarding S.327, the Good Neighbor Forestry Act.

S.327 would authorize the Secretary of Agriculture and the Secretary of the Interior to enter into cooperative agreements or contracts with State foresters authorizing State foresters to provide certain forest, rangeland and watershed restoration and protection services in states west of the 100th meridian.

Activities that could be undertaken using this authority include: (1) activities to treat insect infected trees; (2) activities to reduce hazardous fuels; and (3) any other activities to restore or improve forest, rangeland and watershed health, including fish and wildlife habitat. The bill would authorize the states to act as agents for the Secretary and would provide that states could subcontract for services authorized under this bill. The bill would require federal retention of decision making under the National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321et seq.). The authority to enter into contracts or agreements under the bill would expire on September 30, 2019.

We support Good Neighbor Authority (GNA), but would like to work with the committee to make some minor technical corrections. We know our Nation's forests face forest health challenges, which must be addressed across diverse land ownerships. In these times of limited resources, it is important to leverage workforce and technical capacities and develop partnerships for forest restoration across all lands. To that end, we look forward to continuing our work with the committee and states.

ON S. 340

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today to provide the Department of Agriculture's views on S.340, the "Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act." S.340 would allow the Sealaska Corporation, a Regional Corporation established under the Alaska Native Claims Settlement Act of 1971 (ANCSA), to obtain its remaining land entitlement under ANCSA from portions of the Tongass National Forest outside of the withdrawal areas to which Sealaska's selections are currently restricted by law.

The Department of Agriculture supports the objectives of finalizing Sealaska's remaining ANCSA entitlement, and completing conveyance of it. Over the last two years, the Forest Service has worked diligently with USDA, the Department of the Interior, Sealaska, the Alaska delegation, members and staff of the committee, and others to develop a solution that works for everyone. S.340 represents a major step forward in that effort. We look forward to continuing the close working relationship to resolve the few issues that remain.

Under S.340, if the Sealaska board of directors approves the conveyances contemplated by the bill within 90 days of its enactment, the Secretary of the Interior would convey to Sealaska 18 parcels of Federal land on the Tongass National Forest totaling 69,585 acres within 60 days. Sealaska would also be allowed to apply within two years to the Secretary of the Interior for 76 cemetery sites and historical places; conveyance would be limited to a total of 490 acres. If any of these sites were rejected, Sealaska could apply for additional cemetery sites. These conveyances total-

ing 70,075 acres of Federal land would be the full and final satisfaction of Sealaska's remaining land entitlement under ANCSA.

The biggest remaining issue deals with the potential effects of the bill on the transition to young growth forest management in Southeast Alaska, and ways to offset those effects. USDA is making extensive efforts to transition the Tongass timber program, and the timber industry in Southeast Alaska, away from a reliance on old-growth timber towards a reliance primarily on the harvest of young growth stands. We believe this transition is essential to the long-term social and economic sustainability of the industry, and of the local economies of the communities in Southeast Alaska.

Under S.340, many of the oldest second-growth stands on the Tongass would be conveyed to Sealaska. That would accelerate Sealaska's young growth program, but substantially delay the development of the Forest Service's young growth program on the Tongass unless additional steps are taken. The steps recommended by the Administration relate to the "Culmination of Mean Annual Increment," or CMAI. This is a provision of the National Forest Management Act which, in lay terms, generally limits the harvest of young growth forest stands until they have reached their maximum rate of growth. In order for the Tongass to continue its transition to harvesting young growth without any delay caused by the transfer of lands to Sealaska, the Administration recommends that a limited amount of young growth timber on the Tongass be expressly exempted from CMAI. This exemption is not precedent-setting; it would apply only to the Tongass National Forest, due to the unique situation presented by this legislation. The existing CMAI provision contained in the NFMA would not be amended. We recognize that forest industry wants to ensure that the transition to young growth timber is done in a way that sustains the industry. We share that goal and believe that a limited CMAI exemption in this legislation will benefit the industry, local communities, and the Tongass. The successful resolution of this issue would remove the primary obstacle to moving forward with this bill. There are several other minor amendments still being discussed. We hope to continue working with Sealaska and the Committee on these issues to ensure the final bill can be swiftly and efficiently implemented.

In conclusion, we have come a long way toward developing a solution that works for all parties. Particularly the department wants to recognize Sen. Murkowski and her staff, for their willingness to work in good faith toward agreements wherever possible. With a little more time and effort, the department believes that result can be achieved.

ON S. 341

Mr. Chairman, Ranking Member Murkowski, and members of the Committee, thank you for inviting me here today to testify regarding S. 341, the San Juan Mountains Wilderness Act.

The Department supports S.341 and would like to offer minor modifications to the bill that would enhance wilderness values, clarify the special management area designation, and improve our ability to manage resources in the area. We thank Senator Udall for his collaborative approach and appreciate the local involvement that has contributed to the wide support in Colorado for this bill.

The Department defers to the Department of the Interior in regard to the proposal to designate approximately 8,600 acres of Bureau of Land Management (BLM) lands as the McKenna Peak Wilderness.

S.341 would designate nine parcels of the Grand Mesa, Uncompahgre and Gunnison National Forests as wilderness under the National Wilderness Preservation System. These areas, totaling approximately 24,400 acres, encompass some of Colorado's most majestic, remote landscapes with many abundant wildlife species including elk, deer, bighorn sheep, bears and a variety of birds. Several world-class trout streams are also found in the areas. These areas also provide opportunities to experience solitude and primitive recreation use for members of the public seeking areas to connect with nature.

These parcels would be additions to two existing wildernesses: Lizard Head and Mount Sneffels. In addition, S.341 would designate the Sheep Mountain area as a Special Management Area to be managed to maintain the area's existing wilderness character and potential for inclusion in the National Wilderness Preservation System. Also, S.341 would provide for a mineral withdrawal within a portion of Naturita Canyon.

Lizard Head Wilderness Additions

The Lizard Head Wilderness lies astride the spectacular San Miguel Mountains, 10 miles southwest of Telluride, Colorado on the Uncompahgre and San Juan Na-

tional Forests. Elevations in the area range from 9,500 to over 14,000 feet. The wilderness is evenly split between the two national forests and is 41,200 acres in size.

The proposed wilderness additions include five parcels, encompassing approximately 3,150 acres of National Forest System lands adjacent to the existing wilderness. Though neither of the Forest Plans recommends these areas for wilderness designation, wilderness designation would be consistent with current management of the area. No summer motorized recreation is currently allowed and effects to winter motorized recreation will be minimal as there is very little snowmobile use of the area.

Mount Sneffels Wilderness Additions

The Mount Sneffels Wilderness comprises more than 16,500 acres on the Uncompahgre National Forest between the communities of Telluride and Ouray, Colorado. Elevations range from 9,600 to 14,150 feet at the top of Mount Sneffels.

The proposed wilderness additions include four parcels that encompass approximately 21,250 acres of National Forest System land adjacent to the existing wilderness. As with the Lizard Head Additions, even though this area was not recommended as wilderness in the Forest Plan, designation is generally aligned with forest plan direction and will have minimal effects on summer and winter recreation.

We would like to work with the subcommittee to address some technical aspects of the bill. We recommend changing the wilderness boundary near Telluride to provide for a more definitive boundary by following a cliff formation, following a more recognizable topographic feature for the wilderness boundary. Moving the boundary would also allow an important race to the community to continue in its current location. If the area is designated wilderness the race would be prohibited through the wilderness.

Sheep Mountain Special Management Area

S. 341 would also designate an area of about 21,600 acres of NFS land that lies south of the town of Ophir, Colorado as a special management area. About 10,850 acres are within the Uncompahgre National Forest and about 10,750 acres are within the San Juan National Forest. This area contains some lands purchased recently with funds provided by Congress as part of the Ophir Valley Land and Water Conservation Fund project.

Elevations in the area range from 10,200 to almost 13,900 feet at the top of Vermillion Peak. The area is dense with spruce and fir trees at the lower elevations. Above timberline are high alpine valleys with numerous lakes, tarns and waterfalls beneath dramatic 13,000-foot peaks and serrated ridges. The Forest Plans identify half of the area to be managed for semi-primitive nonmotorized recreation and the other half for other recreation purposes.

The Department recognizes the desire of the bill sponsors to preserve the characteristics of Sheep Mountain as a Special Management Area for potential designation as wilderness. With respect to water rights and water development, Section 4(d)(3) would prohibit new water development projects in the special management area. This provision is more restrictive than section 4(d)(4) of the Wilderness Act under which the President of the United States may exercise discretion to authorize such facilities within designated wilderness areas if they are determined to be in the public interest. We support amending this provision so that it is consistent with the discretion authorized by the Wilderness Act.

Naturita Canyon Withdrawal

S.341 would also provide for a withdrawal on approximately 6,600 acres of National Forest System lands within Naturita Canyon on the Uncompahgre National Forest. This is an area important to local residents and is about five miles south of the community of Norwood, Colorado. Naturita Canyon is a relatively low-elevation river drainage (7,000 feet) with steep canyon walls that tower 1,000 feet. There are no current leases within the area proposed for withdrawal. Impacts on available oil and gas resources for this withdrawal are unknown. Further exploration information would be needed for a conclusive assessment.

ON S. 353

Mr. Chairman, Ranking Member Murkowski, and members of the Committee, thank you for inviting me here today to testify regarding S.353, the Oregon Treasures Act of 2013.

S. 353 would affect National Forest System (NFS) lands by transferring administrative jurisdiction over a parcel of land currently administered by the Bureau of

Land Management (BLM) to the Forest Service, and by making changes to two existing wild and scenic rivers designations.

Section 2 of the bill provides for land exchanges between BLM and private parties. We defer to BLM for its position on those exchanges. One of the exchanges, identified in the bill as the Young Life Exchange, would involve the conveyance of two parcels of NFS land, comprising approximately 690 acres. The Department has no objection to either of the parcels being exchanged out of federal ownership if BLM determines that the land exchange will provide a public benefit.

Transfer of Administrative Jurisdiction

Section 2(b)(7) of the bill would transfer administrative jurisdiction of certain BLM lands that lie within, or are adjacent to, the Ochoco National Forest to the Forest Service. The Department supports the transfer of jurisdiction over these lands to the Forest Service. This mutually beneficial transfer will make management of the federal lands more efficient.

Wild and Scenic River Designations

Section 4(b) officially changes the name of "Squaw Creek" to "Whychus Creek" to better reflect local usage and current geographic nomenclature standards. This section also updates the location description in the existing designation in section 3(a)(102) of the Wild and Scenic Rivers Act to incorporate several other name changes.

Section 5 of the bill amends the existing designation in Section 3(a)(69) of the Wild and Scenic Rivers Act to change the starting and ending points of the three main segments of the Chetco River. These changes will extend the wild segment an additional 2 miles from Boulder Creek to Mislatnah Creek so that the segment extends from the headwaters to Mislatnah Creek for a total segment length of 27.5 miles; reduce the scenic segment 1/2 mile so that it begins at Mislatnah Creek and ends at Eagle Creek for a total segment length of 7.5 miles; and reduce the recreational segment 1.5 miles so that it begins at Eagle Creek while leaving its end at the Siskiyou National Forest border unchanged, for a total segment length of 9.5 miles. The total length of the Chetco Wild and Scenic River would remain 44.5 miles.

In addition, Section 5 would effectuate a mineral withdrawal of the Federal land within the boundary of the segments of the Chetco River designated as a wild and scenic river. Under the Wild and Scenic Rivers Act, only Federal lands within segments designated as wild are subject to a mineral withdrawal.

The Department is supportive of these technical changes as they provide a more appropriate naming convention in the first case, and better reflect management classifications and direction for the Chetco River in the second case. The Chetco River is a jewel of the south coast of Oregon and should be protected from impacts that could change its river values and current conditions, including tremendous anadromous fish runs.

ON S. 360

Mr. Chairman, Ranking Member Murkowski, and members of the Committee, thank you for inviting me here today to testify regarding S. 360, the Public Lands Service Corps Act of 2013.

S. 360 is a welcome amendment to the Public Lands Corps Act of 1993. The Nation's forests and grasslands are unique and special ecosystems that the Forest Service manages to meet the needs of present and future generations. These lands yield abundant sustainable goods and ecosystem services for the American people. The National Forest System lands are perfect places for the Public Lands Service Corps participants to learn and practice an array of conservation, restoration, preservation, interpretation and cultural resource activities, and take advantage of outstanding and unique educational opportunities. In states in every region, the Forest Service has benefited greatly from the services of Conservation Corps on National Forest System lands.

The Department strongly supports S. 360. This bill would strengthen and facilitate the use of the Public Land Service Corps (PLSC) program, helping to fulfill the vision that Secretary Vilsack has for engaging young people across America to serve their community and their country. It is also consistent with and will help the Administration to meet the goals of the President's America's Great Outdoors Initiative, which called for catalyzing the establishment of a 21st century Conservation Service Corps (21CSC) to engage young people in public lands service work.

In January 2013, leaders of eight federal departments and agencies signed an agreement setting up a national council to guide implementation of the Administration's 21st Century Conservation Service Corps (21CSC), a national collaborative ef-

fort between federal and non-federal partners to put America's youth and returning veterans to work protecting, restoring and enhancing America's great outdoors. By signing the Memorandum of Understanding, the Secretaries of Agriculture, Interior, Commerce, and Labor, as well as the EPA Administrator, Chair of the President's Council on Environmental Quality, CEO of the Corporation for National and Community Service and Assistant Secretary for the Army (Civil Works) established the National Council for the 21CSC, implementing the first recommendation of the America's Great Outdoors Initiative introduced by President Obama in 2010.

Building on the legacy of President Roosevelt's Civilian Conservation Corps during the Great Depression in the 1930s, the 21CSC will bring agencies and partners together to help build and train a workforce that fully represents the diversity of America while creating the next generation of environmental stewards and improving the condition of our public lands.

The 21CSC focuses on helping young people—including diverse low-income, underserved and at-risk youth, as well as returning veterans—gain valuable training and work experience while accomplishing needed conservation and restoration work on public lands, waterways and cultural heritage sites. The National Council works across the federal government to support the 21CSC by enhancing partnerships with existing youth corps programs that utilize PLC around the nation; stimulating existing and new public-private partnerships; and aligning the investment of current federal government resources.

S. 360 would help both the Forest Service and our sister agencies in the Department of the Interior and the Department of Commerce offer expanded opportunities for our youth to engage in the care of America's Great Outdoors. Additionally, the PLC program helps the Department implement critical cost-effective conservation projects that have direct positive impacts for the agency and the public.

In recent years, the Forest Service has greatly expanded partnerships with local, state, and urban based conservation Corps programs and our Job Corps Center portfolio. Under S.360, we will be able to increase partnerships with Corps programs and expand opportunities for Job Corps graduates in the Green Careers program.

In 2012, our partnerships with the Students Conservation Association, The Corps Network, and multiple youth, conservation and veterans Corps in every region resulted in nearly 9,500 youth and young adults serving on public lands. The expanded authority provided by S.360 will improve the Act by providing increased flexibility to use interns and Conservation Corps teams. It will also help ensure that underserved populations are able to participate by defining minimum match requirements while also providing flexibility with the match requirement.

The emphasis on experiential training and education will help promote the value of public service in addition to contributing to the accomplishment of much needed work. S.360 will expand our usage of the PLSC in a variety of program areas by providing additional resources and mechanisms to engage young people in a range of developmental opportunities. This authority will further assist in providing even more outdoor opportunities that will nurture the next generation of public land stewards.

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

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

The Job Corps Civilian Conservation Centers not only help cultivate and develop emerging leaders within the Forest Service, but also provide a pipeline of entry-level workers. Each year the Forest Service hires dozens of Job Corps graduates that have participated in forestry and conservation programs. Through Job Corps, the

Forest Service is building a skilled and diverse workforce capable of advancing the agency's mission.

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

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

There are a number of implementation issues that should be considered in establishing new residential conservation centers. These include the costs of operating and maintaining the facilities, potential liability issues, and questions about the impact on contract and labor laws. We would like to work with the Committee on addressing these types of issues. The Department of Labor also is reviewing S. 360 to ensure child labor protections apply for participating youth, and will address any concerns it has directly with the Subcommittee.

S.360 would increase the opportunity for Public Lands Service Corps members to leverage their education and work experience in obtaining permanent full-time employment with Federal agencies. While we strongly support S.360, we offer a few amendments to the bill that are outlined below:

1) Hiring preference

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

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

Under current law in the case of resource assistants, and under S.360 in the case of consulting interns, sponsoring organizations are required to cost-share 25 percent of the expenses of providing and supporting these individuals from "private sources of funding." The Administration recommends giving agencies the ability to reduce the non-Federal contribution to no less than 10 percent, if the Secretary determines it is necessary to enable a greater range of organizations, such as smaller, community-based organizations that draw from low-income and rural populations, to participate in the PLSC program. This would make the cost-share provisions for resource assistants and consulting interns parallel to the provisions under the bill for other PLSC participants.

3) Department-wide authorities

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

4) Agreements with Partners on Training and Employing Corps Members

The Administration recommends striking the provision in S.360 that would allow PLSC members to receive federally funded stipends and other PLSC benefits while working directly for non-Federal third parties. The need for this language is unclear, since agencies already have flexibility in how they coordinate work with cooperating associations, educational institutes, friends groups, or similar nonprofit partnership organizations. Yet, the language could raise unanticipated concerns over accountability, liability, and conflicts of interest. For example, this language could allow an individual to receive a federally funded stipend under a PLSC agreement, and then perform work for a different non-federal group (such as a cooperating association) that is subject to agency oversight under different agreements. This language could blur the lines of responsibility that have been established in response to IG concerns over the management of cooperating associations and friends groups.

5) Participants/Terms

The Administration recommends striking the provision in S. 360 that would limit the terms of service of Corps participants. This would retain the authority provided for in current law which provides for administrative flexibility in determining the appropriate length of service for Corps participants.

6) Authorization of Appropriations

The Administration recommends amending S. 360 to eliminate the $12 million authorization ceiling for the program under existing law. This would allow for an increased funding for the program in the future, as the three Departments increase their use of the Public Lands Service Corps.

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

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

The America's Great Outdoors initiative has generated a national dialogue on how to reconnect Americans with the outdoors. The AGO report released February 2011 includes a major emphasis on youth and career pathways. The very first goal in the report is "develop quality conservation jobs and service opportunities that protect and restore America's natural and cultural resources".

The Department and the Forest Service, together with our sister Departments and agencies, are working together to: establish a 21CSC; improve federal capacity for recruiting, training and managing volunteers and volunteer programs to create a new generation of citizen stewards; and improve career pathways and to review barriers to jobs in natural resource conservation and historic and cultural preservation. The proposed amendments to the Public Lands Service Corps Act will support these efforts to fully implement the President's America's Great Outdoors initiative. We look forward to working with the committee on this bill.

ON S. 447

Mr. Chairman, Ranking Member Murkowski, and members of the Committee, thank you for inviting me here today to testify regarding S. 447 the Black Hills Cemetery Act.

S. 447, the Black Hills Cemeteries Act, would require the Secretary to convey, without consideration, nine parcels of National Forest System Land containing cemeteries located on National Forest System land in the Black Hills National Forest to local entities. The conveyance of these nine cemeteries is consistent with the Land and Resource Management Plan for the Black Hills National Forest. The Department does not object to making the Federal land available for use as cemeteries, but it does not support conveyance of National Forest System lands without consideration. It is long standing policy that the United States receive market value for the sale, exchange, or use of National Forest System land. This policy is well established in law, including the Independent Offices Appropriation Act (31 U.S.C. 9701), section 102(9) of FLPMA, as well as numerous land exchange authorities.

In addition, we would the committee to consider a provision that would require the recipient of each parcel cover the cost for heritage recordation and evaluation of significance for the National Register in addition to covering the land survey costs. The Forest Service would prepare the land survey instructions for the recipient's land surveyor.

ON S. 736

Mr. Chairman, Ranking Member Murkowski, and members of the Committee, thank you for inviting me here today to testify regarding S.736, the Alaska Subsistence Structure Protection Act of 2013.

The bill would provide relief to rural Alaskan cabin users who depend on the Tongass National Forest for subsistence fishing, hunting and gathering by capping the fee that may be charged for the special use permits authorizing the use of the cabins.

The Department does not oppose S. 736, but would appreciate the opportunity to work with Committee staff on technical changes to the bill. These changes would better clarify which permits would be eligible for the reduced fees.

We also note that the Forest Service has existing authority to implement the changes in fees required by the bill, so legislation on this topic may not be necessary. This concludes our testimony.

Senator MANCHIN. Ms. Connell.

STATEMENT JAMIE CONNELL, ACTING DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY CARL ROUNTREE, BLM ASSISTANT DIRECTOR FOR THE NATIONAL LANDSCAPE CONSERVATION SYSTEM AND COMMUNITY PARTNERSHIPS

Ms. CONNELL. Thank you. Mr. Chairman, members of the subcommittee, thank you for the opportunity to testify on numerous bills of interest to the BLM and the Department of the Interior.

As the Senator said, I'm Jamie Connell. I'm the Acting Deputy Director for the Bureau of Land Management. My job back home is as the State Director for Montana, North and South Dakota. So I appreciate your time having us here today.

I'm going to attempt to very briefly summarize our position on these 16 bills and ask that the entirety of the statements be included in the record.

Carl Rountree, the BLM Assistant Director for the National Landscape Conservation System and Community Partnerships is accompanying me today and will respond to questions on 6 of the bills before us today. Those would be S. 241, S. 341, S. 342, S. 353, S. 360 and S. 368.

The Administration strongly supports S. 368, the Federal Land Transaction Facilitation Act Reauthorization and S. 360, the Public Lands Surface Conservation Corps Act. Reauthorization of FLTFA provides an important land management tool which allows the BLM to continue a rational process of land disposal anchored in public participation and sound land use planning while providing for land acquisitions to augment and strengthen our Nation's treasured landscapes.

S. 360 strengthens and facilitates the use of the Public Lands Corps program to help fulfill the Administration's commitment to build the 21st century conservation service corps. This national collaborative effort encourages young people across America to serve their community and their country while supporting the missions of many of the Department of the Interior's agencies.

Four of the bills before the committee today include important conservation designations.

S. 241, to designate wilderness within the Rìo Grande del Norte National Monument of New Mexico.

S. 341, to designate lands as wilderness within the McKenna Peak area of Southwestern Colorado.

S. 342, to designate the Pine Forest Range Wilderness in Humboldt County, Nevada.

S. 353, the Oregon Treasures Act which includes several Oregon wilderness and Wild and Scenic River designations.

We support all of these designations and in some cases would like to work with the committee and sponsors on minor technical modifications.

Likewise we support S. 255, withdrawing Federal lands within the North Fork Watershed of my home State of Montana in the Flathead River from the mining laws and mineral leasing laws which will help prevent the remarkable resources in the Crown of the Continent ecosystem.

Several of the bills provided for various land conveyance authorities.

S. 27, the Hill Creek Cultural Preservation and Energy Development Act.

S. 159, Lyon County Economic Development and Conservation Act.

S. 609, San Juan County Federal Land Conveyance Act.

S. 757, Multiple Species Habitat Conservation Plan Implementation Act.

Each of these bills provides important economic benefits to local communities. The BLM is eager to resolve any remaining issues so that they can move forward with our full support.

S. 340 provides for the finalization of Sealaska's land entitlement under the Alaska Native Claims Settlement Act. We support the goal of completing ANCSA entitlements as soon as possible through—though in general we defer to the Forest Service on this bill.

The Administration supports Good Neighbor Authority and looks forward to working the committee on minor technical corrections to S. 327 which would expand and make permanent the authority. This authority can be an important tool for the efficient management of natural resources across landscapes.

S. 258 concerns grazing on public land. The BLM has a shared interest in finding ways to make grazing permit renewal less complex, costly and time consuming. We would like to work with the committee to further these shared goals.

However, we cannot support S. 258 because it requires the renewal of grazing permits without appropriate environmental and public review. This would significantly limit the BLM's ability to ensure land health standards are being met.

S. 366 would allow mining claimants a chance to cure their failure to meet the required filing deadlines for the small mining waiver. Additionally, the bill gives private relief to a single mining claimant in Alaska.

The Department opposes this bill which would result in a costly Administrative burden and special treatment for one mining claimant.

Finally, I'm submitting a statement for the record on S. 256, to convey submerged lands to the Commonwealth of the Northern Mariana Islands. The Department would strongly support this bill if amended to address the issues outlined in the statement for the record.

Thank you for your opportunity to testify. Mr. Rountree and I would be happy to answer any questions.

[The prepared statement of Ms. Connell follows:]

PREPARED STATEMENT OF JAMIE CONNELL, ACTING DEPUTY DIRECTOR, BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR, ON S. 342

Thank you for inviting the Department of the Interior to testify on S. 342, the Pine Forest Range Recreation Enhancement Act. The Department of the Interior supports S. 342, which designates the Pine Forest Range Wilderness in Humboldt County, Nevada, on lands managed by the Bureau of Land Management (BLM). We urge the Congress to move swiftly to pass this bill.

It is gratifying to see Congress moving to protect this area that was highlighted in Secretary Salazar's November 2011 Preliminary Report on BLM Lands Deserving Protection as National Conservation Areas, Wilderness or Other Conservation Designations. There is a long history of bipartisan support in Congress for the conservation of America's special places. Members from both parties have been essential to passing every major public lands bill that has been enacted in recent years. This type of cooperative and bipartisan approach to designating special lands for protection as wilderness, national conservation areas, or similar designations has historically been a regular practice for Congress. The designation of the Pine Forest Range has strong support from County government and local citizens. It is a wonderful example of how people can come together to protect one of America's real gems.

Background

The Pine Forest Range in northern Nevada's arid Great Basin is a rare and exceptional area of abundant streams and clear, cold subalpine lakes. Nestled in a cirque and fed by snowmelt and springs, these lakes are not only visually stunning but also possess an excellent trout fishery. The lakes are surrounded by a rare remnant population of white bark and limber pines. Stands of quaking aspen and mountain mahogany are also found throughout the proposed wilderness. Fall brings an abundance of color found in few other places in northern Nevada.

The spectacular scenery and vistas, combined with outstanding recreational opportunities, draw thousands of visitors annually. Despite being one of the most highly visited recreational areas in the region, the proposed wilderness still appears pristine. Day hiking, horseback riding, rock climbing, hunting, fishing, and camping are all popular in the area. Visitors enjoy a true primitive recreation experience, without trails or facilities. Even during peak visitation periods, solitude is easy to find in the rugged terrain. Abundant wildlife coveted by sportsmen includes trophy mule deer, antelope, bighorn sheep, mountain lion, and chukar.

A wide range of stakeholders began working cooperatively in 2009 and 2010 to bring together diverse interests in a grass-roots effort to protect this special area. In the fall of 2010, the Humboldt County Commission voted unanimously to approve the final recommendations of the Pine Forest Range Working Group to designate the Pine Forest Range Wilderness. The Nevada State Legislature subsequently passed a resolution praising the process used in arriving at the consensus represented by S. 342.

S. 342

S. 342 proposes to designate the 26,000-acre Pine Forest Range Wilderness in Humboldt County, Nevada, on public land managed by the BLM. This wilderness area is largely formed by the Blue Lakes and Alder Creek Wilderness Study Areas (WSAs). Under the bill, approximately 1,150 acres of land within those WSAs would not be designated as wilderness and would be released from WSA status, thereby allowing the consideration of other uses.

Section 7 of S. 342 provides for land exchanges to improve the manageability of the Pine Forest Range Wilderness Area and nearby public lands while likewise allowing private landowners the opportunity to consolidate their holdings. The land exchanges are discretionary and would be completed consistent with the Federal Land Policy and Management Act (FLPMA) and other applicable laws. The BLM supports this provision. In addition, these land acquisitions may be undertaken through existing authorities such as purchase or donation.

The Pine Forest Range Wilderness meets the definition of wilderness; the land and its community of life are largely untrammeled. It has retained its primeval character and has been influenced primarily by the forces of nature, with outstanding opportunities for primitive recreation or solitude. The BLM strongly supports this designation. We would like to work with the sponsor and the Committee on some minor technical modifications.

Conclusion

Thank you for the opportunity to testify in support of S. 342 . We look forward to the swift passage of this legislation designating the Pine Forest Range Wilderness.

ON S. 341

Thank you for the invitation to testify on S. 341, the San Juan Mountains Wilderness Act. The Department of the Interior supports the wilderness designation of the McKenna Peak area on lands managed by the Bureau of Land Management (BLM). Additional protection for the McKenna Peak area was highlighted in Secretary Salazar's November 2011 Preliminary Report to Congress on BLM Lands Deserving Protection as National Conservation Areas, Wilderness or Other Conservation Designations. We urge swift Congressional action to protect this special area. We defer to the Department of Agriculture regarding designations on lands managed by the U.S. Forest Service (FS).

Background

The McKenna Peak Wilderness Study Area (WSA) covers nearly 20,000 acres of BLM-managed lands in San Miguel and Dolores Counties in southwestern Colorado. This WSA is currently managed by the BLM to protect its wilderness characteristics while awaiting Congressional action.

This area is rich in wildlife, including mule deer, elk, mountain lions, black bear, and a variety of raptors. The McKenna Peak area is also home to the Spring Creek wild horse herd. Geologically, the area is quite diverse and includes 100 million year-old remnants of inland seas (now black Mancos shale rich in invertebrate marine fossils). This area offers a wide variety of recreational opportunities, including hunting, hiking, horseback riding, snowshoeing, and cross-country skiing, all of which are compatible with this wilderness designation.

S. 341

S. 341 is the result of a collaborative process, which has included the Colorado Congressional delegation, county commissioners, adjacent landowners, ranchers, conservationists, recreationists, and other interested parties. The results are the proposed wilderness designations on both BLM- and FS-managed lands in San Miguel, Ouray, and San Juan Counties.

Section 3 of the bill designates 8,600 acres of the existing BLM-managed McKenna Peak WSA as wilderness. The BLM supports this designation. The legislation covers only those areas of the WSA in San Miguel County. The remaining almost 11,000 acres of the WSA, which include the eponymous McKenna Peak, are south of the proposed wilderness in Dolores County and are not addressed in the legislation. These acres will remain in WSA status, pending Congressional action. The BLM and the Department support future designation of this area in order to improve the manageability of the area. The BLM is currently completing a careful review of the boundaries of the proposed wilderness area to ensure manageability and would welcome the opportunity to work with the sponsor on possible minor modifications.

Section 6 of S. 341 provides for the release from WSA status of those portions of the Dominguez Canyon Wilderness Study Area that were not designated as Wilderness under Title II, Subtitle E of Public Law 111-11, the Omnibus Public Land Management Act of 2009. Section 2403 of that Act designated the Dominguez Canyon Wilderness Area. However, small portions of the underlying WSA totaling approximately 3,035 acres were neither designated wilderness nor released from WSA status, which would allow the consideration of a range of multiple uses. This release would benefit the BLM's ongoing management by removing narrow strips and scattered tracts of remaining WSA. These areas remain within the Dominguez-Escalante National Conservation Area (NCA), also designated by Public Law 111-11 and will be managed consistent with the rest of the NCA.

Conclusion

Thank you for the opportunity to testify in support of S. 341. We look forward to its swift passage and to welcoming the covered area into the BLM's National Landscape Conservation System.

ON S. 368

Thank you for the opportunity to testify on S. 368, the Federal Land Transaction Facilitation Act (FLTFA) Reauthorization. The Administration strongly supports S. 368 and encourages the Congress to move swiftly to reauthorize the FLTFA. Over the past decade, the Department of the Interior has made a number of important acquisitions using the FLTFA's provisions. Reauthorization of the FLTFA will allow us to continue to use this critical tool for enhancing our Nation's treasured landscapes.

Background

Congress enacted the FLTFA in July of 2000 as Title II of Public Law 106-248. The FLTFA expired on July 25, 2011. Under the FLTFA, the Bureau of Land Management (BLM) could sell public lands identified for disposal through the land use planning process prior to July 2000, and retain the proceeds from those sales in a special account in the Treasury. The BLM and the other Federal land managing agencies were then able to use those funds to acquire, from willing sellers, inholdings within certain federally designated areas and lands that are adjacent to those areas that contain exceptional resources. Lands were able to be acquired within and/or adjacent to areas managed by the National Park Service (NPS), the U.S. Fish and Wildlife Service (FWS), the U.S. Forest Service (FS), and the BLM. Over the life of the FLTFA, approximately 27,200 acres were sold under this authority and approximately 18,100 acres of high resource value lands were acquired.

The President's fiscal year 2014 Budget includes a proposal to permanently reauthorize FLTFA, and allow lands identified as suitable for disposal in recent land use plans to be sold using the FLTFA authority. FLTFA sales revenues would continue to be used to fund the acquisition of environmentally sensitive lands and the administrative costs associated with conducting sales.

The 1976 Federal Land Policy and Management Act (FLPMA) provides clear policy direction to the BLM that public lands should generally be retained in public ownership. However, section 203 of FLPMA allows the BLM to identify lands as potentially available for disposal if they meet one or more of the following criteria:

- Lands consisting of scattered, isolated tracts that are difficult or uneconomic to manage; or
- Lands that were acquired for a specific purpose and are no longer needed for that purpose; or
- Lands that could serve important public objectives, such as community expansion and economic development, which outweigh other public objectives and values that could be served by retaining the land in Federal ownership.

The BLM identifies lands that may be suitable for disposal through its land use planning process, which involves full public participation. Before the BLM can sell, exchange, or otherwise dispose of these lands, however, it must undertake extensive environmental impact analyses, clearances, surveys, and appraisals for the individual parcels.

Before the enactment of the FLTFA, the BLM had the authority under FLPMA to sell lands identified for disposal. The proceeds from those sales were deposited into the General Fund of the Treasury. However, because of the costs associated with those sales (including environmental and cultural clearances, appraisals, and surveys), few sales were undertaken. Rather, the BLM relied largely on land exchanges to adjust land tenure. This can often be a less efficient process.

Once the FLTFA was enacted, the BLM developed guidance, processes, and tools to complete the FLTFA land sales. Working cooperatively, the BLM, NPS, FWS, and FS then developed guidance, processes, and tools for subsequent FLTFA land acquisitions. The BLM markedly increased sales under the program; however market conditions in the later years led to less robust sales.

Since it was enacted, the BLM utilized FLTFA to sell 330 parcels previously identified for disposal totaling 27,249 acres, with a total value of approximately $117.4 million. Over the same time period, the Federal government acquired 37 parcels totaling 18,535 acres, with a total value of approximately $50.4 million using FLTFA authority.

Some lands identified for disposal and sold through the FLTFA process were high-value lands in the urban interface. For example, in 2007 the BLM in Arizona sold at auction a 282-acre parcel in the suburban Phoenix area for $7 million. However, many of the lands the BLM identified for disposal prior to July 2000 that are eligible under FLTFA are isolated or scattered parcels in remote areas with relatively low value. Frequently, there is limited interest in acquiring these lands, and the costs of preparing them for sale may exceed their market value.

Since the inception of the FLTFA, the BLM deposited $112.8 million into the Federal Land Disposal Account. That figure represents 96 percent of the total revenues from these sales. Approximately $4.7 million was transferred to the states in which the sales originated, as provided for in individual Statehood Acts (typically 4 percent of the sale price).

Using the FLTFA proceeds, the BLM, NPS, FWS, and FS acquired significant inholdings and adjacent lands from willing sellers, consistent with the provisions of the Act. For example, in November 2009 the BLM used FLTFA funds to complete the acquisition of 4,573 acres within the BLM's Canyons of the Ancients National Monument in southwest Colorado. These inholdings encompass 25 documented cul-

tural sites, and archaeologists expect to record an additional 700 significant finds. The acquisition also included two particularly important areas: "Jackson's Castle," which is archaeologically significant; and the "Skywatcher Site," a one-of-a-kind, 1,000-year-old solstice marker. The following are a few additional examples of important FLTFA acquisitions:

- Elk Springs Area of Critical Environmental Concern (ACEC), New Mexico/BLM—This 2,280-acre acquisition protects critical elk wintering habitat.
- Hells Canyon Wilderness, Arizona/BLM—A 640-acre parcel constituting the last inholding within the Hells Canyon Wilderness, located just 25 miles northwest of Phoenix.
- Grand Teton National Park, Wyoming/NPS—This small (1.38 acres), but critical inholding within the Park was acquired and protected from development.
- Zion National Park, Utah/NPS—A combination of FLTFA and Land and Water Conservation Fund monies were used to acquire two 5-acre inholdings that overlook some of the Park's outstanding geologic formations. These areas were previously target for development.
- Nestucca Bay National Wildlife Refuge, Oregon/FWS—This 92-acre dairy farm on the outskirts of Pacific City, Oregon, was slated for residential development and was acquired to protect a significant portion of the world's population of the Semidi Islands Aleutian Cackling Goose.
- Six Rivers National Forest, California/FS—Over 4,400 acres were acquired within the Goose Creek National Wild and Scenic River corridor, preserving 4 miles of the river known for dense stands of Douglas fir, redwoods, and Port Orford cedar.

S. 368

S. 368 would both reauthorize and enhance the original FLTFA through four major changes. First, the bill extends the program to July 2021. The Department recommends eliminating the sunset altogether to enable the BLM to plan for and implement this program on a longer-term basis.

Second, under the original FLTFA, only lands identified for disposal prior to July 25, 2000, were eligible to be sold. S. 368 modifies that restriction by allowing any lands identified for disposal through the BLM's land use planning process by the date of enactment of S. 368 to be sold through the FLTFA process. The Department supports this change, which recognizes the usefulness and importance of the BLM's land use planning process. However, we would recommend eliminating this restriction rather than simply moving the date forward.

The BLM currently oversees the public lands through 157 Resource Management Plans (RMPs). Since 2000, the BLM has completed over 75 RMP revisions and major plan amendments. Additionally, the BLM is currently involved in planning efforts on 57 new RMPs, all of which the agency expects to complete within the next three to four years. Planning updates are an ongoing part of the BLM's mandate under FLPMA. In this process, the BLM often makes incremental modifications to the plans, and identifies lands that may be suitable for disposal. All of these planning modifications or revisions are made in compliance with the National Environmental Policy Act, and are undertaken through a process that invites full public participation. If the enactment date is again utilized as the cut-off date, the BLM may, in a few years, face the same challenges it does with the program today. Many of the high-valued lands have been sold and the remaining eligible lands are isolated or scattered parcels in remote areas with relatively low value. Eliminating the restriction to provide more flexibility on the lands eligible for FLTFA will allow the BLM to maintain a more consistent program over time.

Third, the original FLTFA allowed acquisitions of inholdings within, or adjacent to, certain Federal units such as BLM conservation units, National Parks, National Wildlife Refuges, and certain Forest Service units if they existed prior to July 25, 2000. S. 368 eliminates this limitation as well, and we support this change.

Finally, S. 368 adds exceptions to the FLTFA in recognition of specific laws that modify the FLTFA with respect to some particular locations. The FLTFA does not apply to lands available for sale under the Santini-Burton Act (P.L. 96-586) and the Southern Nevada Public Land Management Act (P.L 105-263). S. 368 additionally exempts lands included in the White Pine County Conservation, Recreation, and Development Act (P.L. 109-432) and the Lincoln County Conservation, Recreation and Development Act (P.L. 108-424). Finally, a number of provisions of the Omnibus Public Land Management Act of 2009 (P.L. 111-11) modify FLTFA at specific sites or for specific purposes. These exceptions are also captured by S. 368.

Conclusion

Thank you for the opportunity to testify in strong support of S. 368, the Federal Land Transaction Facilitation Act Reauthorization. By reauthorizing the FLTFA, the Congress will allow the BLM to continue a rational process of land disposal that is anchored in public participation and sound land use planning, while providing for land acquisitions to augment and strengthen our Nation's treasured landscapes.

ON S. 255

Thank you for the invitation to testify on S. 255, the North Fork Watershed Protection Act of 2013. The Department of the Interior supports S. 255, which would withdraw Federal lands within the North Fork watershed of Montana's Flathead River from all forms of location, entry, and patent under the mining laws and from disposition under all laws related to mineral or geothermal leasing. Enactment of S. 255 would mark an important milestone in the work occurring across multiple jurisdictions to help preserve the remarkable resources in the Crown of the Continent ecosystem.

Background

The Flathead River Basin, a key portion of an area known as the Crown of the Continent ecosystem, spans the boundaries of the United States and Canada. It includes part of the United States' Glacier National Park and borders Canada's Waterton Lakes National Park. These two parks comprise the world's first International Peace Park as well as a World Heritage Site. The U.S. Forest Service's Flathead National Forest is also located within the Flathead River watershed. The Bureau of Land Management manages the Federal mineral estate underlying the Flathead National Forest.

Running along the west side of the Continental Divide, the North Fork of the Flathead River enters the United States at the Canadian border and forms the western border of Glacier National Park until its confluence with the Middle Fork of the Flathead River near the southern end of Glacier National Park. The North Fork watershed, a sub-basin of the Flathead River watershed, includes areas currently managed by the National Park Service, the State of Montana, the U.S. Forest Service, and some private landowners.

The Flathead River Basin is recognized for its natural resource values, including wildlife corridors for large and medium-sized carnivores, aquatic habitat, and plant species diversity. The area is rich in cultural heritage resources, with archeological evidence of human habitation starting 10,000 years ago. Several Indian tribes, including the Blackfeet, the Salish, and the Kootenai, have a well-established presence in the area. The area also has celebrated recreational opportunities, including hunting, fishing, and backcountry hiking and camping.

There has been interest in protecting the Crown of the Continent resources for some time. On February 18, 2010, the State of Montana and the Province of British Columbia executed a Memorandum of Understanding which addresses a myriad of issues related to the Flathead River Basin on both sides of the U.S.—Canada border. The intention of Part I.A. of that memorandum is to "[r]emove mining, oil and gas, and coal development as permissible land uses in the Flathead River Basin."

The Flathead River Basin contains Federally-owned subsurface mineral estate under National Forest System lands that the Federal government has leased for oil and gas development. At the time legislation was initially proposed in 2010, there were 115 oil and gas leases in the North Fork watershed that the BLM issued between 1982 and 1985. The leases, which cover over 238,000 acres, are inactive and under suspension as part of the 1985 court case Conner v. Burford. At the request of Montana Senators Max Baucus and John Tester, leaseholders have voluntarily relinquished 76 leases consisting of almost 182,000 acres. The BLM has not offered any other leases in the Flathead National Forest since the Conner v. Burford litigation suspended the existing leases in 1985.

The U.S. Forest Service is responsible for the surface management of National Forest System land; however, as noted earlier, the Secretary of the Interior and the BLM are responsible for administering the Federal subsurface mineral estate under the Mining Law of 1872, the Mineral Leasing Act of 1920, and various mineral leasing acts. With respect to locatable minerals and oil and gas resources, the Forest Service has authority to regulate the effects of mineral operations upon National Forest System resources. The BLM only issues mineral leases for locatable minerals and oil and gas resources upon concurrence of the surface management agency and always works cooperatively with the agency to ensure that management goals and objectives for mineral exploration and development activities are achieved, that op-

erations are conducted to minimize effects on natural resources, and that the land affected by operations is reclaimed.

S. 255

S. 255 withdraws all Federal lands or interest in lands, comprised of approximately 430,000 acres of the Flathead National Forest, within the North and Middle Fork watersheds of the Flathead River from all forms of location, entry, and patent under the mining laws and from disposition under all laws related to mineral or geothermal leasing. We note that National Park acreage within the watershed is already unavailable for mineral entry. S. 255 does not affect valid, existing rights, including the 39 leases in the North Fork watershed that are suspended under the Conner v. Burford litigation. The Department fully supports S. 233 as it furthers the goal of preserving the important resources of this region.

The Waterton-Glacier International Peace Park, which extends from Canada into the United States, is one of the great protected ecosystems on the North American continent. A 2010 World Heritage Center/International Union for the Conservation of Nature Report noted that the International Peace Park is "one of the largest, most pristine, intact, and best protected expanses of natural terrain in North America. It provides the wide range of non-fragmented habitats and key ecological connections that are vital for the survival and security of wildlife and plants in the Waterton-Glacier property and the Flathead watershed." Retaining this expanse of natural landscape in the Crown of the Continent ecosystem is of vital importance for providing ecosystem connectivity, which is essential for the growth and survival of plants and animals in the region. S. 255 will help accomplish this goal.

The Department of the Interior is also committed to maintaining the ecological integrity of Glacier National Park, one of the most noteworthy natural and cultural treasures of our Nation. Preserving the region's and the park's water resources is also critical. The rich aquatic ecosystems provide breeding and feeding habitats for a variety of important species, and the Department recognizes the importance of maintaining critical habitat corridors when planning for resources uses. S. 255 will help protect and preserve the important resources of the greater Crown of the Continent ecosystem, including those within Glacier National Park.

Conclusion

The Department supports S. 255 and commends the many parties involved in protecting the Nor th Fork of the Flathead River and the important resources shared by the United States and Canada. We hope that this legislation and the efforts of the federal and state/provincial governments add to the important legacy of conservation in the Glacier/Waterton Lakes area and Flathead River basin.

ON S. 258

Thank you for the opportunity to present the views of the Department of the Interior (Department) on S.258, the Grazing Improvement Act. The Bureau of Land Management (BLM) is dedicated to a broad range of stewardship goals, including the long-term health and viability of the public rangelands. Our Nation's rangelands provide and support a variety of goods, services, and values important to Americans. In addition to being an important source of forage for livestock, healthy rangelands conserve soil, store and filter water, sequester carbon, provide a home for an abundance of wildlife, provide scenic beauty and are the setting for many forms of outdoor recreation.

The BLM recognizes that the conservation and sustainable use of rangelands is important to those who make their living on these landscapes-including public rangeland permittees. Public land livestock operations are important to the economic well-being and cultural identity of the West and to rural Western communities. Livestock grazing is an integral part of BLM's multiple-use mission, and at the right levels and timing, can serve as an important vegetation management tool, improving wildlife habitat and reducing risk of catastrophic wildfire.

The BLM is committed to collaborating with those who work on the public lands and takes seriously its challenge to conserve and manage healthy rangelands for current and future generations.

The Department shares the Sub-committee's interest in identifying opportunities for increasing efficiencies in public land grazing administration, as well as finding ways to make permit renewal less complex, costly, and time-consuming. The BLM would like to work with the Committee to further these shared goals. However, the Department cannot support S. 258 as it limits the BLM's ability to provide for appropriate environmental review and public involvement-critical components of the BLM's multiple-use management of the public lands. The Department looks forward to continuing a dialogue with the Congress on these important matters.

Background

The BLM manages over 17,000 livestock grazing permits and leases for 12.4 million AUMs (animal unit months) across 155 million acres of public lands in the West. Since 1999, the BLM has evaluated the health of the rangelands based on standards and guidelines that were developed with extensive input from the ranching community, as well as from scientists, conservationists, and other Federal and state agencies. The BLM collects monitoring and assessment data to compare current conditions with the standards and land use plan objectives. This information is used to complete environmental assessments, to develop alternative management actions, and to modify grazing management as needed.

The BLM administers the range program through issuance of grazing permits or leases. The Federal Land Policy and Management Act (FLPMA) provides for a 10-year (or less) term for grazing permits. In a typical year, the BLM processes up to 2,000 permit renewals or transfers. In 1999 and 2000, the BLM saw a spike in permit renewals, when over 7,200 permits were due for renewal. The BLM was unable to process all those permits before expiration, which resulted in a backlog of grazing permit renewals that remains today. By the end of the 2013 Fiscal Year, the BLM anticipates that a backlog of 4,964 unprocessed permits will remain. Congress has assisted the BLM since Fiscal Year 2004 by adding language to Appropriations measures that allow grazing leases and permits to continue in effect until the agency has completed processing a renewal, transfer, or waiver. The BLM is committed to eliminating the backlog of grazing permit renewals and to issuing permits in the year they expire. An increase in appeals and litigation of grazing management decisions continues to pose significant workload and resource challenges for the BLM.

The BLM will continue to focus on grazing permits for the most environmentally sensitive allotments, using authorities Congress provided in the FY 2012 Consolidated Appropriations Act concerning grazing permit renewals and transfers. This strategy will allow the BLM to address a wide array of critical resource management issues through its land health assessments and grazing decisions. Additionally, this strategy will help ensure that the backlog of unprocessed permits consists of the least environmentally sensitive allotments that are more custodial in nature and/or that are already meeting land health standards.

S. 258

S. 258 provides for automatic renewal of all expired, transferred, or waived permits, and categorically excludes all permit renewals, reissuance, or transfers from preparation of an environmental analysis under the National Environmental Policy Act (NEPA) if the decision continues current grazing management of the allotment. Terms and conditions of the permit would continue until a permit is later renewed in full compliance with NEPA and other Federal laws. The bill does not first require a determination that the permittee is meeting land health standards. S. 258 doubles the duration of grazing permits from 10 to 20 years, and stipulates that livestock crossing and trailing permits and transfers of grazing preference are exempt from analysis under NEPA.

The Department supports the concept of having the flexibility to issue longer term permits in certain circumstances, as well as the transfer provision that is currently in place under the FY 2012 Consolidated Appropriations Act. That provision is expected to reduce the permit renewal workload in 2013 by about 700 permits. The number of transfers needing processing each year is unpredictable, posing significant challenges to the BLM as it works to manage staff and other resources.

S. 258 includes provisions that the Department cannot support since they provide for automatic permit or lease renewal without requiring further analysis or assurances the permittee is meeting land health standards. The bill limits the BLM's ability to provide for appropriate environmental review and public involvement. S. 258 would result in the majority of permits being renewed under a categorical exclusion. The engagement of the public through the environmental review process under NEPA is a crucial component of the BLM's multiple-use management of the public lands. In summary, while S. 258 contains provisions that would expedite permitting, the Department cannot support it because of the overarching impact the bill could have on the 155 million acres of public lands used for livestock grazing, potentially affecting other valid uses and the health of the land itself.

Conclusion

Thank you for the opportunity to present testimony on S. 258. The BLM looks forward to working with the Congress to develop improvements to the grazing permit renewal process while maintaining the integrity of NEPA, the Nation's bedrock environmental and citizen involvement law, and FLPMA, our multiple-use statute re-

quiring consideration of many uses and values of the public lands. I will be pleased to answer any questions.

ON S. 27

Thank you for inviting the Department of the Interior to testify on S. 27, the Hill Creek Cultural Preservation and Energy Development Act. The Department supports the goals of S. 27, and we could support the bill if amended as discussed below. The Department recognizes that we have a unique trust responsibility to the Ute Tribe; and therefore we are committed to finding an equitable solution.

Background

In 1948, Congress, through P.L. 80-440, extended the boundary of the Uintah and Ouray Reservation by approximately 900 square miles to include what is generally known as the "Hill Creek Extension." The Act transferred the Federal surface estate to the Tribe, while the mineral estate in those parts of the area affected by then existing withdrawals was reserved to the Federal government. Furthermore, that Act as amended in 1955 (P.L. 84-263), authorized the State of Utah to relinquish state sections for the benefit of the Tribe and subsequently select Federal lands (including the mineral interest in land) of equal value outside of the Hill Creek Extension area.

The State of Utah's School and Institutional Trust Land Administration (SITLA) holds the mineral interest in about 28 square miles (approximately 18,000 acres) within the southern portion of the Hill Creek Extension in Grand County, while the surface ownership is held in trust for the Tribe. The Tribe would like to obtain the mineral estate underlying tribal lands in the Grand County portion of the Hill Creek Extension in order to prevent development on lands that have special significance to the Tribe. However, the Tribe does not object to development of other mineral estate, retained by the Federal government, within the Hill Creek Extension in Uintah County.

SITLA proposed to relinquish their mineral estate within the Hill Creek Extension in Grand County in exchange for similar acreage of Federal mineral estate in Uintah County, also within the Hill Creek Extension. However, the 1955 law specified that the selection by the state should take place "outside of the area hereby withdrawn," and therefore outside of the Hill Creek Extension.

S. 27

S. 27 proposes to amend the 1948 and 1955 Acts to permit relinquishment of mineral estate in exchange for similar acreage of Federal mineral estate within the Hill Creek Extension. The legislation further provides that the transaction should be on an acre-for-acre basis and establishes a limited overriding interest for both the United States and SITLA in the lands exchanged.

The Department has no objection to allowing for the selection by SITLA of mineral estate within the Hill Creek Extension and supports that provision of the legislation. However, the 1948 and 1955 laws as well as FLPMA require that these transfers be of equal value. The per-acre value of mineral estate can vary dramatically from one acre to another, and this area of Utah has significant oil and gas resources.

The legislation proposes to address any difference in parcel value by reserving for each conveying party a financial interest in the mineral estate being transferred. However, as written, the overriding interest fails to acknowledge the potential change in value of the federal minerals. The royalty rate specified for the financial interest is the royalty rate in effect today, and fails to account for the possibility of a changed royalty rate in the future. We believe that the overriding interest should be based on the Federal royalty rate at the time the lease or permit is issued. The Department would also like the opportunity to work on other technical amendments with the Sponsor and the Committee.

Conclusion

Thank you for the opportunity to testify. The Department would welcome the opportunity to resolve these issues for the benefit of the Ute Indian Tribe and protect land that has special significance in a manner that also protects the fiduciary interest of the Federal government.

ON S. 241

Thank you for the opportunity to testify on S. 241, the Rϕo Grande del Norte National Conservation Area Establishment Act. On March 25, 2013, President Obama designated the Rϕo Grande del Norte National Monument on 242,000 acres of land administered by the Bureau of Land Management (BLM) in northern New Mexico.

This designation closely mirrors the National Conservation Area (NCA) designation in S. 241. However, section 4 of S. 241 also includes the designation of two wilderness areas within the new Rφo Grande del Norte National Monument—the proposed 13,320-acre Cerro del Yuta Wilderness and 8,000-acre Rφo San Antonio Wilderness. The Department supports the designation of these two new wilderness areas.

Background

The Río Grande del Norte National Monument lies north of Taos on the border with Colorado and straddles New Mexico's Taos and Rio Arriba Counties. Rising in stark contrast from the monument's broad expanse, the Cerro de la Olla, Cerro San Antonio, and Cerro del Yuta volcanic cones provide visible reminders of the area's volatile past. Between these mountains, the dramatic gorge of the Rio Grande Wild & Scenic River is carved into the landscape, revealing the dark basalt beneath the surface of the Taos plateau.

The proposed Cerro del Yuta Wilderness has at its centerpiece a symmetrical volcanic dome soaring to over 10,000 feet in altitude. Covered by ponderosa, Douglas fir, aspen, and spruce on the north side, and pinyon and juniper on the south side, the mountain provides important habitat for wildlife, including the herds of elk that draw hunters to the area. The volcanic dome provides an outstanding opportunity for peak climbing and the forested slopes create a strong sense of solitude.

The proposed Rio San Antonio Wilderness consists of a flat plain bisected by the Rφo San Antonio. This grassland plain is dotted with occasional juniper, while the river sits two-hundred feet below the surface of the plateau at the bottom of a rugged gorge, the depths of which provide a microclimate for riparian vegetation, Douglas fir, and spruce. Visitors can find outstanding opportunities for solitude as they explore the gorge, which abruptly drops out of sight from the rest of the area. Protecting these characteristics will help to ensure that tourists will continue to visit the area, bringing economic benefits to the local community.

S. 241, Section 4

S.241 (section 4) designates two wilderness areas on BLM-managed lands within the new national monument-the proposed 13,420-acre Cerro del Yuta Wilderness and 8,000-acre Rio San Antonio Wilderness. Both of these areas meet the definition of wilderness outlined in the Wilderness Act of 1964: they are largely untouched by humans, have outstanding opportunities for solitude and primitive and unconfined recreation, are over 5,000 acres in size, and contain important geological, biological, and scientific features. We support the designation of these areas as wilderness. The BLM would be happy to work with the Sponsor and the Committee to create a new map for the legislation reflecting both the existing national monument and the two proposed wilderness areas.

Conclusion

President Obama's designation of the Río Grande del Norte National Monument was a tribute to both the area's extraordinary value and the steadfast support for protecting this magnificent place. The Department supports S.241 in its designation of some of the new national monument's wildest lands as wilderness.

ON S. 327

Thank you for inviting the Department of the Interior to testify on S. 327, the Good Neighbor Forestry Act. The bill authorizes the Secretary of the Interior to enter into cooperative agreements or contracts with a state forester to provide forest, rangeland, and watershed restoration and protection services on lands managed by the Bureau of Land Management (BLM). The Administration supports Good Neighbor Authority and we would like to work with the Committee to make some minor technical corrections. We welcome opportunities to enhance our capability to efficiently manage our natural resources through a landscape scale approach that crosses a diverse spectrum of land ownerships.

Background

The BLM is increasingly taking a landscape-scale approach to managing natural resources on the public lands. Recent drought cycles, catastrophic fires, large-scale insect and disease outbreaks, the impacts of global climate change, and invasions of harmful non-native species all threaten the health of the public lands. They also tax a land manager's ability to ensure ecological integrity, while accommodating increased demands for public land uses across the landscape.

The BLM engages in land restoration and hazardous fuels reduction activities with interagency partners and affected landowners to expand and accelerate forest ecosystem restoration. The "Good Neighbor" concept provides a mechanism to facili-

tate treatments across the landscape, inclusive of all ownerships, and enhances relationships between Federal, state, and private land managers.

In Fiscal Year (FY) 2001, Congress authorized the U.S. Forest Service to allow the Colorado State Forest Service (CSFS) to conduct activities such as hazardous fuels reduction on U.S. Forest Service lands when performing similar activities on adjacent state or private lands. The BLM received similar authority in Colorado in FY 2004, as did the U.S. Forest Service in Utah. The BLM used this "Good Neighbor" authority beginning in 2006 in the agency's Royal Gorge Field Office. Through an assistance agreement with the CSFS, the BLM accomplished a fuels reduction and mitigation project within and adjacent to the Gold Hill Subdivision of Boulder County. The Gold Hill Project treated a total of 372 acres of wildland urban interface consisting of 122 acres of BLM land, 27 acres of U.S. Forest Service land, and 223 acres of private land. All of these acres were identified as priorities within the Gold Hill Community Wildfire Protection Plan. Through the assistance agreement, the CSFS delineated the areas to be treated within the Gold Hill Project, managed the project, administered contracts, monitored firewood removal, and monitored forestry and fuels projects on BLM and U.S. Forest Service lands. No timber was harvested or sold from the BLM lands. The BLM and the U.S. Forest Service conducted the project planning and fulfilled NEPA requirements on their respective lands.

The project area consisted of small parcels of Federal lands interspersed with state and private lands. Since all the landowners used the same State contract, treatments were accomplished concurrently and with consistency in treatment methods, thereby achieving hazardous fuels reductions across a larger area to reduce the risk of wildfire. Efficiencies were also realized by utilizing a single contractor to treat one large project area. The BLM also realized savings in personnel resources. Although the project area was located nearly 200 miles from the BLM field office, CSFS personnel were in the immediate vicinity and were able to conduct the field work for the BLM. In addition, the CSFS regularly worked with private landowners in the area and easily gained access through the private lands to conduct work on the Federal lands, which allowed the work to begin quickly. Simplified state contracting procedures also expedited the project. The project was completed in 2008.

A February 2009 GAO report examined state service contracting procedures regarding transparency, competitiveness, and oversight, and found that the state requirements generally addressed each of these areas. (GAO-09-277). The GAO issued two recommendations to the BLM: 1) To develop written procedures for Good Neighbor timber sales in collaboration with each state to better ensure accountability for federal timber; and 2) To document how prior experiences with Good Neighbor projects offer ways to enhance the use of the authority in the future and make such information available to current and prospective users of the authority. The BLM completed the final corrective action plan incorporating these suggestions in September of 2010.

S. 327

S. 327 provides for the Secretaries of Agriculture and Interior to enter into cooperative agreements and contracts with state foresters in any state west of the 100th meridian, to provide forest, rangeland, and watershed restoration and protection services on National Forest System land or BLM land. The success that the BLM experienced in using the Good Neighbor authority in Colorado as a cross-boundary management tool would be available under S. 375 to all BLM-managed lands throughout the west. The authority provided by the bill is discretionary; each BLM office could determine on a case-by-case basis whether or not the Good Neighbor authority is a desirable option. All Good Neighbor projects would be undertaken in conformance with land use plans and comply with the National Environmental Policy Act, if applicable.

Section 3(a) of the bill would authorize the Secretary to enter into a cooperative agreement or contract with a state Forester. For clarification, the BLM suggests an amendment to the language to add "notwithstanding the Federal Grants and Cooperative Agreements Act."

The provisions in section 3(b) authorize services to include activities that treat insect-infected trees; reduce hazardous fuels; and any other activities to restore or improve forest, rangeland, and watershed health, including fish and wildlife habitat. There is no requirement that the BLM-managed lands be adjacent to state or private lands to be eligible for services. This expansion of authority could be beneficial in watershed restoration projects where state and Federal lands might not be immediately adjacent to one another, but are within the same watershed.

Accordingly, this expanded authority could enhance the effectiveness of landscape-scale treatment.

Conclusion

Thank you for the opportunity to testify about Good Neighbor Authority and S. 327. The Department of the Interior and the BLM welcome opportunities to engage in efforts that can advance cooperation of all landowners, improve the effectiveness of restoration and fuels treatments, and provide cost-effective tools for managing natural resources.

ON S. 366

Thank you for the opportunity to testify today on S. 366, which would require the Bureau of Land Management (BLM) to allow mining claimants a chance to "cure" their failure to meet the required filing deadlines. This bill would also give private relief to one particular mining claimant whose mining claims have been deemed abandoned for failure to comply with applicable laws and regulations, and would give that claimant the opportunity to obtain fee title to the reinstated mining claims from the Government.

The Department of the Interior opposes S. 366 because of the enormous administrative burden it would generate, and because it singles out one mining claimant for special treatment and leaves open the question as to how other mining claimants in similar situations would be affected.

Background

The Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66 §§ 10101 to 10106, 107 Stat. 312, 405-07 (Aug. 10, 1993) (maintenance fee statute), established an annual maintenance fee for unpatented mining claims, mill sites, and tunnel sites. This annual maintenance fee is currently set by regulation at $140 per lode mining claim or site and $140 per every 20 acres or portion thereof for a placer claim. The maintenance fee statute also gave the Secretary of the Interior the discretion to waive the annual maintenance fee for certain "small miners"—mining claimants who hold 10 or fewer claims or sites.

Following the enactment of the maintenance fee statute, the Department promulgated regulations that exercised the Secretary's discretion to allow the "small miner waiver." These regulations state that in order to qualify for this "small miner waiver" under the maintenance fee statute, the claimant must, among other things, file a maintenance fee waiver request that certifies he and all related parties hold 10 or fewer mining claims or sites. Under the original regulations, the deadline for filing the maintenance fee waiver request for the upcoming assessment year was August 31, which was the same day as the statutory deadline for filing annual maintenance fees. When Congress changed the statutory annual maintenance fee deadline to September 1, the Department changed the deadline for maintenance fee waiver requests to also be September 1 for the coming assessment year. The Secretary's decision to make the regulatory deadline for filing maintenance fee waiver requests the same as the statutory deadline for paying annual mining claim maintenance fees took into consideration the statutory constraint that maintenance fee waivers could not legally or practically be sought any later than the deadline for the maintenance fee itself.

The same year that Congress changed the deadline for paying the maintenance fee to September 1, it amended the maintenance fee statute to allow claimants seeking a "small miner waiver" to cure a "defective" waiver certification. Omnibus Consolidated and Emergency Supplemental Appropriations Act for Fiscal Year 1999, Pub. L. No. 105-277, 112 Stat. 2681-235 (1998) (codified as amended at 30 U.S.C. § 28f(d)(3)). The statute as amended required the BLM to give claimants filing timely "defective" maintenance fee waiver requests notice of the defect and 60 days to cure the defect or pay the annual maintenance fee due for the applicable assessment year.

Another change in the administration of mining laws and regulations occurred in the Department of the Interior and Related Agencies Appropriations Act of 1995, Pub. L. No. 103-332 §§ 112-113, 108 Stat. 2499, 2519 (Sept. 30, 1994), which placed a moratorium on the patenting of new mining claims or sites, and the further processing of existing patent applications; this moratorium has continued unbroken through subsequent appropriations language. The processing of a patent application to completion can result in the transfer of fee title or "patent" to the claimant for the Federal lands where the claims and sites are located.

Congress provided an exemption from the patenting moratorium for applicants who had satisfied the requirements of the Mining Law of 1872 for obtaining a patent before the moratorium went into effect. Only patent applications for which a "First Half of Mineral Entry-Final Certificate" (FHFC) had been issued were considered exempt or "grandfathered" from the moratorium. Over 600 patent applications

were pending with the BLM when the moratorium went into effect on October 1, 1994. Of those, 405 patent applications had received a FHFC by September 30, 1994, and were determined to be "grandfathered" from the moratorium. Mining claimants in a "grandfathered" patent application are not required to comply with the maintenance fee statute after the FHFC was issued.

The remaining 221 patent applications were considered "non-grandfathered" and subject to the moratorium. The BLM did no further processing of these patent applications and the mining claimants were responsible to continue to meet annual maintenance requirements—timely payment of the annual maintenance fee, or filing a small miner waiver and completing the required annual assessment work—in order to keep their mining claims active and their "non-grandfathered" patent applications pending.

S. 366

S. 366 (Section 1(a)) would amend the maintenance fee statute that requires the BLM to provide holders of 10 or fewer mining claims or sites with written notice of any "defect" in their maintenance fee waiver request and an opportunity to cure the defective, but timely, filing. Unlike the current maintenance fee statute, failure to timely file the waiver request would be considered a "defect" under S. 366. As under the current statute, mining claimants would have 60 days from the receipt of written notice to correct that defect or pay the applicable maintenance fee. Sec. 1(a) also purports to provide the same 60-day cure period for an untimely "affidavit of annual labor associated with the application and required application fees."

The BLM opposes the provision in Sec. 1(a) to amend the maintenance fee statute to make failure to timely file a small miner fee waiver request a curable "defect." The BLM also opposes the provision in S. 366 purporting to allow claimants to "cure" defective affidavits of annual assessment work filings, including failure to timely file the affidavits as required by section 314 of the Federal Land Policy and Management Act of 1976 (FLPMA). Currently, the cure provision in 30 U.S.C. § 28f(d)(3) applies only to maintenance fee waiver requests, and it is unclear whether the legislation would extend the opportunity to cure the failure to timely file an affidavit of annual assessment work to any claimant who fails to timely file the affidavit, or only to those claimants who have submitted a defective small miner waiver request.

BLM's primary concern with the proposed legislation, however, is that it would effectively eliminate the deadline for filing a small miner waiver. Defining an untimely small miner waiver filing as "defective" would require the BLM to accept late filings after the deadline, no matter how late. This change will place an excessive administrative review and notification burden on the BLM and would vastly increase the cost of administering the small miner waiver. Further, it would enable a mining claimant to avoid filing the waiver and hold the claims or sites in suspense until the BLM is able to identify the deficiency and notify the claimant.

Under Sec. 1(a) of S. 366, if a mining claimant files either an untimely maintenance fee payment, an untimely waiver request, or fails to make any filing at all, including a maintenance fee payment, the BLM would no longer be able to simply declare the mining claim or site void by operation of law, as authorized under the current maintenance fee statute since 1994. Rather, under this new provision, if any claimant fails to pay the annual maintenance fee or file a maintenance fee waiver request by the deadline, the BLM will have to first determine whether each and every claimant who failed to timely pay maintenance fees is qualified as a small miner and, if so, give notice and opportunity to cure—whether or not the claimant had any intention of paying the fee or filing a maintenance fee waiver request.

These additional administrative steps would be required even if the holder of the mining claim or site had not filed a maintenance fee waiver in the past, for two reasons. First, fewer than 13,000 mining claimants among those who are eligible for a maintenance fee waiver each year actually request a waiver, and S. 366 does not restrict the "cure" provisions to those claimants who had intended to file a waiver but missed the deadline. Second, verifying eligibility for the "cure" provisions of S. 366 would be required each year for any mining claimant who missed the payment deadline because eligibility for a maintenance fee waiver depends on the number of mining claims and sites held by the claimant "and related parties" on the date that the maintenance fee payment was due (30 U.S.C. § 28f(d)). The BLM would also have to determine if the claimant had any "related parties" that owned claims or sites which would make the claimant ineligible if together the claimant and related parties owned more than 10 claims or sites. Since claimants may be a "silent" related party to corporations or other individual claimants owning more than 10 claims or sites, it would be almost impossible for the BLM to determine factual eligibility of all claimants.

It would be costly and difficult for the BLM to assess whether every mining claimant who either makes an untimely filing or fails to file anything is eligible to invoke the "cure" provisions of S. 366. Moreover, because the agency would have no way to determine if a claimant holding 10 or fewer claims or sites had simply decided not to pay the fee or file the fee waiver request and intentionally relinquish his claims, the BLM would have to send a "defect" notice to all such claimants who fail to either timely pay their maintenance fees or timely file a maintenance fee waiver request and give them the opportunity to cure. This effectively extends the payment deadline for any claimant holding 10 or fewer mining claims by removing any penalty for failing to pay in a timely manner.

In addition, this increased administrative burden would so drastically increase the processing time for all mining claimants as to allow some claimants to continue to hold and work their claims for months or potentially years after what would have been forfeiture by operation of law under the current statute without providing payment. It would be challenging for the BLM to reliably determine if a mining claimant intended to relinquish his mining claim or site. Action on the part of individuals wishing to maintain a claim to a Federal resource is a basic responsibility found in many of our Federal programs. Relieving individuals of this basic responsibility is contrary to the interest of the general public that owns the property.

In addition, the BLM opposes the bill's provisions in Sec. 1(b) under "Transition Rules" on behalf of the mining claimant who forfeited his claims for failure to meet the filing requirements discussed above. Section 1(b) is essentially a private relief bill that gives special treatment to the claimant, allowing his mining claims to be reinstated, and allowing him to have his patent application considered "grandfathered" from the patent moratorium.

The mining claims described under Sec. 1(b) belonged to a claimant from Girdwood, Alaska. The claimant owned nine mining claims located in the Chugach National Forest in southeastern Alaska. The claimant had filed a patent application for these mining claims, but his application had not received a FHFC by the deadline. As such, his patent application was considered "non-grandfathered" and his mining claims were subject to ongoing annual maintenance requirements. The BLM determined these mining claims to be statutorily abandoned in January 2005 when the claimant failed to file his annual assessment work documents in accordance with FLPMA, and the Interior Board of Land Appeals (IBLA) subsequently upheld the BLM's decision. The bill would give the claimant the opportunity to "cure" the defects that led to his mining claims being declared abandoned and void, presumably under the amended version of the statute proposed in this legislation.

Sec. 1(b)(1) of the bill would also consider the claimant "to have received first half final certificate" for these voided mining claims before September 30, 1994, thereby "grandfathering" his patent application from the patent moratorium. Even if this claimant had complied with annual FLPMA requirements, his patent application was not considered "grandfathered" under the guidelines imposed through Congress. Congress was clear that the exemption from the patenting moratorium applied only to applicants who had satisfied the requirements of the Mining Law of 1872 for obtaining a patent before the moratorium went into effect. Singling out this claimant and patent application to receive special treatment by considering his patent application "grandfathered" is unfair to the other 220 pending "non-grandfathered" patent applications. Additionally, a portion of the land formerly covered by these claims is now closed to mineral entry, because the State of Alaska has filed Community Grant Selection under the authority of the Alaska Statehood Act. Considering the claimant's patent application "grandfathered" would give him priority over the State of Alaska with respect to these lands, and may mean that he, rather than the State of Alaska, would obtain the fee title.

The BLM's final concern with respect to this legislation—requiring the BLM to consider failure to timely file a maintenance fee waiver certificate a curable "defect"—is that the bill is unclear as to the retroactive effects on other small miners who have forfeited or abandoned their mining claims because they failed to timely file a small miner waiver or affidavit of annual assessment work. This includes those small miners who have lost their challenges at the IBLA of BLM decisions declaring their claims forfeited or abandoned Furthermore, the Department of Justice advises that, as a practical matter, it seems likely that small miners will pursue a "cure" for failure to pursue a small miner waiver only where the claim owner cannot simply relocate that claim, which might occur if, for example, intervening rights have been granted or the land has been conveyed or assigned other uses. If that has happened, then reinstating any forfeited or abandoned mining claims would create confusion, and generate litigation, and could arguably create takings liability on the part of the United States.

Conclusion

Thank you again for the opportunity to testify on S. 366.

ON S. 353

Thank you for inviting the Department of the Interior to testify on S. 353, the Oregon Treasures Act. The Department supports S. 353 and would welcome the opportunity to work with the Chairman on some minor modifications to this legislation. S. 353 includes wilderness and wild and scenic river designations in three areas of Oregon: Cathedral Rock and Horse Heaven along the John Day River, the Wild Rogue in southwestern Oregon, and the Molalla River in northern Oregon. This legislation would conserve and protect these special places that are treasured both locally and nationally.

Cathedral Rock & Horse Heaven Wilderness

Background

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

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

S. 353, Section 2

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

The bill (section 2(b)) outlines a series of land exchanges with three private parties. Under section 206 of the Federal Land Policy and Management Act (FLPMA), the Bureau of Land Management (BLM) has the authority to undertake land exchanges that are in the public interest. Exchanges allow the BLM to acquire environmentally-sensitive lands while transferring public lands into private ownership for local needs and the consolidation of scattered tracts. The lands proposed for exchange out of Federal ownership are largely scattered sections of public land intermingled with private land. In principle, the BLM supports the land exchanges envisioned by section 2(b); however, we would like the opportunity to continue to work with the sponsor and the Committee to address concerns specifically in the areas of public access and the protection of cultural resources.

It is the Department's understanding that the Confederated Tribes of the Warm Springs of Oregon continue to have concerns about this legislation. Many of these lands are significant to local tribes and we encourage the sponsor and the Committee to continue to work toward resolving these issues.

The bill requires that the exchanges be consistent with FLPMA, including the requirement that the Secretary determine that the public interest would be served by completing the exchange (section 2(b)(2)). We believe that this provides the BLM latitude to withdraw specific lands from the exchange if any serious impediments are discovered. Furthermore, the legislation provides that the Secretary may add such additional terms and conditions as appropriate (section 2(b)(3)(E)). We believe this would allow the BLM to require that all non-Federal parties are responsible for addressing any human safety concerns or the remediation of hazardous materials on the lands to be exchanged out of present ownership. Finally, the BLM sup-

ports the provisions of the bill requiring that all three exchanges be equal value exchanges, and that the appraisals be undertaken consistent with Uniform Appraisal Standards.

The bill (section 2(c)) also proposes to designate two potential wilderness areas, the "Proposed Cathedral Rock Wilderness" and the "Proposed Horse Heaven Wilderness" on the lands that would be consolidated under the land exchanges envisioned by section 2(b) of the bill. When those land exchanges are completed, the Cathedral Rock Wilderness would include over 8,300 acres of public land and the Horse Heaven Wilderness 9,000 acres. The legislation provides a process in section 2(c)(2) for converting the "proposed" wilderness areas into designated wilderness following adequate acquisitions of the now private lands. The BLM could manage these areas as wilderness following the exchanges. However, absent the largest exchange envisioned under section 2 of S. 353, these areas would be impracticable for the BLM to manage as wilderness. That proposed exchange with the local landowner, "Young Life," involves the core of both the proposed Cathedral Rock and Horse Heaven wilderness areas.

The current land patterns of both the "Proposed Cathedral Rock Wilderness" and "Proposed Horse Heaven Wilderness" are highly fragmented. The BLM manages approximately 4,500 acres in seven, non-contiguous parcels within the Cathedral Rock area and less than 3,000 acres in two separate parcels within Horse Heaven. The land exchanges are, of course, optional for the three private parties. If, in the end, the largest private land owner decides not to pursue the exchange, managing the areas as wilderness would not be practical given the fragmented nature of the BLM landholdings in these two areas. The BLM supports the provisions for interim management of the "proposed" areas and the methodology for final designation if sufficient land exchanges are consummated. Additionally, the BLM supports the provisions in section 2(c)(4) of the bill providing for a termination of the wilderness designation authority 10 years after the date of enactment of the Act. This provides a reasonable timeframe during which to either consummate the land exchanges and designate the wilderness areas or return to current management of the area.

Finally, section 2(b)(7) would transfer the administrative jurisdiction of approximately 750 acres of BLM-managed lands to the Forest Service. The BLM supports this transfer of lands which will improve manageability.

Wild Rogue Wilderness

Background

The Rogue River's headwaters begin near Crater Lake. It then rushes 215 miles through the mountains and valleys of southwestern Oregon, eventually emptying into the Pacific Ocean near the town of Gold Beach. Over millions of years, the Rogue has patiently carved its way through western Oregon's mountains creating 3,000 foot canyons, rugged valleys and inspiring scenery. Dense, old-growth forests flank the Rogue providing habitat for older, forest-dependent species, including the Northern Spotted Owl and the Marbled Murrelet. The cold, clear waters of the river provide a home for Pacific salmon, steelhead trout, and green sturgeon.

Recreationists are drawn to the entire Rogue River watershed to experience nature in a multitude of ways. These recreationists are a critical economic engine for local economies and include commercial and sport fishing, rafting and jet boat tours, and hiking and backpacking. The untamed landscape offers countless opportunities for challenge, exploration, and discovery.

The 36,000-acre Wild Rogue Wilderness was designated by an Act of Congress (Public Law 95-237) in 1978. Located primarily on lands managed by the U.S. Forest Service, the Wild Rogue includes approximately 8,600 acres of lands administered by the BLM. In 1968, Congress passed the Wild and Scenic Rivers Act (Public Law 90-542), establishing the Wild and Scenic River System and designating eight original rivers. As one of these initial eight rivers, Oregon's Rogue River has long been recognized for its beauty, exceptional recreational opportunities, and extraordinary resource values.

S. 353, Section 3

The bill (section 3) proposes to enlarge the existing Wild Rogue Wilderness by adding nearly 60,000 acres of land administered by the BLM. This section also extends the existing Rogue Wild and Scenic River by adding 93 miles of 35 tributaries of the Rogue to the wild and scenic river system. In addition, the bill withdraws 50 miles of 20 other Rogue River tributaries from operation of the land laws, mining laws, and mineral leasing laws and prohibits the Federal Energy Regulatory Commission (FERC) from licensing new water resource projects and associated facilities along these tributaries.

The BLM supports the expansion of the Wild Rogue Wilderness. This wild and rugged area is largely untrammeled. It has largely retained its primeval character and has been influenced primarily by the forces of nature with outstanding opportunities for primitive recreation or solitude. Protection of these wilderness characteristics is largely consistent with the current management framework for these lands. We would like the opportunity to work with the bill Sponsor and the Committee on some modifications to the map and the legislation. The BLM recommends that the legislation include language directing the Secretary of the Interior to manage the BLM portion of the current Wild Rogue Wilderness. When the Wild Rogue Wilderness was established in 1978, the legislation called for the Secretary of Agriculture to manage all of the lands within the wilderness boundary. With this expansion, we would like to correct that previous oversight and ensure that both the original and the additional BLM-managed lands within the Wild Rogue are managed by the BLM. Management of this area will continue to be a cooperative exercise with the U. S. Forest Service and involve many of the same staff that jointly manage the Rogue's successful river program.

The bill excludes over 500 acres of BLM-managed lands on the north side of the river within the external boundaries of the wilderness addition from designation as wilderness by cherry-stemming a road network where logging and other activities have occurred. This could leave these lands open to future development and potentially complicate management of the surrounding lands as wilderness. While these lands show visible effects of past logging activities and existing primitive roads that do not meet the naturalness criteria of the Wilderness Act,the BLM would like to discuss the possibility of designating them as "potential wilderness" (as was done, for example, to California's Elkhorn Ridge Potential Wilderness Area through the Northern California Coastal Wild Heritage Wilderness Act—Public Law 109-362). The BLM would consider management of the area in order to actively restore or, where more appropriate, passively restore these lands to move them toward wilderness conditions that are consistent with future Wilderness designation.

The BLM would also like to work with the Oregon delegation on boundary modifications of the wilderness expansion to improve manageability. There are portions of the proposed wilderness where minor modifications to follow a road would allow for a more recognizable and manageable boundary. In addition, a few areas identified for wilderness designation on the southeast side of the proposed expansion may raise manageability concerns. Specifically, the inclusion of areas south of Bailey Creek and east of the Rogue appears to present conflicts with existing mining activity and other uses. The BLM would like the opportunity to discuss these conflicts further with the Committee and the bill's sponsor.

In 1968, when Congress established the National Wild and Scenic Rivers System, it designated the Rogue as one of the original eight rivers included in this system. Section 3(c)(1) further enhances that initial designation by adding 35 specific tributaries of the Rogue to the national system, thus conserving the greater Rogue River watershed. In general, the proposed stream segments are located in steep, sloped canyons with mature and structurally complex forest stands that have high conservation values. We support maintaining and enhancing those conservation values through designating the 35 tributaries as Wild and Scenic.

Finally, Section 3(d) of S. 353 prohibits FERC from licensing the construction of any new water or power projects along 50 miles of 20 Rogue River tributaries. Additionally, the bill would withdraw land for one-quarter mile along either side of these tributaries from operation of the land laws, mining laws, and mineral leasing laws. This withdrawal will protect valid existing rights but would prohibit the sale or exchange of any of these federal lands, the location of new mining claims, new mineral or geothermal leases, and sales of mineral materials. These withdrawals will provide additional protections to this important watershed, and the Department supports these provisions.

Molalla Wild & Scenic River

Background

The Molalla River begins its journey to the sea on the western slopes of the Cascade Mountains of Oregon. At an elevation of 4,800 feet, the Molalla flows undammed for 49 miles west and north until it joins the Willamette River. For years, the Molalla suffered from too much negative attention from its visitors, including vandalism. To address these problems, local residents joined together several years ago and formed the Molalla River Alliance (MRA). The MRA, a nonprofit all volunteer organization, has over 45 public and private partners, including Federal, State, and local government agencies; user groups; and conservationists. Working cooperatively with BLM's local field office, the MRA has provided the Molalla the care it needed. Today, we are pleased that this subcommittee is considering des-

ignating approximately 21 miles of the river as a component of the National Wild and Scenic Rivers System.

The Molalla River is home to important natural and cultural resources. Protection of this watershed is crucial as the source of drinking water for local communities and the important spawning habitat it provides for several fish species, including salmon and steelhead. Within an hour's drive of the metropolitan areas of Portland and Salem, Oregon, the Molalla watershed provides significant recreational opportunities for fishing, canoeing, mountain biking, horseback riding, hiking, hunting, camping, and swimming and draws over 65,000 visitors annually.

S. 353, Section 4

The bill (section 4) proposes to designate 15.1 miles of the Molalla River and 6.2 miles of the Table Rock Fork of the Molalla as components of the National Wild and Scenic Rivers System. The Department supports these designations. In earlier planning analyses, the BLM evaluated the Molalla River and the Table Rock Fork of the Molalla River and determined that most of these two rivers should be considered for designation as wild and scenic rivers. As a result, the designation called for would be largely consistent with management currently in place and would cause few changes to BLM's current administration of most of this area. The 5,700-acre Table Rock Wilderness, designated by Congress in 1984, is embraced by the Molalla and Table Rock Fork, and designation of these river segments would reinforce the protections in place for the wilderness area.

Wild and scenic rivers are designated by Congress in one of three categories: wild, scenic, or recreational. Differing management proscriptions apply for each of these designations. This bill specifies that these river segments be classified as recreational. This classification is consistent with the strong recreational values of this area as well as the presence of roads along the course of the river segments and numerous dispersed campsites along its shorelines.

Finally, section 5 of S. 353 applies to National Forest System lands and we defer to the Forest Service on those provisions.

Conclusion

The conservation designations included in Senator Wyden's Oregon Treasures Act, S. 353, are surely that-National treasures. The Administration supports this legislation and looks forward to the conservation and protection of these very special places.

ON S. 757

Thank you for the opportunity to present the views of the Department of the Interior on S. 757, which amends the Mesquite Lands Act of 1986 in order to renew and extend certain authorizations which had expired in late 2011. The BLM supports the goals of S. 757 to provide for the economic development needs of Mesquite, Nevada, and for the implementation of habitat conservation plans in Clark County and in Lincoln County, Nevada. The BLM notes that existing authorities, such as sales under the Federal Land Policy Management Act (FLPMA), allow BLM to achieve similar purposes through the development of Resource Management Plans and include opportunities for public comment.

Background

The Mesquite Lands Act of 1986 (P.L. 99-548) afforded the City of Mesquite in eastern Clark County, Nevada, the exclusive right to purchase certain parcels of public land, at fair market value, for a period of years. In a series of amendments over the last 17 years, the Mesquite Lands Act was amended to add additional parcels, authorize funding to develop a habitat conservation plan for the Virgin River, and to direct a conveyance to the City. The authorizations under the Mesquite Lands Act expired in late 2011. The Lincoln County Land Act of 2000 (P.L. 106-298) similarly authorized the use of certain funds for development of a habitat conservation plan in Lincoln County. While the City of Mesquite acquired approximately 7,700 acres of public lands under the Mesquite Lands Act, as amended, it was not able to complete all of the acquisitions it sought in the prescribed time period.

S. 757

S. 757 extends certain authorizations in the Mesquite Lands Act, as amended, for an additional ten years to November 29, 2021. The bill also allows for the use of certain funds for the implementation (in addition to the development) of habitat conservation plans for the Virgin River in Clark County as well as for a habitat conservation plan in Lincoln County. It also extends the withdrawal of the lands from

all forms of location, entry and appropriation under the public land laws, including mining laws, and from operation of mineral leasing and geothermal leasing laws, subject to valid existing rights.

The BLM supports S. 757 and its goal of providing for the long-term economic development needs of the City. It would allow more time to complete the environmental reviews (and to develop possible mitigation of impacts) of proposed land uses on the parcels. The U.S. Fish and Wildlife Service has been working cooperatively with the BLM in the development of the habitat conservation plan for the Virgin River. The additional authorizations in S. 757 to implement habitat conservation plans will enhance the Department's habitat protection efforts in Clark County and in Lincoln County, Nevada.

Conclusion

Thank you for the opportunity to present testimony on S. 757.

ON S. 609

Thank you for inviting the Department of the Interior to testify on S. 609, the San Juan Federal Land Conveyance Act. The Bureau of Land Management (BLM) supports S. 609, which provides for the sale of approximately 19 acres of public land in northern San Juan County, New Mexico to a private party at fair market value. We support this legislation, but would like the opportunity to work with the sponsor and the committee on a few modifications to S. 609.

Background

In 1998, the BLM settled a lawsuit regarding protection of the southwestern willow flycatcher in New Mexico. In order to protect potential flycatcher habitat, the BLM agreed to exclude livestock grazing from riparian areas in New Mexico by fencing BLM-managed river tracts identified as having suitable flycatcher habitat. While surveying lands for fencing under the settlement agreement, the BLM discovered as many as 20 different cases of trespass on BLM-administered public lands in New Mexico.

These trespass cases included a 14-acre trespass into the Bald Eagle Area of Critical Environmental Concern (ACEC) north of Aztec, N.M. In 1999, the Blancett family, who were actively farming these acres, was cited for trespass on approximately 19 acres of public lands. Despite resolution of many of the identified trespass cases-including cases with the Blancetts' neighbors to the north and south-BLM negotiation efforts with the Blancetts were unsuccessful.

Following failed negotiations and an IBLA mediation attempt, the Blancetts sued the Department of the Interior in U.S. District Court in 2010. On February 27, 2012, a settlement was reached between the Blancetts and the Department of the Interior, and the case was dismissed with prejudice. Under that settlement agreement, the Blancetts have two years to obtain a legislative solution to address the trespass situation. If a legislative solution is not obtained by March 5, 2014, or substantial progress toward that solution is not made by that time, the BLM will offer to sell the approximately two-acre parcel with the family residence to the Blancetts and the BLM may immediately begin to fence and reclaim the remaining 17 acres for bald eagle habitat, which will remain in Federal ownership.

S. 609

S. 609 provides for the direct sale of approximately 19 acres of BLM-managed public land in San Juan County, New Mexico, to the Blancetts pursuant to a 2012 settlement agreement. The bill requires the Secretary of the Interior to sell at fair market value approximately 19-acres of public land to the Blancetts upon their request, as outlined in the settlement.

Under the bill, fair market value is to be determined by an appraisal conducted using the Uniform Appraisal Standards for Federal Land Acquisitions and other standard provisions. Additionally, the bill requires the Blancetts to pay administrative costs associated with the sale, including the cost of the survey and appraisal. The BLM supports these provisions.

The bill requires the transfer to the Blancetts of all right, title, and interest of the Federal government of these public lands. As written, this would include the subsurface mineral estate. The BLM notes that there are two producing oil wells on Federal land adjacent to the lands proposed for conveyance, and the Federal mineral lease associated with these wells includes the lands proposed for transfer. In order to address the existing lease and producing wells, the BLM recommends that the Federal government retain ownership of the mineral estate, and that the legislation provide for a withdrawal of the mineral estate from the mining laws and min-

eral leasing laws. Furthermore, we recommend that both the conveyance and the withdrawal be subject to valid existing rights.

Under the bill, all proceeds from the sale are to be deposited into a special account in the Treasury for use in the acquisition of land or interests in land to further the protective purposes of the Bald Eagle ACEC or for resource protection consistent with the purposes of the ACEC. Because these funds are derived from the sale of lands, the BLM believes these funds should be used solely to acquire other lands or interest in lands.

The BLM supports this bill as it represents an opportunity to resolve a long-standing trespass issue and facilitates a reasonable and practicable conveyance of the lands to the Blancetts that is consistent with the 2012 settlement agreement.

Conclusion

Thank you again for the opportunity to testify in support of the San Juan Federal Land Conveyance Act.

ON S. 159

Thank you for the opportunity to testify today on S. 159, the Lyon County Economic Development and Conservation Act, which presents economic development opportunities for the western Nevada city of Yerington. This bill would allow the city to purchase, at fair market value, over 10,000 acres of surface land and the subsurface mineral estate managed by the Bureau of Land Management (BLM) that surround a copper mine development located on approximately 1,500 acres of private land. The BLM has a few concerns with the legislation and proposes some modifications and amendments, including provisions related to timing of the conveyance that would ensure that the Federal government receives full value for the lands and associated mineral interests. In addition, Sections 3 and 4 of S. 159 designate an addition to the National Wilderness Preservation System-the Wovoka Wilderness Area-on National Forest System lands managed by the U.S. Forest Service. The Department of the Interior defers to the U.S. Department of Agriculture on provisions that apply to lands and programs under its management.

Background

Yerington is a small community located southeast of Carson City in Lyon County, Nevada. The BLM manages approximately 570,000 acres of public land in the county. Historically, mining and agriculture have been significant contributors to the local economy, but today, Yerington has an unemployment rate that is higher than the national average.

In February 2012, Nevada Copper Corp. broke ground on an exploratory operation at its Pumpkin Hollow mine site on private lands that are at the center of the proposed conveyance area. The city plans to annex the mine as well as the conveyance area, which will increase the tax base of both the city and Lyon County. Nevada Copper will fund the land acquisition costs for the city as well as land surveys, appraisals and cultural and natural resource evaluations required for the conveyance. In return, the city will either lease or sell certain lands that Nevada Copper requires for the development of its mine complex. Nevada Copper will also work with the city to extend water and sewer services beyond those needed for the Pumpkin Hollow mine. The city's plans envision an area where transportation, power, and water infrastructure installed for the mine will benefit other industrial and commercial users and facilitate the development of cultural and recreational areas for the benefit of Yerington.

S. 159

S. 159 (Section 2) requires the Secretary of the Interior to convey to the city of Yerington for fair market value over 10,000 acres of BLM-managed land and the underlying mineral estate-if the city agrees to the conveyance. Under the bill, the Secretary would establish the value of the land and the mineral estate in accordance with the Federal Land Policy and Management Act and uniform appraisal standards. The city will pay the fair market value for the property and all costs related to the conveyance, including surveys, appraisals, and other administrative expenses.

The bill's 180-day time period for conveyance does not allow sufficient time to complete reviews and consultation with parties under the National Environmental Policy Act and the National Historic Preservation Act or conduct appraisals to establish the fair market value of the surface and mineral estates. To its credit, the city has moved ahead and already sought and been granted permission to perform cultural survey work on the area. The preliminary findings of this survey indicate that there are sites in the conveyance area that may be eligible for inclusion in the National Register of Historic Properties. Resolution of adverse effects, or an agree-

ment for the resolution or preservation, should be addressed before the sites pass from Federal ownership. The BLM recommends a one-year time period to complete all the necessary work associated with the conveyance.

The area's longstanding relationship to mining poses two other challenges not taken into account in the bill. Although originally there were a number of mining claims held by parties other than Nevada Copper, the BLM understands Nevada Copper has purchased many of these mining claims. According to the BLM's mining claim database, there are 11 other outstanding mining claims. We understand that Nevada Copper is making arrangements that may resolve this issue. The BLM generally does not convey lands with mining claims. If left unresolved, S. 159 leaves open the question of who would administer these other mining claims, which by default leaves the responsibility to the BLM to conduct validity exams and resolve other issues such as site remediation. According to the city, one of the stated goals of this bill is to "expedite near term and long term development of mining facilities." If the BLM manages these claims but not the surrounding surface rights, conflicts may occur that would hobble this goal of expedited development.

The area's mining legacy poses a second and potentially dangerous situation. The Nevada Division of Minerals has identified abandoned mine features on the public lands to be conveyed to the city, a few of which may present potential hazards to the public. We would like to work with the proponents of this bill to resolve this issue. For example, the United States government should be indemnified from any future liabilities arising from any hazardous features . . . . In addition, there are a few technical changes the BLM suggests for the bill on matters such as the conveyance parcel boundary.

Conclusion

Thank you again for the opportunity to testify on S. 159. This legislation is important to the people of this area, and the BLM looks forward to working with the sponsor and the committee.

ON S. 256

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

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

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

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

Second, on January 6, 2009, by presidential proclamation, the Marianas Trench Marine National Monument was created, including the Islands Unit, comprising the submerged lands and waters surrounding Uracas, Maug, and Asuncion, the northernmost islands of the CNMI. While creation of the monument is a historic achievement, it should be remembered that the leaders and people of the CNMI were and are these three islands' first preservationists. They included in their 1978, plebiscite-approved constitution the following language:

ARTICLE XIV—NATURAL RESOURCES

> Section 1—Marine Resources. The marine resources in the waters off the coast of the Commonwealth over which the Commonwealth now or hereafter may have any jurisdiction under United States law shall be managed, controlled, protected and preserved by the legislature for the benefit of the people.
>
> Section 2—Uninhabited Islands. . . . The islands of Maug, Uracas, Asuncion, Guguan and other islands specified by law shall be maintained as

uninhabited places and used only for the preservation and protection of natural resources, including but not limited to bird, wildlife and plant species.

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

If enacted as introduced, S. 256 would become a public law enacted subsequent to the creation of the monument. S. 256's amendments to the Territorial Submerged Lands Act would convey to the CNMI the submerged lands surrounding Uracas, Maug, and Asuncion without addressing the effect of this conveyance on the administrative responsibilities of the Department of the Interior and the Department of Commerce. Presidential Proclamation 8335 assigned management responsibility of the Marianas Trench Marine National Monument to the Secretary of the Interior, in consultation with the Secretary of Commerce. The proclamation further states that the "Secretary of Commerce shall have the primary management responsibility . . . with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801 et seq.) and any other applicable authorities." The proclamation provides that submerged lands that are granted to the CNMI "but remain controlled by the United States under the Antiquities Act may remain part of the monument" for coordinated management with the CNMI. As envisioned by the Presidential Proclamation establishing the Marianas Trench Marine National Monument, the Administration is proposing an amendment to ensure that the outstanding resources in the waters surrounding the CNMI's three northernmost islands remain protected. Thus, the Administration recommends that language be included in S. 256 referencing the coordination of management contemplated within the Proclamation prior to the transfer of the submerged lands within the Islands Unit of the monument to the CNMI. This language is intended to protect the Islands Unit of the monument and at the same time acknowledge the prescient and historic conservation effort of the leaders and people of the CNMI in protecting Uracas, Maug, and Asuncion, and their surrounding waters.

The Administration recommends that S. 256 include an amendment to subsection (b) of section 1 of the Territorial Submerged Lands Act, Public Law 93-435, 48 U.S.C. 1705, as follows:

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

The Department of the Interior strongly supports S. 256 if it is amended to include the legislative language provided. The Department of the Interior looks forward to the Commonwealth of the Northern Mariana Islands gaining rights in surrounding submerged lands similar to those accorded her sister territories.

ON S. 360

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 360, a bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the values of public service.

The Administration strongly supports S. 360 which promotes environmental stewardship while providing job skill development to succeed in the 21st century workforce. This bill would strengthen and facilitate the use of the Public Land Corps (PLC) program, helping to fulfill the Administration's commitment to build a 21st Century Conservation Service Corps (21 CSC)-a national collaborative effort encouraging young people across America to serve their community and their country. During the last two Congresses, the Department testified in support of similar bills. While we appreciate many of the revisions since the 111th Congress' version that are reflected in S. 360, we would like to have the opportunity to work with the committee on the amendments described in this statement and any additional issues that we identify as we continue our review of the bill.

Engaging America's Youth Through Service

While there are other federal programs that promote service, expanding the use of the Public Land Corps is particularly important because it also serves other high-priority goals. Specifically, enactment of this legislation will help pave the way to meeting one of the goals of the President's America's Great Outdoors initiative—to develop a 21st Century Conservation Service Corps. In January 2013, leaders of eight federal departments and agencies signed an agreement setting up a national council to guide implementation of the Administration's 21CSC—a national collaborative effort to put America's youth and returning veterans to work protecting, restoring and enhancing America's great outdoors. By signing the Memorandum of Understanding, the Secretaries of the Interior, Agriculture, Commerce, and Labor, as well as the EPA Administrator, Chair of the President's Council on Environmental Quality, CEO of the Corporation for National and Community Service and Assistant Secretary for the Army (Civil Works) established the National Council for the 21CSC-fully implementing the first recommendation of the America's Great Outdoors Initiative introduced by President Obama in 2010. The National Council works across the federal government to support the 21CSC by enhancing partnerships with existing youth corps programs that utilize PLC around the nation; stimulating existing and new public-private partnerships; and aligning the investment of current federal government resources.

Building on the legacy of President Roosevelt's Civilian Conservation Corps during the Great Depression in the 1930s, the 21CSC will help build and train a workforce that fully represents the diversity of America while creating the next generation of environmental stewards and improving the condition of our public lands. The 21CSC focuses on helping young people—including diverse, low-income, underserved and at-risk youth, as well as returning veterans—gain valuable training and work experience while accomplishing needed conservation and restoration work on public lands, waterways and cultural heritage sites.

S. 360 would help both the Department and our sister agencies, USDA and the Department of Commerce, offer expanded opportunities for our youth to engage in the care of America's Great Outdoors, consistent with efforts to fully implement the 21CSC. Additionally, the PLC program helps the Department implement critical cost-effective conservation projects that have direct positive impacts for the agency and the public. This legislation will also help the Department fully implement the 5-Year Plan for Pathways in Science, Technology, Engineering and Math (STEM).

Background on Public Land Corps Program

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

The National Park Service makes extensive use of the Public Land Corps Act. This authority is used for the majority of all NPS youth work projects that utilize a non-profit youth-serving organization as a partner. In FY 2012, 1,699 employment opportunities were created through the projects undertaken by these partner organizations. Many of these projects were for maintenance and ecological restoration purposes. The NPS receives a 25 percent cost match from the participating partner organizations. During FY 2012, the NPS spent approximately $14 million on youth conservation projects that engaged qualified non-profit youth serving organizations. Funding for these projects included Service-wide fee revenue, Youth Partnership Program, Cyclic Maintenance, Repair/Rehab, and park-based funds. The NPS has developed a Cyclic Maintenance/Repair Rehab Youth Initiative that is designed to increase the number of maintenance projects that are performed by youth partner organizations. Once this initiative is fully implemented in 2014, NPS expects to dramatically increase the number of employment opportunities for youth. Parks have been instructed to identify maintenance projects could be set aside for PLC youth partner organizations. Parks were also asked to identify historic rehabilitation projects that could be performed by youth partner organizations. A special task force comprised of senior NPS facility managers has been formed to implement this initiative.

In 2011, the NPS and the Student Conservation Association began an innovative PLC partnership to introduce college students of color to professional opportunities in the NPS. This year, 72 students participated in week-long orientation sessions at the Grand Tetons National Park and the Great Smoky Mountains National Park and in Alaska. These sessions offered a behind the scenes experience of how national park units are managed through seminars, workshops and other hands on activities that focused on the importance of culture, diversity and resource stewardship. They were introduced to the myriad of career opportunities in the NPS that include facilities management, fire and rescue, administration, resource management and visitor education. Those successfully completing their orientation are given the opportunity to serve in a 12-week paid summer internship at a national park site. The interns are provided a NPS mentor who gives advice, guidance and information regarding employment opportunities in the NPS.

The Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service (FWS) also have a long history of employing young people through the Youth Conservation Corps (YCC) and through the Student Conservation Association (SCA) and other youth service and conservation organizations for a wide array of projects related to public lands resource enhancement and facility maintenance under the Public Lands Corps Act. Though most Corps are affiliated with the nationwide Corps Network, they are often administered at the State, rather than national level. The FWS and the SCA have partnered for over 20 years to offer work and learning opportunities to students. In FY 2012, 278 SCA interns and 476 other corps members served in 50 states and 3 territories to help the FWS achieve its resource management goals.

The BLM has engaged the services of non-profit youth service corps for many years under financial assistance agreements at the state and local level. In 2012, the BLM supported 2,100 youth employees through non-profit youth service corps organizations. They participated in a variety of conservation service activities such as recreation and river management, historic building restoration and maintenance, inventory and monitoring of cultural resources, wilderness, rangeland, and renewable energy compliance; native seed collection and invasive species control, and visitor services, including education and interpretation.

In Arizona, as part of Project ROAM (Reclaim Our Arizona Monuments), a crew from the Southwest Conservation Corps spent two weeks rehabilitating and decommissioning up to 10 miles of illegal smuggling roads in the Sonoran Desert National Monument.

In Harney County, Oregon, the Oregon Youth Conservation Corps, which was established by the Oregon Legislature to increase educational, training, and employment opportunities for youth, engaged high school crews in such projects as improving trails, fences, campgrounds, signs, and landscaping. The crews have also removed non-native plants and weeds, cleaned up fire lookouts, and helped install wildlife guzzlers.

The FWS manages 561 units of the National Wildlife Refuge System that cover over 150 million acres of land and waters, as well as over 70 National Fish Hatcheries, which would directly benefit from programs authorized under S. 360. National Wildlife Refuges and National Fish Hatcheries enjoy strong relationships with the local communities, and are involved in many community-based projects that help maintain sustainable landscapes. The FWS's work is also supported by over 200 non-profit Friends organizations that assist in offering quality education programs, mentoring, and work experience for youth.

In 2012, the FWS employed 1325 youth employees through 90 partners that include local, State, and non-profit youth service corps. The FWS also provided funding for a YCC program that hired 709 teenagers. The FWS has working relationships with numerous colleges and universities for students interested in pursuing careers in fish and wildlife management.

The Public Lands Service Corps Act of 2013

S. 360 would make several administrative and programmatic changes to the Public Land Corps Act. These changes would encourage broader agency use of the program, make more varied opportunities available for young men and women, and provide more support for participants during and after their service. Appropriately, S. 360 would change the program's name to Public Lands Service Corps, reflecting the emphasis on "service" that is the hallmark of the program. President Obama is committed to providing young people with greater opportunities and incentives to serve their community and country. Through an enhanced Public Lands Service Corps, we would be taking a critical first step that direction.

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

- Adding the Department of Commerce's National Oceanic and Atmospheric Administration, which administers national marine sanctuaries and conservation programs geared toward engaging youth in science, service and stewardship, as an agency authorized to use the program;
- Establishing an Indian Youth Corps so Indian Youth can benefit from Corps programs based on Indian lands, carrying out projects that their Tribes and communities determine to be priorities;
- Authorizing a departmental-level office at the Department of the Interior to coordinate Corps activities within all the participating bureaus;
- Requiring each of the three relevant departments to undertake or contract for a recruiting program for the Corps;
- Requiring a training program for Corps members and identifying specific components the training must include;
- Identifying more specific types of projects that could be conducted under this authority;
- Allowing participants in other volunteer programs to participate in PLC projects;
- Allowing agencies to make arrangements with other federal, State, or local agencies, or private organizations, to provide temporary housing for Corps members;
- Providing explicit authority for the establishment of residential conservation centers;
- Authorizing agencies to recruit experienced volunteers from other programs to serve as mentors to Corps members;
- Adding "consulting intern" as a new category of service employment under the PLC program;
- Allowing agencies to provide living allowances, as established by the applicable Secretary, and to reimburse travel expenses;
- Allowing agencies to provide non-competitive hiring status for Corps members for two years after completing service, rather than only 120 days, if certain terms are met; and
- Allowing agencies to provide job and education counseling, referrals, and other appropriate services to Corps members who have completed their service.

We believe that the Department's program would benefit from enactment of this legislation. As noted above, most PLC projects are designed to address maintenance and ecological restoration needs, and those types of projects would continue to be done under S. 360. However, this legislation specifies a broader range of potential projects, making it likely that Corps members could become involved in such varied activities as historical and cultural research, museum curatorial work, oral history projects and programs, documentary photography, public information and orientation services that promote visitor safety, and activities that support the creation of public works of art. Participants might assist employees in the delivery of interpretive or educational programs and create interpretive products such as website content, Junior Ranger program books, printed handouts, and audiovisual programs.

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

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

The Public Lands Service Corps would also offer agencies the ability to hire successful corps members non-competitively at the end of their appointment, which would provide the agency with an influx of knowledgeable and diverse employees as well as career opportunities for those interested in the agencies' mission. Such hiring authority is an especially valuable tool for the Department to realize its goals spelled out in the "STEM Education and Employment Pathways Strategic Plan." Refuges and hatcheries, for example, are uniquely qualified to connect with local communities since the Service has so many refuges across the country that are located near smaller communities and can directly engage urban, inner city, and rural youth. For example, partnering academic institutions are beginning to offer aca-

demic certificate programs to enhance the students' work experience and marketability for securing full-time employment in both the federal and non-profit sectors, thereby providing orientation and exposure to a broad range of career options.

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

Recommended Changes to S. 360

As noted at the start of this statement, we appreciate the changes that have been made since the legislation was first introduced in the 111th Congress, and are reflected in S. 360. However, the Administration recommends the following amendments to this bill:

1) Hiring preference

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

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

Under current law in the case of resource assistants, and under S. 360 in the case of consulting interns, sponsoring organizations are required to cost-share 25 percent of the expenses of providing and supporting these individuals from "private sources of funding." The Administration recommends giving agencies the ability to reduce the non-federal contribution to no less than 10 percent, only if the Secretary determines it is necessary to enable a greater range of organizations, such as smaller, community-based organizations that draw from low-income and rural populations, to participate in the PLSC program. This would make the cost-share provisions for resource assistants and consulting interns parallel to the provisions under the bill for other PLSC participants.

3) Definition of Eligible Public Lands

The Administration recommends technical amendments to clarify the definition of "Eligible service lands" to include non-federal lands. An expanded definition of eligible service lands to include federal, state, local and privately-owned lands would provide additional flexibility in carrying out conservation projects on non-federal lands with willing landowners.

4) Agreements with Partners on Training and Employing Corps Members

The Administration recommends striking the provision in S. 360 that would allow PLSC members to receive federally funded stipends and other PLSC benefits while working directly for non-federal third parties. The need for this language is unclear, since agencies already have flexibility in how they coordinate work with cooperating associations, educational institutes, friends groups, or similar nonprofit partnership organizations. Yet, the language could raise unanticipated concerns over accountability, liability, and conflicts of interest. For example, this language could allow an individual to receive a federally funded stipend under a PLSC agreement, and then perform work for a different non-federal group (such as a cooperating association) that is subject to agency oversight under different agreements. This language could blur the lines of responsibility that have been established in response to IG concerns over the management of cooperating associations and friends groups.

5) Participants/Terms

The Administration recommends striking the provision in S. 360 that would limit the terms of service of Corps participants. This would retain the authority provided for in current law which provides for administrative flexibility in determining the appropriate length of service for Corps participants.

6) Authorization of Appropriations

The Administration recommends amending S. 360 to eliminate the $12 million authorization ceiling for the program under existing law. This would allow for an increased funding for the program in the future, as the three Departments increase their use of the Public Lands Service Corps.

The Department and its bureaus, along with its sister agencies are presently working together to: establish a 21CSC; improve federal capacity for recruiting, training and managing volunteers and volunteer programs to create a new generation of citizen stewards; and improve career pathways and to review barriers to jobs in natural resource conservation and historic and cultural preservation. The pro-

posed amendments to the Public Lands Service Corps Act will support these efforts to fully implement the President's America's Great Outdoors initiative.

Finally, the Department of Labor also is reviewing S. 360 to ensure child labor protections apply for participating youth, and will address any concerns it has directly with the Subcommittee.

Senator MANCHIN. Thank you so much.

With that we'll open up to the committee, to the Senators, to see if they have any questions.

Senator Barrasso.

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

Mr. Peña, first on the Grazing Improvement Act. I really appreciate your general support and positive testimony and just ask if you'll commit to working with my staff to resolve the outstanding issue with the use of categorical exclusion when they shouldn't be used.

Mr. PEÑA. We would enjoy doing that.

Senator BARRASSO. Thank you very much. I appreciate that.

Now, I'll like to turn to you, Ms. Connell, on the same topic about the grazing bill and your primary objections is also the use of categorical exclusions to comply with NEPA.

You know, in 2007 the Bureau, the Bureau of Land Management, actually established the categorical exclusion for issuing grazing permits and leases that meet certain criteria tied to land health. The categorical exclusion was established following public comment and consultation with the Council on Environmental Quality and the preparation of a full analysis by your agency of grazing permit activities. The categorical exclusion in my bill largely tracks the language in the BLM established categorical exclusion. BLM used this categorical exclusion up through 2009.

In 2009 BLM permanently suspended its use of the categorical exclusion pursuant to a stipulated settlement agreement with an environmental activist group called Western Watersheds. This group actually received $43,000 of taxpayer money for their attorney's fees related to this. So once again this Administration, in my opinion, allowed an environmental group to determine its decision making.

My question is does the BLM still stand behind the categorical exclusion it established in the analysis and rationale it used to support its establishment in 2007?

Ms. CONNELL. Thank you for your question. The BLM and the Department of the Interior would in fact like to have a categorical exclusion opportunity for our grazing permit renewal process. We would just prefer that it be a discretionary action as opposed to, what I understand to be, mandatory as the way it's worded in the existing bill.

Senator BARRASSO. So then I can ask—can I ask for your commitment in working with my staff to address this issue of NEPA compliance and the other specific language and concerns that have been raised in your testimony?

Ms. CONNELL. We would look forward to working with you on this bill.

Senator BARRASSO. I'm very glad to see the BLM's testimony on the Good Neighbor bill. The BLM recognized how replacing the immediately adjacent requirement for State and Federal lands within the same watershed could be beneficial in watershed restoration

projects and enhance the effectiveness of landscape scale treatment. So I'm grateful for that.

Mr. Peña, with regarding that Good Neighbor Forestry Act since 2009 both the Forest Service and the BLM have testified in support of the Good Neighbor concept. But have suggested that further study was necessary. I'm happy to see today that further study of the issue is not raised in your testimony and now only minor technical corrections remain.

So can you briefly outline for me maybe what those technical corrections are and if you don't have a list, that's OK. We can visit together about dealing with those.

Mr. PEÑA. Yes, Senator Barrasso. I'm glad that we're here too. We don't need to do any more study, I think.

The main thing that we want to do is be able to, within the Administration, reconcile how the labor laws would be reconciled between State and Federal agencies. I think the wording in the bill has come a long ways in being more clear and help us reach a place where we can move forward together. We'd be happy to work with your staff on those technical issues.

Senator BARRASSO. Thank you.

Mr. Chairman, maybe in the interest of time I have a couple other questions. I'll just submit those for written answers if that's alright with you?

Senator MANCHIN. Thank you, Senator. Absolutely.

Senator BARRASSO. Thank you.

Senator MANCHIN. Senator Heinrich.

Senator HEINRICH. Thank you, Chairman.

I probably should have mentioned this while our colleagues from Nevada were here. But as a testament to the local support for the Lyon County bill even my own Aunt in Yerington called me to ask me to support it. So they seem to be covering their bases.

I want to talk a little bit about FLTFA and ask Ms. Connell a question with that regard.

As you know in New Mexico we have a lot of places where, like a lot of Western States, where State trust lands are scattered through holdings of Federal lands. The BLM in New Mexico spends quite a lot of time and energy trying to work on exchanges and if it's a more appropriate question for you, Mr. Rountree, feel free to jump in. But a lot of time and energy on exchanges between the State and the Department of the Interior to try and resolve that so that we're using our limited management funds efficiently on both those landscapes, on the State lands and on the Department of the Interior lands.

Can you talk a little bit about how FLTFA would help resolve those State inholdings while maintaining the principle of land for land that is important in exchanges?

Mr. ROUNTREE. Yes, sir, I'd be happy to.

Exchanges aren't the most efficient way of conducting land tenure adjustments.

There's usually two appraisals that are required.

There's all sorts of clearances that are required.

There's also trying to alleviate any discrepancies that there might be on appraisals.

There may be some lands that we are interested or uninterested in acquiring through exchange.

It is a valuable tool. It's not one of the most efficient.

One of the things we cannot do with the Land and Water Conservation Fund is to acquire State lands. One of the outstanding attributes of using FLTFA is our ability to do so. There's simply not enough money under the Land and Water Conservation Fund to buy lands from willing sellers across the country. This is certainly a more efficient way of doing that at the same time being able to acquire many of the inholdings in areas like the Rìo Grande del Norte.

Senator HEINRICH. Great.

Mr. Chairman, I mentioned one other thing in regard to that. You know, when I was on the House side I sat on the Natural Resources Committee with a number of members from the intermountain west. One of the things that I think attracted people like Congressman Bishop and Congresswoman Lomas and others to the FLTFA model that didn't necessarily, who weren't necessarily fans of the Land and Water conservation fund in some circumstances, is the idea of quality to over quantity and being able to really focus the resources to places that were productive for the public that produced a lot of wildlife values, for example. That it actually facilitates a faster—facilitates the Bureau of Land Management doing a quicker job of disposing of lands that are no longer meet their requirements for what they're looking for for their own inholdings or holdings, I should say.

So I very much look forward to continuing to work with the Department of the Interior to see this move forward. Sure appreciate you holding this hearing today. One last thing, I just want to thank the Department for their work with the local community in Taos and Rìo* Arriba Counties on the Rìo Grande del Norte designation.

Senator MANCHIN. Thank you, Senator.

Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

Mr. Peña, thank you for your comments on S. 736. This is the Subsistence Cabin Fee bill. If I understand your statement here today you do believe that the Forest Service has the authority to address these fees and will be doing so administratively. Is that a correct summation?

Mr. PEÑA. Yes.

Senator MURKOWSKI. OK.

Mr. PEÑA. Yes.

Senator MURKOWSKI. I look forward to working with you to resolve that and appreciate your efforts on that.

In turning to the Sealaska bill, S. 340, I appreciate your recognition of the importance of this bill and the fact that the Forest Service does support the principle objective as I have outlined in my statement.

Ms. Connell, your statement as well that the BLM does support the goal of Sealaska.

I think we recognize that 40 years is a long time to wait for conveyances. I know that there were a lot of extenuating circumstances in between. That has caused concern.

But the effort to get this resolved is an important one. The work that has gone on now for well over 2 years, well over 2 years, you used the word diligent work, Mr. Peña, and I do believe that that has been the case not only from those of you within the agencies, our staffs, the members, again, working with stakeholders and interest groups. It has been a long time coming. I am hopeful that we are close to being able to resolve this.

I appreciate your statements, Mr. Peña, that you believe that this legislation would be in your words. "Our full and final satisfaction of the Sealaska claims and speak to the issue of this being a unique situation for Sealaska as the last of the Native Corporations to receive their full conveyances under ANCSA." That in the Forest Service opinion this is unique and that it is not precedent setting.

That has been an issue that has been raised back home. It is an issue that has been raised by others. I think it is important that we have worked diligently throughout this process to ensure that it is not precedenting that it would not allow for a reopener, if you will. So I think that's important to put that out on the record here.

Ms., am I pronouncing it right? Is it Conell or Connell?

Ms. CONNELL. Actually either way. It depends on who you ask in my family.

[Laughter.]

Senator MURKOWSKI. I'm asking you today. So let's call it, Conell.

Ms. CONNELL. That sounds good.

Senator MURKOWSKI. Ms. Connell, I appreciate your statement, again, a brief statement, but supporting, clearly, the goals that we're trying to accomplish with this legislation and the reference there that you defer to the Forest Service and their statements. I appreciate that because I will admit that when I read your testimony that we received late last evening, I was concerned because there were two points that were raised.

One as to the issue of precedent.

The other as it related to, kind of, the issue of endangered species.

I just want to make sure that we're all in agreement in terms of where BLM is coming from in terms of its support.

Again, I noted that over the course of these years we've made some 175 changes. We have worked with the Department of the Interior and USDA to meet their concerns. We've been assured in the past that we had met those.

We did consult with BLM and used exactly the acreage numbers that your folks gave us to settle on the final entitlement. We worked with Forest Service, who, I'm told, consulted with Fish and Wildlife to resolve the Endangered Species Act concerns. We substantially modified those timber conveyances so that Sealaska is now taking 4 times less acreage that contains the old growth.

So when we're talking about the goshawk and the wolf listing that we have addressed. Those concerns, that was important. We did modify the language to specifically say that this is full and final satisfaction of Sealaska's remaining land entitlement.

Then also, to meet the Department's concern that somehow or other this was going to be precedent setting, we went around and contacted all of the Native Corporation's Heads, gained assurance that they understood the very unique situation that Sealaska faces.

That they do not consider this bill as some kind of a precedent and understand that the 2004 Alaska Land Transfer Acceleration was a firm deadline for them.

So I just want to make sure then, Ms. Connell, that you, when you say that you do defer to the Forest Service in terms of their recommendation, that you would agree that Sealaska's situation is unique. It will not be establishing a precedent for reopening into the future for other Native Corporations.

Ms. CONNELL. I appreciate your concern with our late night submittal of our testimony. certainly I can understand where they can be some confusion created there.

First I would like to say that we very much appreciate all the hard work that's been done on this bill over the years that it's been worked on. The improvements have been vast. We definitely appreciate that and do defer to the Forest Service.

It is my understanding that our comments are simply stating that we can't give an absolute on some of the issues that were brought up, an absolute that another corporation wouldn't come in and ask for some type of similar treatment or an absolute that it couldn't create an opening for a new determination or consideration for the listing of a species. That was simply the intent of our comment.

Senator MURKOWSKI. It had appeared that it was language that had been resurrected from the comments that we received back in 2009 and 2011. Of course, that was ancient history in terms of where we were then and where we are now.

So given, again, the very direct assurances contained in the legislation that it is full and final satisfaction of Sealaska's remaining land entitlements. What we have done to really address, to the fullest extent possible, the issue of making sure that we don't run into issues with endangered species. I think it is important to recognize the extent that all the parties went to to resolve these 2 areas.

So I hear your qualification there, but would you not agree that we have worked aggressively to address these, not only these two concerns in terms of precedent setting, but the Endangered Species Act, but so many of the other concerns that had been raised initially?

Ms. CONNELL. Yes, Senator. We would definitely agree that you have made improvements in these areas. Working closely with the Forest Service and on behalf of the Fish and Wildlife Service, we appreciate the hard work and the significant improvements that have been made in this bill.

Senator MURKOWSKI. Let me ask you, Mr. Peña, this relates to the CMAI issue. You have noted that this is the outstanding issue. We know that we've been going back and forth, but in terms of a waiver for a limited amount of young growth that would then accepted from CMAI.

You've indicated you want to work with us to resolve this outstanding issue. I appreciate that. I also recognize though that you're saying that this is going to be necessary to make this whole transition to second growth work.

But I'm kind of looking at this and saying, this is only about half true because the waiver doesn't really do anything to keep the timber industry alive there in Southeast. What we need down there

is a steady supply. We need the long term old growth supply commitment for the existing mill so that we can keep them alive, essentially, until we're able to transition to the young growth timber.

So the question to you would be, how does the CMAI exemption actually make this transition, the Tongass transition plan work?

Mr. PEÑA. I don't think the Tongass transition is just predicated on the CMAI. I think where were coming from is because of the number of more mature, second growth stands that will be conveyed to Sealaska, that we had hoped would be able to be part of our transition, beginning that transition earlier than what we had planned. The few acres or the acres that we'd be able to use the exemption on would reduce that gap where we'd have to be relying on old growth timber for more of an extended period of time.

It's my understanding that the transition is over time. So right now the sales that we're putting up are predominately going to be old growth type sales. They will be into the future. The ability for us to make the transition and to lay out a plan that where all parties can see that we will be moving toward a second growth economy over time, I think is part of the mix of being able to get the support for the near term use of old growth looking at being able to speed up, as quickly as we can, a transition.

It's my understanding that transition is over 15 to 20 years.

Senator MURKOWSKI. Right.

Mr. PEÑA. So that's, what we're hoping is, adequate time for industry to make the shift toward second growth. I would expect even when we're 15 to 20 years out, we're still going to need to rely on some portion of old growth to maintain that harvest level that's going to maintain a viable industry there. That's what we're all committed to doing with both the Tongass transition as well as looking at what would be needed for the limited exemption for the CMAI. We've got to come up with a different acronym.

Senator MURKOWSKI. I know it's a tongue twister.

But this is what we've been trying to do is get some commitment from the Forest Service that can be offered up to the existing mills with respect to this old growth supply so that they can make this transition. It's been difficult to get that level of commitment. We had Chief Tidwell before the committee here last week, I guess it was. It's been hard.

So, we understand what you're talking about within the transition. I appreciate that you recognize that this is not something that we could flip the switch on. It's a 20 year deal.

So how, again, we keep this industry alive in the interim is what I think we're all trying to work through. So I would ask that you and your folks within Forest Service work with us on this Sealaska bill to resolve this CMAI issue. Hopefully allow us to move forward with the Sealaska Lands bill.

I gave the full title. The second half to this title is a jobs protection act because we recognize that this will allow for a small continuation of some of that industry, an industry that is struggling in Southeastern Alaska. If this legislation can't go through truly those timber jobs are no longer there to make this transition to where Forest Service wants to go.

So I appreciate your offer to work with us on this. I think we just have a little bit more to go, but I would hope that between yourself,

Ms. Connell at BLM, we can get this finally resolved and end the 40 year transition that it's taken to get Sealaska to this point.

So we need you to work with us. But I appreciate what you have done to this point in time.

Mr. Chairman, I am well over my time. I have one more question to ask on the Small Miners. Is that OK?

Senator MANCHIN. Absolutely. Absolutely.

Senator MURKOWSKI. Alright. Thank you for your indulgence.

This is back to you, Ms. Connell. This is regarding the Small Miner bill.

I guess I'm just kind of struggling to try to figure out what we do when we had initially introduced this bill there were several different small miners that were in a similarly situated situation. One of them has been addressed. Now we're still trying to figure out how we address, what I think, is an inequity or unevenness in the system. You've got a poor guy out there. Now, it's a private relief bill because it's just one.

I still am trying to figure out why the BLM feels that the language that says that miners should have the ability to cure any defect for any reason doesn't apply to this primary, you know, the defect in the first place which is not having the application or the related work claim affidavits being recorded and filed in a timely manner. So I'm still pushing on this because I think that there is an issue within the system where it failed. How we might be able to address it is what I am still struggling with.

So I hear what you're saying about costly treatment if you have to provide for this system wide notification. I would ask that you all work with me, work with my staff, to try to fashion what we would consider to be a fair solution for these Alaska cases where we've got a small miner and just kind of gets caught in the requirements that are out there.

I appreciate that we've got to have the requirements, but it seems to me that we had a fatal flaw in the first place. We haven't been able to get around that. I'd like to be able to see if there isn't someway that we can address this matter and bring this one to a conclusion as well.

Ms. CONNELL. We would be happy to continue working with you on this matter.

Senator MURKOWSKI. I appreciate that.

Again, to both of you, all of you within your respective agencies, thank you for your efforts in helping us on the Sealaska Lands Provision bill. It is a very important bill to me. It's a very important bill to so many Alaskans.

As I mentioned this is not a perfect one where everybody is walking away happy. But I think that it is recognized that good faith effort was made by everyone from Sealaska, to the communities, to the fishermen, to the sportsmen, to the recreationists, to the folks in the agencies and I really appreciate the efforts that have been made.

Thank you, Mr. Chairman. Look forward to moving things out from here.

Senator MANCHIN. Thank you, Senator.

If there are no further questions I'd like to thank all of our witnesses today for their testimony this afternoon.

Some members of the committee may submit additional questions in writing. If so, we may ask you to submit answers for the record.

We will keep the hearing record open for 2 weeks to receive any additional comments.

Senator MANCHIN. The committee is adjourned.

APPENDIXES

APPENDIX I

Responses to Additional Questions

RESPONSES OF JAMIE CONNELL TO QUESTIONS FROM SENATOR MURKOWSKI

Question 1. According to your testimony and the Forest Service's, on S. 255, the North Fork Watershed Protection Act, there are 39 existing leases or claims in the North Fork comprising 56,117 acres and 18 existing leases or claims in the Middle Fork comprising 8,595 acres. Please provide a map of the withdrawal area, as described in S. 255, displaying the location of all the existing leases or claims.

Answer. In response to your request, a map has been provided to your staff. Please note, the acreage of the 18 existing leases in the Middle Fork should be corrected to 8,482 acres.

Question 2. Has the Department of the Interior inventoried the oil and gas resources underlying the federal lands proposed for withdrawal in S.255? If so, please provide the estimates of oil and gas. If not, why not?

Answer. The Department has not completed an inventory or exploratory assessment of the oil and gas resources in the North Fork Watershed. However, the USGS National Oil and Gas Assessment (NOGA), a geology-based assessment of oil and gas potential across the country, has included this area. The assessment unit containing the North Fork Watershed is known as the "Montana Thrust Belt" and covers the Western third of Montana.

The 1995 USGS NOGA assessment stated of this area:

- "[U]nlike the adjacent and contiguous Alberta Foothills Belt to the north, the Montana Thrust Belt has failed to yield appreciable hydrocarbons in spite of more than 80 years of exploration and wildcat drilling."
- "Federal lands withdrawn from exploration [e.g., Glacier National Park and National Forest Wilderness] are generally west of the mountain front in areas analogous to those in Alberta that have not yielded hydrocarbons."
- "Altogether fewer than 80 wildcat wells have resulted in the discovery of three minor gas fields."

The 2002 USGS NOGA assessment:

- Provided more quantitative data, though all of it is predicted based on geologic characteristics (the Department does not conduct exploratory assessments as part of the NOGA)
- Estimated 8.6 trillion cubic feet of gas (mean) for the entire Montana Thrust Belt (range from 1.1 tcf to 20.7 tcf).
- Echoes the 1995 report that carbon dioxide may be a significant contaminant, especially in the Northwest, which includes the North Fork.

Question 3. If S.255 were enacted into law, could the valid existing leases or claims be explored or developed? If so, please describe under what conditions those existing leases or claims could be explored or developed. (What would be the process?)

Answer. S. 255 would withdraw all Federal lands in the North Fork watershed of the Flathead River from all forms of location, entry, and patent under the mining laws and from disposition from all laws related to mineral and geothermal leasing. This means that the BLM would be prohibited from issuing new leases and the lands would not be available for location of additional mining claims. S. 255 does not impact development of valid existing leases and development on valid, pre-existing claims could continue.

The 39 valid, existing oil and gas leases within the North Fork Watershed and the 18 in the Middle Fork Watershed of the Flathead National Forest have been suspended since 1985 due to litigation. The Conner v. Burford decision required the Forest Service to prepare an Environmental Impact Study (EIS) under the National Environmental Protection Act before authorizing any surface disturbing activities on the affected leases. The leases will remain suspended, at least until the Forest Service completes the EIS addressing the court's decision in Conner v. Burford.

S. 255 does not affect future leases for "saleable" minerals, such as sand and gravel.

Question 4. In your opinion, what is the likelihood that the existing leases or claims will ever be developed if S. 255, is enacted into law?

Answer. S. 255 as written does not affect valid existing rights. Whether or not development will occur on valid existing leases or claims will depend on a number of factors. If the suspension is lifted, the BLM will work with the Forest Service to honor the valid existing rights and to guide development of the leases.

Question 5. In your written testimony on S.368, the Federal Land Transaction Facilitation Act, you recommend eliminating the date restriction on identifying lands eligible to be sold through the FLTFA process, rather than simply moving the date forward. Please explain why BLM is making this recommendation.

Answer. The BLM currently oversees the public lands through 157 Resource Management Plans (RMPs). These include more than 75 RMP revisions and major plan amendments since 2000. Additionally, the BLM is currently involved in planning efforts on 57 new RMPs that the bureau expects to complete within the next three to four years. Planning updates are an ongoing part of the BLM's mandate under FLPMA. In this process, the BLM often makes incremental modifications to the plans, and identifies lands that may be suitable for disposal. All of these planning modifications or revisions are made in compliance with the National Environmental Policy Act, and are undertaken through a process that invites full public participation. If the enactment date is again utilized as the cut-off date, lands identified as suitable for disposal after the enactment date and later sold would occur outside the FLTFA process. Eliminating the restriction to provide more flexibility on the lands eligible for FLTFA and would allow the BLM to maintain a more consistent program over time.

RESPONSES OF JAMIE CONNELL TO QUESTIONS FROM SENATOR BARRASSO

Question 1. On March 25, 2013, the President proclaimed the establishment of the 242,555 acre Rìo Grande del Norte National Monument in New Mexico. S. 241, the Rìo Grande del Norte National Conservation Area Act, instead would establish the Rìo Grande del Norte National Conservation Area. Can you explain what the BLM sees as the differences between a National Monument and a National Conservation Area? What are the differences in BLM management? How are each funded?

Answer. Both National Conservation Areas (NCAs) and National Monuments can and have been designated by Acts of Congress, and the BLM manages these units consistent with Congressional direction. The President can also designate an area as a National Monument under Antiquities Act authority. Neither NCAs nor National Monuments can be designated administratively by the Department or agency. Both NCAs and National Monuments are typically designated to conserve, protect, and enhance the unique resources and values for which they were designated, as well as other purposes, including public enjoyment and encouragement of partnerships. The BLM plans for and manages National Monuments and National Conservation Areas similarly in that both are governed by the FLPMA, go through public processes for land use planning, and follow other laws and policies applicable to other public lands in accordance with the enacting legislation or proclamation. Base funding for both NCAs and National Monuments is provided through the specific budget line item ("subactivity") for National Monuments and National Conservation Areas. Additional funds may be provided through other subactivities including the land use planning, range management, recreation, and others subactivities, depending on specific circumstances.

Question 2. In your written testimony on S. 353, the Oregon Treasures Act, with respect to the Rogue Wilderness proposal, you suggest managing approximately 500 acres on the north-side of the Rogue River, that you state does not meet the criteria to be designated as wilderness,(due to past logging activities and existing primitive roads), as "potential wilderness. " You then go on to explain that as part of that management you would in your words: "actively restore.these lands to move them toward wilderness conditions . . . " What are "potential wilderness" areas? If an area does not currently meet the criteria to be designated wilderness, how can it managed to gain such characteristics?

Answer. The Congress first established a "potential wilderness" in 2006 with the designation of the Elkhorn Ridge Potential Wilderness Area under Public Law 109-362. That law directed the BLM to either actively or passively provide for the restoration of these public lands before designating them as wilderness. In January 2011, the BLM determined no additional restoration of the Elkhorn Ridge area was necessary as the area had naturally rehabilitated itself. The area formally became wilderness upon publication of the required Federal Register notice, as provided for in Public Law 109-362.

In this case, there are 500 acres of non-wilderness within a large wilderness area. While the area currently has roads from prior logging, it would be possible and perhaps advantageous either to passively or actively restore this area to a more natural state for purposes of manageability. At that point it would make sense to include those lands within the larger, surrounding wilderness.

RESPONSES OF JIM PEÑA TO QUESTIONS FROM SENATOR MURKOWSKI

Question 1. In your testimony on S. 736, the Alaska Subsistence Protection Act, the Forest Service contends that it has existing authority to change the fees charged for special use permits authorizing the use of cabins, as required by the bill. What is the actual authority the Forest Service has to change the fees? Please provide the legal citation, if applicable.

Answer. 36 CFR §251.57(a) directs the Forest Service to collect annual rental fees for special-use authorizations, and to base such fees on fair market value. The Alaska Region publishes its fee schedule annually in a regional supplement to Forest Service Handbook (FSH) 2709.11, Chapter 30.

When there are specific reasons for adjusting or changing fees from the established fee schedule, such adjustments are made following direction in FSH 2709.11, Section 31.5. The handbook allows Regions to establish fees when there is no national rate system, or schedule for a particular use.

Although Congress stated in FLPMA that the general policy of the United States is to charge fair market value for use of its lands or their resources, there are several provisions in ANILCA that may reasonably be interpreted as providing exceptions to the general policy. Section 1303(d) of ANILCA (16 U.S.C. 3193(d)), dealing with cabins, authorizes the renewal of cabin leases or permits ″in accordance with the provisions of the original lease or permit, subject to such reasonable regulations as [the Secretary] may provide.″ This provision may be a reasonably interpreted to authorize, for example, a yearly fee of $10 if an original permit or lease had an annual fee of $10.

Section 811(a) of ANILCA (16 U.S.C. 3121(a)), dealing with subsistence, provides that "[t]he Secretary shall ensure that rural residents engaged in subsistence uses shall have reasonable access to subsistence resources on public lands." It is reasonable to interpret this section to mean that since subsistence resources are often away from permanent domiciles and in areas with inclement weather or potentially dangerous wildlife, paying something less than market value for necessary shelter is a way to "ensure . . . reasonable access."

Section 1316 of ANILCA (16 U.S.C. 3204), dealing with temporary facilities, states that "the Secretary shall permit, subject to reasonable regulation to insure compatibility, the continuation of existing uses, and the future establishment, and use, of temporary campsites, tent platforms, shelters, and other temporary facilities . . . " If the use of these facilities was permitted prior to ANILCA without cost or for a cost less than market value, it would be reasonable to interpret this section as allowing these uses to continue at no or a low cost.

These interpretations are consistent with the Congressional findings in §801 and the policy statements in §802 on ANILCA that provide the expression of Congress of its intent of providing the continuation and opportunity of the subsistence lifestyle of rural Alaska residents, which may provide additional support for departing from fair market value fees.

To date, the Forest Service has chosen to interpret ANILCA in such a way as to be able to charge fair market value rental rates. That interpretation, while it may be reasonable, is not required. S. 736 would clarify Congress' intent by establishing a maximum annual fee of $250 for these special uses.

Question 2. Under S.736, the Alaska Subsistence Protection Act, some subsistence users who also use their cabins for limited small-scale commercial fishing would also see a fee reduction for the special use permits authorizing the use of the cabins. Is it your position that these users, as described, would also be eligible for reduced fees under the existing administrative authority to change the fees you referenced in your testimony? Please explain.

Answer. The revised regional policy would specify that cabin users that qualify for the reduced fee based on subsistence use would be charged the reduced rate if they hold an Alaska limited entry permit for commercial fishing and do not generate more than $15,000 gross annual income from that fishing.

Question 3. If the Forest Service exercises the authority it contends it has to change the fees charged for subsistence users, how would that administrative process work and how would the level of the fee be determined?

Answer. The Alaska Region is in the process of issuing a contract for appraisal services to determine whether the fees for four structures in the Yakutat area represent fair market value of these uses of National Forest System lands, and whether that amount could influence ensuring reasonable access.

The results of the forthcoming appraisal will be considered along with other information such as administrative costs, commercial uses, and the need to provide access for subsistence uses of National Forest System lands, to determine whether these fees should be adjusted. Any adjustments would be made through a regional supplement to FSH 2709.11, Chapter 30 - Fees. The update would be published by December in time for the 2014 bills for land use fees.

Question 4. According to your testimony on S.255, the North Fork Protection Act, the Forest Service contends that a portion of the Middle Fork has a high potential for oil and gas occurrence. Is any of this area proposed for withdrawal in S.255? Are any of the existing leases or claims located in this "high potential" portion of the Middle Fork?

Answer. The Middle Fork portion in the withdrawal bill only includes a small strip of land between the Great Bear Wilderness to the South and Glacier National Park to the North. A portion of that area has been mapped as having the potential for a high occurrence of Oil and/or Gas. There are as many as 18 leases in this area. The leases have been suspended by the BLM for nearly 30 years and there is no pending action on them.

APPENDIX II

Additional Material Submitted for the Record

Hon. JOE MANCHIN,
Chairman, Public Lands, Forests, and Mining Subcommittee304 Dirksen Senate Building, Washington, DC.

Hon. JOHN BARRASSO,
Ranking Member, Public Lands, Forests, and Mining Subcommittee, 304 Dirksen Senate Building, Washington, DC.

DEAR CHAIRMAN MANCHIN AND RANKING MEMBER BARRASSO:

Thank you for holding a hearing today on S. 256, which Energy and Natural Resources Committee Chairman Ron Wyden and Ranking Member Lisa Murkowski introduced at my request. The Commonwealth of the Northern Mariana Islands is the only U.S. jurisdiction that does not have ownership of the submerged lands three miles off its shores. S. 256 corrects that anomaly, providing the same interest in submerged lands around the Northern Mariana Islands as is now enjoyed by American Samoa, Guam, and the Virgin Islands.

The language of S. 256 reflects recommendations made by the Executive Branch, when the Senate Energy and Natural Resources Committee held a hearing in the 112th Congress on S. 590, similarly conveying submerged lands to the Northern Mariana Islands. And the validity of the underlying purpose of the bill has been confirmed through many iterations of the legislative process. In the 109th Congress Representative Jeff Flake—now Senator Jeff Flake and a member of this Committee—introduced H.R. 4255, conveying these submerged lands; and a companion measure in the Senate, introduced by Senator Pete Domenici, received a hearing before the Energy and Natural Resources Committee. In the 111th Congress, I introduced H.R. 934, also conveying these submerged lands. That bill passed the House of Representatives unanimously and was reported favorably by this Committee. In the 112th Congress, my bill H.R. 670, also, passed the House without dissent and its companion, S. 590, received a favorable hearing.

I would like to underscore how important the conveyance of submerged lands is to the people of the Northern Mariana Islands. For thousands of years, our people fished the seas and harvested the other marine resources around our islands. Yet, on February 25, 2005 the people of the Mariana Islands awoke to learn that the Ninth Circuit Court of Appeals had concluded that these waters and the submerged lands below them did not belong to the people of the Northern Marianas, but were the property of the United States. Recognizing, perhaps, the oddity of this conclusion, the Court did point out in its decision that Congress could return these lands to the people of the Northern Mariana Islands. S. 256 does exactly that.

The return of these lands to the people of the Northern Mariana Islands is not simply a matter of pride, however. Near-shore waters are a source of important economic benefits to other coastal jurisdictions and could become so for the Northern Marianas. By way of example, Louisiana leases about 400,000 acres of its submerged lands for oyster harvest, profiting the state and providing an economic opportunity for the holders of some 8,000 leases. In addition, conveyance of submerged lands around the Northern Mariana Islands to local control would relieve the federal government of its current responsibility-and the attendant costs-of management.

I request that this letter be made a part of your subcommittee's hearing record on S. 256. I urge you to report the bill favorably, so that it can be enacted quickly and so that the people of the Northern Mariana Islands will get back the land that they have always believed belonged to them.

Sincerely,

GREGORIO KILILI CAMACHO SABLAN,
Member of Congress.

STATEMENT FOR THE DEPARTMENT OF THE INTERIOR, ON S. 256

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

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

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

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

Second, on January 6, 2009, by presidential proclamation, the Marianas Trench Marine National Monument was created, including the Islands Unit, comprising the submerged lands and waters surrounding Uracas, Maug, and Asuncion, the northernmost islands of the CNMI. While creation of the monument is a historic achievement, it should be remembered that the leaders and people of the CNMI were and are these three islands' first preservationists. They included in their 1978, plebiscite-approved constitution the following language:

ARTICLE XIV—NATURAL RESOURCES

> Section 1—Marine Resources. The marine resources in the waters off the coast of the Commonwealth over which the Commonwealth now or hereafter may have any jurisdiction under United States law shall be managed, controlled, protected and preserved by the legislature for the benefit of the people.
>
> Section 2—Uninhabited Islands . . . The islands of Maug, Uracas, Asuncion, Guguan and other islands specified by law shall be maintained as uninhabited places and used only for the preservation and protection of natural resources, including but not limited to bird, wildlife and plant species.

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

If enacted as introduced, S. 256 would become a public law enacted subsequent to the creation of the monument. S. 256's amendments to the Territorial Submerged Lands Act would convey to the CNMI the submerged lands surrounding Uracas, Maug, and Asuncion without addressing the effect of this conveyance on the administrative responsibilities of the Department of the Interior and the Department of Commerce. Presidential Proclamation 8335 assigned management responsibility of the Marianas Trench Marine National Monument to the Secretary of the Interior, in consultation with the Secretary of Commerce. The proclamation further states that the "Secretary of Commerce shall have the primary management responsibility . . . with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. §§ 1801 et seq.) and any other applicable authorities." The proclamation provides that submerged lands that are granted to the CNMI "but remain controlled by the United States under the Antiquities Act may remain part of the monument" for coordinated management with the CNMI. As envisioned by the Presidential Proclamation establishing the Marianas Trench Marine National Monument, the Administration is proposing an amendment to ensure that the outstanding resources in the waters surrounding the CNMI's three northernmost islands remain protected. Thus, the Administration recommends that language be included in S. 256 referencing the coordination of management contemplated within the Proclamation prior to the transfer of the submerged lands within the Islands Unit of the monument to the

CNMI. This language is intended to protect the Islands Unit of the monument and at the same time acknowledge the prescient and historic conservation effort of the leaders and people of the CNMI in protecting Uracas, Maug, and Asuncion, and their surrounding waters.

The Administration recommends that S. 256 include an amendment to subsection (b) of section 1 of the Territorial Submerged Lands Act, Public Law 93-435, 48 U.S.C. 1705, as follows:

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

The Department of the Interior strongly supports S. 256 if it is amended to include the legislative language provided. The Department of the Interior looks forward to the Commonwealth of the Northern Mariana Islands gaining rights in surrounding submerged lands similar to those accorded her sister territories.

ON S. 360

Mr. Chairman, thank you for the opportunity to present the views of the Department of the Interior on S. 360, a bill to amend the Public Lands Corps Act of 1993 to expand the authorization of the Secretaries of Agriculture, Commerce and the Interior to provide service opportunities for young Americans; help restore the nation's natural, cultural, historic, archaeological, recreational and scenic resources; train a new generation of public land managers and enthusiasts; and promote the values of public service.

The Administration strongly supports S. 360 which promotes environmental stewardship while providing job skill development to succeed in the 21st century workforce. This bill would strengthen and facilitate the use of the Public Land Corps (PLC) program, helping to fulfill the Administration's commitment to build a 21st Century Conservation Service Corps (21 CSC)—a national collaborative effort encouraging young people across America to serve their community and their country. During the last two Congresses, the Department testified in support of similar bills. While we appreciate many of the revisions since the 111th Congress' version that are reflected in S. 360, we would like to have the opportunity to work with the committee on the amendments described in this statement and any additional issues that we identify as we continue our review of the bill.

Engaging America's Youth Through Service

While there are other federal programs that promote service, expanding the use of the Public Land Corps is particularly important because it also serves other high-priority goals. Specifically, enactment of this legislation will help pave the way to meeting one of the goals of the President's America's Great Outdoors initiative—to develop a 21st Century Conservation Service Corps. In January 2013, leaders of eight federal departments and agencies signed an agreement setting up a national council to guide implementation of the Administration's 21CSC—a national collaborative effort to put America's youth and returning veterans to work protecting, restoring and enhancing America's great outdoors. By signing the Memorandum of Understanding, the Secretaries of the Interior, Agriculture, Commerce, and Labor, as well as the EPA Administrator, Chair of the President's Council on Environmental Quality, CEO of the Corporation for National and Community Service and Assistant Secretary for the Army (Civil Works) established the National Council for the 21CSC-fully implementing the first recommendation of the America's Great Outdoors Initiative introduced by President Obama in 2010. The National Council works across the federal government to support the 21CSC by enhancing partnerships with existing youth corps programs that utilize PLC around the nation; stimulating existing and new public-private partnerships; and aligning the investment of current federal government resources.

Building on the legacy of President Roosevelt's Civilian Conservation Corps during the Great Depression in the 1930s, the 21CSC will help build and train a workforce that fully represents the diversity of America while creating the next generation of environmental stewards and improving the condition of our public lands. The 21CSC focuses on helping young people—including diverse, low-income, underserved and at-risk youth, as well as returning veterans—gain valuable training and work experience while accomplishing needed conservation and restoration work on public lands, waterways and cultural heritage sites.

S. 360 would help both the Department and our sister agencies, USDA and the Department of Commerce, offer expanded opportunities for our youth to engage in

the care of America's Great Outdoors, consistent with efforts to fully implement the 21CSC. Additionally, the PLC program helps the Department implement critical cost-effective conservation projects that have direct positive impacts for the agency and the public. This legislation will also help the Department fully implement the 5-Year Plan for Pathways in Science, Technology, Engineering and Math (STEM).

Background on Public Land Corps Program

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

The National Park Service makes extensive use of the Public Land Corps Act. This authority is used for the majority of all NPS youth work projects that utilize a non-profit youth-serving organization as a partner. In FY 2012, 1,699 employment opportunities were created through the projects undertaken by these partner organizations. Many of these projects were for maintenance and ecological restoration purposes. The NPS receives a 25 percent cost match from the participating partner organizations. During FY 2012, the NPS spent approximately $14 million on youth conservation projects that engaged qualified non-profit youth serving organizations. Funding for these projects included Service-wide fee revenue, Youth Partnership Program, Cyclic Maintenance, Repair/Rehab, and park-based funds. The NPS has developed a Cyclic Maintenance/Repair Rehab Youth Initiative that is designed to increase the number of maintenance projects that are performed by youth partner organizations. Once this initiative is fully implemented in 2014, NPS expects to dramatically increase the number of employment opportunities for youth. Parks have been instructed to identify maintenance projects could be set aside for PLC youth partner organizations. Parks were also asked to identify historic rehabilitation projects that could be performed by youth partner organizations. A special task force comprised of senior NPS facility managers has been formed to implement this initiative.

In 2011, the NPS and the Student Conservation Association began an innovative PLC partnership to introduce college students of color to professional opportunities in the NPS. This year, 72 students participated in week-long orientation sessions at the Grand Tetons National Park and the Great Smoky Mountains National Park and in Alaska. These sessions offered a behind the scenes experience of how national park units are managed through seminars, workshops and other hands on activities that focused on the importance of culture, diversity and resource stewardship. They were introduced to the myriad of career opportunities in the NPS that include facilities management, fire and rescue, administration, resource management and visitor education. Those successfully completing their orientation are given the opportunity to serve in a 12-week paid summer internship at a national park site. The interns are provided a NPS mentor who gives advice, guidance and information regarding employment opportunities in the NPS.

The Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service (FWS) also have a long history of employing young people through the Youth Conservation Corps (YCC) and through the Student Conservation Association (SCA) and other youth service and conservation organizations for a wide array of projects related to public lands resource enhancement and facility maintenance under the Public Lands Corps Act. Though most Corps are affiliated with the nationwide Corps Network, they are often administered at the State, rather than national level. The FWS and the SCA have partnered for over 20 years to offer work and learning opportunities to students. In FY 2012, 278 SCA interns and 476 other corps members served in 50 states and 3 territories to help the FWS achieve its resource management goals.

The BLM has engaged the services of non-profit youth service corps for many years under financial assistance agreements at the state and local level. In 2012, the BLM supported 2,100 youth employees through non-profit youth service corps organizations. They participated in a variety of conservation service activities such as recreation and river management, historic building restoration and maintenance, inventory and monitoring of cultural resources, wilderness, rangeland, and renew-

able energy compliance; native seed collection and invasive species control, and visitor services, including education and interpretation.

In Arizona, as part of Project ROAM (Reclaim Our Arizona Monuments), a crew from the Southwest Conservation Corps spent two weeks rehabilitating and decommissioning up to 10 miles of illegal smuggling roads in the Sonoran Desert National Monument.

In Harney County, Oregon, the Oregon Youth Conservation Corps, which was established by the Oregon Legislature to increase educational, training, and employment opportunities for youth, engaged high school crews in such projects as improving trails, fences, campgrounds, signs, and landscaping. The crews have also removed non-native plants and weeds, cleaned up fire lookouts, and helped install wildlife guzzlers.

The FWS manages 561 units of the National Wildlife Refuge System that cover over 150 million acres of land and waters, as well as over 70 National Fish Hatcheries, which would directly benefit from programs authorized under S. 360. National Wildlife Refuges and National Fish Hatcheries enjoy strong relationships with the local communities, and are involved in many community-based projects that help maintain sustainable landscapes. The FWS's work is also supported by over 200 non-profit Friends organizations that assist in offering quality education programs, mentoring, and work experience for youth.

In 2012, the FWS employed 1325 youth employees through 90 partners that include local, State, and non-profit youth service corps. The FWS also provided funding for a YCC program that hired 709 teenagers. The FWS has working relationships with numerous colleges and universities for students interested in pursuing careers in fish and wildlife management.

The Public Lands Service Corps Act of 2013

S. 360 would make several administrative and programmatic changes to the Public Land Corps Act. These changes would encourage broader agency use of the program, make more varied opportunities available for young men and women, and provide more support for participants during and after their service. Appropriately, S. 360 would change the program's name to Public Lands Service Corps, reflecting the emphasis on "service" that is the hallmark of the program. President Obama is committed to providing young people with greater opportunities and incentives to serve their community and country. Through an enhanced Public Lands Service Corps, we would be taking a critical first step that direction.

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

- Adding the Department of Commerce's National Oceanic and Atmospheric Administration, which administers national marine sanctuaries and conservation programs geared toward engaging youth in science, service and stewardship, as an agency authorized to use the program;
- Establishing an Indian Youth Corps so Indian Youth can benefit from Corps programs based on Indian lands, carrying out projects that their Tribes and communities determine to be priorities;
- Authorizing a departmental-level office at the Department of the Interior to coordinate Corps activities within all the participating bureaus;
- Requiring each of the three relevant departments to undertake or contract for a recruiting program for the Corps;
- Requiring a training program for Corps members and identifying specific components the training must include;
- Identifying more specific types of projects that could be conducted under this authority;
- Allowing participants in other volunteer programs to participate in PLC projects;
- Allowing agencies to make arrangements with other federal, State, or local agencies, or private organizations, to provide temporary housing for Corps members;
- Providing explicit authority for the establishment of residential conservation centers;
- Authorizing agencies to recruit experienced volunteers from other programs to serve as mentors to Corps members;
- Adding "consulting intern" as a new category of service employment under the PLC program;
- Allowing agencies to provide living allowances, as established by the applicable Secretary, and to reimburse travel expenses;

- Allowing agencies to provide non-competitive hiring status for Corps members for two years after completing service, rather than only 120 days, if certain terms are met; and
- Allowing agencies to provide job and education counseling, referrals, and other appropriate services to Corps members who have completed their service.

We believe that the Department's program would benefit from enactment of this legislation. As noted above, most PLC projects are designed to address maintenance and ecological restoration needs, and those types of projects would continue to be done under S. 360. However, this legislation specifies a broader range of potential projects, making it likely that Corps members could become involved in such varied activities as historical and cultural research, museum curatorial work, oral history projects and programs, documentary photography, public information and orientation services that promote visitor safety, and activities that support the creation of public works of art. Participants might assist employees in the delivery of interpretive or educational programs and create interpretive products such as website content, Junior Ranger program books, printed handouts, and audiovisual programs.

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

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

The Public Lands Service Corps would also offer agencies the ability to hire successful corps members non-competitively at the end of their appointment, which would provide the agency with an influx of knowledgeable and diverse employees as well as career opportunities for those interested in the agencies' mission. Such hiring authority is an especially valuable tool for the Department to realize its goals spelled out in the "STEM Education and Employment Pathways Strategic Plan." Refuges and hatcheries, for example, are uniquely qualified to connect with local communities since the Service has so many refuges across the country that are located near smaller communities and can directly engage urban, inner city, and rural youth. For example, partnering academic institutions are beginning to offer academic certificate programs to enhance the students' work experience and marketability for securing full-time employment in both the federal and non-profit sectors, thereby providing orientation and exposure to a broad range of career options.

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

Recommended Changes to S. 360

As noted at the start of this statement, we appreciate the changes that have been made since the legislation was first introduced in the 111th Congress, and are reflected in S. 360. However, the Administration recommends the following amendments to this bill:

1) Hiring preference

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

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

Under current law in the case of resource assistants, and under S. 360 in the case of consulting interns, sponsoring organizations are required to cost-share 25 percent of the expenses of providing and supporting these individuals from "private sources of funding." The Administration recommends giving agencies the ability to reduce the non-federal contribution to no less than 10 percent, only if the Secretary determines it is necessary to enable a greater range of organizations, such as smaller,

community-based organizations that draw from low-income and rural populations, to participate in the PLSC program. This would make the cost-share provisions for resource assistants and consulting interns parallel to the provisions under the bill for other PLSC participants.

3) Definition of Eligible Public Lands

The Administration recommends technical amendments to clarify the definition of "Eligible service lands" to include non-federal lands. An expanded definition of eligible service lands to include federal, state, local and privately-owned lands would provide additional flexibility in carrying out conservation projects on non-federal lands with willing landowners.

4) Agreements with Partners on Training and Employing Corps Members

The Administration recommends striking the provision in S. 360 that would allow PLSC members to receive federally funded stipends and other PLSC benefits while working directly for non-federal third parties. The need for this language is unclear, since agencies already have flexibility in how they coordinate work with cooperating associations, educational institutes, friends groups, or similar nonprofit partnership organizations. Yet, the language could raise unanticipated concerns over accountability, liability, and conflicts of interest. For example, this language could allow an individual to receive a federally funded stipend under a PLSC agreement, and then perform work for a different non-federal group (such as a cooperating association) that is subject to agency oversight under different agreements. This language could blur the lines of responsibility that have been established in response to IG concerns over the management of cooperating associations and friends groups.

5) Participants/Terms

The Administration recommends striking the provision in S. 360 that would limit the terms of service of Corps participants. This would retain the authority provided for in current law which provides for administrative flexibility in determining the appropriate length of service for Corps participants.

6) Authorization of Appropriations

The Administration recommends amending S. 360 to eliminate the $12 million authorization ceiling for the program under existing law. This would allow for an increased funding for the program in the future, as the three Departments increase their use of the Public Lands Service Corps.

The Department and its bureaus, along with its sister agencies are presently working together to: establish a 21CSC; improve federal capacity for recruiting, training and managing volunteers and volunteer programs to create a new generation of citizen stewards; and improve career pathways and to review barriers to jobs in natural resource conservation and historic and cultural preservation. The proposed amendments to the Public Lands Service Corps Act will support these efforts to fully implement the President's America's Great Outdoors initiative.

Finally, the Department of Labor also is reviewing S. 360 to ensure child labor protections apply for participating youth, and will address any concerns it has directly with the Subcommittee.

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

AMIGOS BRAVOS,
New Mexico, April 16, 2013.

Hon. JOE MANCHIN,
Chairman, Senate Subcommittee on Public Lands, Forests and Mining, U.S. Senate Washington, DC.

Hon. JOHN BARRASSO,
Ranking Member, Senate Subcommittee on Public Lands, Forests and Mining, U.S. Senate, Washington, DC.

DEAR SENATORS MANCHIN AND BARRASSO:

I am writing in support of S. 312, the Carson National Forest Boundary Adjustment Act, introduced by New Mexico Senators Tom Udall and Martin Heinrich. I am very grateful that your Senate Energy and Natural Resources subcommittee is holding a hearing on this important piece of legislation for New Mexico on April 25, 2013. I am very hopeful that this bill will move forward through the committee and Senate as quickly as possible.

S. 312 is an important bill for my community. It will adjust the boundaries of the Carson National Forest to include the 5,000 acre Miranda Canyon tract, protecting our local drinking water supplies and ensuring that this high—value resource land

is open to the public forever. Adding Miranda Canyon to the forest will provide residents and visitors with enhanced pportunities to hike, hunt, mountain bike and generally enjoy the outdoors.

The Miranda Canyon acquisition is strongly supported by the local community in Taos, including our county commission. In addition to expanding recreational access, the project will protect water resources within the Rìo Grande watershed, a segment of the Old Spanish National Historic Trail, wildlife habitat, and the scenic viewshed from the valley towards Picuris Peak. All of these attributes contribute to the economy and quality of life in Taos County.

Thank you for your consideration of this important piece of legislation before your committee.

Sincerely,

BRIAN SHIELDS,
Executive Director.

ARCHERY TRADE ASSOCIATION,
Ulm, MN, April 22, 2013.

Hon. RON WYDEN,
Chairman, Energy and Natural Resources Committee, 304 Dirksen Senate Office Building, Washington, DC.

Hon. LISA MURKOWSKI,
Ranking Member, Energy and Natural Resources Committee, 304 Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN WYDEN AND RANKING MEMBER MURKOWSKI:

We are writing you in regards to S.340, the Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act. If advanced, this legislation would transfer public lands from the Tongass National Forest, in southeast Alaska, to the Sealaska Corporation. The undersigned organizations, representing hunters, anglers, scientists, and conservationists write to provide the following analysis and recommendations on this bill.

Few places in the United States have the wildlife populations, the public land values, and the hunting opportunities that are found today in Alaska. We are fully committed to conserving this richness of wildlife, and the hunting opportunities it affords, for the benefit of future generations of Americans.

Revisiting previously settled Alaska land claims risks problems

We believe that S. 340 will have impacts on wildlife and hunting that are far out of proportion to the number of acres involved in this particular legislation. Of particular concern is the precedent that this bill could set in terms of effectively rewriting key provisions of the Alaska Native Claims Settlement Act (ANCSA). That important law authorized the transfer of 44 million acres and about l billion dollars to 13 regional corporations and 206 village corporations to resolve all original land claims. Passage of S. 340 as proposed invites a cascade of other claims to amend ANCSA with potentially severe implications for public lands, and public access and use, in virtually all parts of Alaska.

In hindsight, after many decades, any number of native corporations can identify further changes to ANCSA and suggest alternate land selections that would provide greater economic benefit to their shareholders. While the largest percentage of ANCSA acres have been conveyed, there still remain hundreds of thousands of acres in outstanding entitlements, as well as many millions of acres in interim conveyance status not yet patented. lf S. 340 is allowed to provide a precedent for revisiting land selections in Alaska, with a new opportunity for countless new high-value parcel selections (as with the "future sites" in S. 340), it may open a proverbial Pandora's Box of controversy and conflict.

Already, there are proposals to create new native corporations with brand new land selections in Southeast Alaska totaling more than 100,000 acres in addition to the Sealaska Corporation legislation now under consideration. Legislation has been filed in previous sessions that would transfer even more public land to native corporations outside the framework of ANCSA[1] If we support the full and immediate conveyance of Sealaska's current entitlement under the provisions of ANCSA, as reflected in their request to BLM filed in 2008. We do not support advancement or passage of S. 340. It gives selective advantage to a single corporation, and will create requests by others for comparable benefits. The short and long-range implica-

[1] H.R. 5617, 109th Cong. (2006), and H.R. 5403, ll0th Cong. (2008)

tions of this bill pose too great a risk to important fish and wildlife habitat in Southeast Alaska to merit our support.

We believe this bill is fundamentally flawed. However, we also realize that bills are often advanced despite a constituency's concerns. Should this bill be scheduled for mark-up in your committee, we respectfully request the following changes be made:

1) Exclude from the requested selection two special areas with extraordinarily high wildlife values. These places are: North Kuiu Island (4,728 acres) and Keete Inlet (11,863 acres), on S. Prince of Wales. Both areas have been ranked extremely high for wildlife values in a Tongass-wide conservation assessment.[2]

- North Kuiu is famous for its large black bears, big trees and rich estuarine habitat. The island produces over half the black bears harvested in Southeast Alaska. Populations have declined significantly as early clearcuts close in, reducing numbers of deer, wolves, and bears. This area is a high priority for restoration of logged areas (thinning) and protection of the vital large tree old-growth habitat that remains.
- Keete Inlet is a nearly pristine watershed located between a designated Wilderness area and a legislated roadless area. It provides a highly productive and important large tree old-growth refuge for wildlife on Prince of Wales Island where past logging has been especially intensive. Logging in the Keete Inlet drainage would compromise the integrity of the larger area This watershed has also been identified by Trout Unlimited as a priority for protection as one of the premier salmon watersheds in the Tongass.

Protecting these vital watersheds from further logging would reduce the acres in Sealaska's request. We would encourage selection of alternative second-growth acres on the existing road system instead.

2) Sealaska's selections should be weighted towards existing second-growth forest.—In general, these areas are already compromised in terms of their wildlife and habitat values and these are the lands best suited for long-term timber production. As inducement, such lands include infrastructure already in place, including roads, culverts, bridges, and log-transfer facilities, representing millions of dollars of public investment.

3) Selections should not occur within 100 ft of class 1 and 2 salmon streams. or on sensitive soils (e.g., karst and wetlands). Logging on these selections should conform to best management practices on National Forest lands. Moreover, location of selections should be responsive to the desires of nearby communities that depend on these lands for hunting and other subsistence activities.

4) Public access to the proposed land selections should be granted in certain terms.—The current provisions appear based on the public easement provisions in section 17(b) of ANILCA, which are rare in Southeast Alaska. Because ofBLM's past record of vacating easements we request that language be inserted which states: "17(b) easements may not be vacated unless comparable access is provided." In addition, Congress should include language that assures free public access for hunting, fishing and recreation. S. 340 should incorporate the access language in the Koniag agreement. See example.[3]

5) The management offish and wildlife populations on these lands should be—the responsibility of the State of Alaska. The provision in this bill which applies Title 8 of ANILCA (federal subsistence priority) over private land in Alaska is unprecedented, and should be changed. Authority for fish and game management on these lands should be consistent with that on all other state and private land in Alaska.

6) The legislation should specify that its passage does not set a precedent for other Native Corporations to re-open settlement agreements that were made under ANCSA.

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[2] Schoen and Dovichin, eds. A Conservation Assessment and Resource Synthesis for the Coastal Forests and Mountains Ecoregion in Southeastern Alaska and the Tonigass National Forest, The Nature Conservancy and Audubon Alaska (March 2007).

[3] Example—The lands on Afognak Island required to be conveyed shall remain open and available to recreational and sport hunting and fishing and other recreational uses by the public commercial uses under applicable law, subject only to such reasonable restrictions which may be imposed by Koniag, Incorporated for the purposes of limiting or prohibiting such public uses in the immediate vicinity of logging or other commercial operations which may be undertaken by the corporations upon the affected lands. Such restrictions shall comprise only those restrictions necessary to insure public safety and to minimize conflicts between recreational and commercial uses.

Thank you, Senator Wyden and Senator Murkowski, for considering our views. We appreciate the opportunity to weigh in on this legislation which will shape the future of Southeast Alaska in profound ways. While there are many diverse and legitimate interests affected by this legislation, we trust there is wide agreement on the need to protect the basic integrity and productivity of this ecosystem for all, far into the future.

We would greatly appreciate your help to that end, and happy to meet with you or your staff for further discussion of our concerns and recommendations.

Sincerely,

ARCHERY TRADE ASSOCIATION BEAR TRUST INTERNATIONAL, BOWHUNTING PRESERVATION ALLIANCE,
CAMPFIRE CLUB,
CONSERVATION FORCE,
DALLAS SAFARI CLUB,
DELTA WATERFOWL FOUNDATION,
NATIONAL TRAPPERS ASSOCIATION,
NORTH AMERICAN BEAR FOUNDATION,
NORTH AMERICAN GROUSE PARTNERSHIP,
MULE DEER FOUNDATION,
POPE AND YOUNG CLUB,
ORION, THE HUNTER'S INSTITUTE,
SAFARI CLUB INTERNATIONAL,
TEXAS WILDLIFE ASSOCIATION,
THE WILDLIFE SOCIETY,
THEODORE ROOSEVELT CONSERVATION PARTNERSHIP,
WILDLIFE MANAGEMENT INSTITUTE,
WILDLIFE FOREVER,

STATEMENT OF JOHN H. ATKINS, JR., PRESIDENT, MOLALLA RIVER ALLIANCE, MOLALLA, OR

Mr. Chairman and honorable members of the Committee:

On behalf of the diverse organizations and individuals affiliated with the Molalla River Alliance, thank-you for the opportunity to submit testimony in favor of designating the upper 21 miles of the Molalla River near Portland, Oregon as a Wild and Scenic River.

In the previous congress, Wild and Scenic legislation for the Molalla River was favorably—and unanimously—reported to the House floor for a vote. Regrettably, Congress adjourned before a vote could be taken. In the Congress before that, the 111th Congress, the House passed Wild and Scenic designation for the Molalla River with strong bipartisan support, but Congress adjourned before a companion measure could be taken up in the Senate.

While the outcome of these previous legislative initiatives was disappointing, they were nevertheless important milestones toward what we fervently hope will be final, favorable action in this Congress. Our reasons for optimism:

- There is no opposition whatever to Wild and Scenic status for the Molalla River. The proposal has been thoroughly vetted in Congressional hearings. The idea enjoys wide support in the region among public officials, landowners, conservationists, fisherman, campers, recreational users and literally dozens of nonprofit organizations interested in preserving this special place.
- The Molalla River meets all of the criteria set forth in the Wild and Scenic Rivers Act for inclusion in the Wild and Scenic River system for a recreational classification, including:

  1) "Outstandingly remarkable" geologic, hydrologic, scenic, biological, and recreational values and free-flowing character representative of a wild Cascadian stream. It provides extensive native fish habitat including critical cold water refuges and spawning beds. It is home to the largest run of wild winter steelhead on the upper Willamette River system.

  2) No private landholdings on the river would be adversely affected.

  3) A quarter-mile riparian buffer on both sides of the river proposed for Wild and Scenic status is already in federal ownership and managed by the BLM with great care for multiple purposes, including recreational uses and habitat restoration and protection.

  4) With strong and varied input from river users, a recreation management plan for the upper Molalla River and adjacent Table Rock Wilderness in the

Western Cascade Range (the Molalla's headwaters) has been developed and adopted by the BLM and is being implemented.

5)The upper part of the Molalla River proposed for Wild and Scenic status is only an hour from the cities of Portland and Salem, Oregon, and is accessible along its full stretch by a paved road. New, handicapped-accessible campgrounds are under development there by the BLM.

Mr. Chairman and members of the Committee, the Molalla River Alliance is an all-volunteer coalition of 45 nonprofit civic and conservation groups; regional, state and federal agencies; numerous user groups; river property owners; and individual conservationists. It is not unusual for there to be disagreement among these diverse organizations on policy issues relating to resource management. The remarkable thing is that there is no disagreement among us that the upper Molalla River merits Wild and Scenic protection. We hope that this is the Congress when that will happen.

CITY OF WINNEMUCCA,
Winnemucca, NV, February 22, 2013.

Hon. HARRY REID,
U.S. Senate, 522 Hart Senate Office Building, Washington, DC.

Hon. MARK AMODEI,
U.S. House of Representatives, 222 Cannon House Office Building Washington, DC.

Hon. DEAN HELLER,
United States Senate, 361A Russell Senate Office Building, Washington, DC.

Re: Support letter for H.R. 433 and S. 342 The Pine Forest Recreational Enhancement Act

DEAR REPRESENTATIVE AMODEI AND SENATORS REID AND HELLER:

The City of Winnemucca, strongly supports the Pine Forest Recreational Enhancement Act. We are the largest City in Humboldt County and we are a direct beneficiary of the recreational opportunities in the Pine Forest Range. This recreational area is an important point of destination for tourists,as well as local residents,and the recommendations found in HR 433 and S.342 will serve to enhance the recreational uses ofthis area. It is our opinion that the locally driven and all-inclusive stakeholder process used to develop these recommendations should be used as a model on how best to resolve land use issues on Federal lands. The Pine Forest Working Group should be commended for successfully developing unanimously supported recommendations on how best to utilize these two Pine Forest Range WSA's located in Northern Humboldt County. The recommendations include: dropping areas of existing recreational conflict,adding designated roadless areas,identifying lands for possible exchange, identifying access roads, realigning roads away from riparian areas and improving the Blue lake trailhead.

This legislation is supported by Humboldt County, the Nevada Association of Counties and all major conservation and wildlife organizations throughout Nevada. Passage is not only good for Nevada but would also validate the "bottom up" land use review process where all parties work together to develop the best overall use of federal lands.

We greatly evada Congressional Delegation's support of HR 433 and S.342.

DIAN PUTNAM,
Mayor.

STATEMENT OF HON. GREGORIO KILILI CAMACHO SABLAN, U.S. REPRESENTATIVE FROM NORTHERN MARIANA ISLANDS, ON S. 256

Thank you for holding a hearing today on S. 256, which Energy and Natural Resources Committee Chairman Ron Wyden and Ranking Member Lisa Murkowski introduced at my request. The Commonwealth of the Northern Mariana Islands is the only U.S. jurisdiction that does not have ownership of the submerged lands three miles off its shores. S. 256 corrects that anomaly, providing the same interest in submerged lands around the Northern Mariana Islands as is now enjoyed by American Samoa, Guam, and the Virgin Islands.

The language of S. 256 reflects recommendations made by the Executive Branch, when the Senate Energy and Natural Resources Committee held a hearing in the 112th Congress on S. 590, similarly conveying submerged lands to the Northern Mariana Islands. And the validity of the underlying purpose of the bill has been confirmed through many iterations of the legislative process. In the 109th Congress

Representative Jeff Flake—now Senator Jeff Flake and a member of this Committee—introduced H.R. 4255, conveying these submerged lands; and a companion measure in the Senate, introduced by Senator Pete Domenici, received a hearing before the Energy and Natural Resources Committee. In the 111th Congress, I introduced H.R. 934, also conveying these submerged lands. That bill passed the House of Representatives unanimously and was reported favorably by this Committee. In the 112th Congress, my bill H.R. 670, also, passed the House without dissent and its companion, S. 590, received a favorable hearing.

I would like to underscore how important the conveyance of submerged lands is to the people of the Northern Mariana Islands. For thousands of years, our people fished the seas and harvested the other marine resources around our islands. Yet, on February 25, 2005 the people of the Mariana Islands awoke to learn that the Ninth Circuit Court of Appeals had concluded that these waters and the submerged lands below them did not belong to the people of the Northern Marianas, but were the property of the United States. Recognizing, perhaps, the oddity of this conclusion, the Court did point out in its decision that Congress could return these lands to the people of the Northern Mariana Islands. S. 256 does exactly that.

The return of these lands to the people of the Northern Mariana Islands is not simply a matter of pride, however. Near-shore waters are a source of important economic benefits to other coastal jurisdictions and could become so for the Northern Marianas. By way of example, Louisiana leases about 400,000 acres of its submerged lands for oyster harvest, profiting the state and providing an economic opportunity for the holders of some 8,000 leases. In addition, conveyance of submerged lands around the Northern Mariana Islands to local control would relieve the federal government of its current responsibility-and the attendant costs-of management.

I request that this letter be made a part of your subcommittee's hearing record on S. 256. I urge you to report the bill favorably, so that it can be enacted quickly and so that the people of the Northern Mariana Islands will get back the land that they have always believed belonged to them.

STATEMENT OF SEALASKA CORPORATION, NATIVE REGIONAL CORPORATION, JUNEAU, AK, ON S. 340

Chairman Manchin and Members of the Subcommittee:

Thank you for the opportunity to submit testimony on behalf of Sealaska, the regional Alaska Native Corporation for Southeast Alaska, regarding S. 340, the "Southeast Alaska Native Land Entitlement Finalization and Jobs Protection Act," a bill that we refer to as Haa Aaṅi. "Haa Aaṅi" is the Tlingit way of referring to our ancestral and traditional homeland and the foundation of our history and culture.

Sealaska is one of 12 Native Regional Corporations established pursuant to the Alaska Native Claims Settlement Act ("ANCSA") of 1971. Our shareholders are descendants of the original Native inhabitants of Southeast Alaska—the Tlingit, Haida and Tsimshian people.

In 1907, President Theodore Roosevelt established the Tongass National Forest, which, along with Glacier Bay National Park, now covers most of Southeast Alaska. The creation of the Tongass National Forest, named for the Tongass Tlingit people, was in effect an act of confiscation, certainly without the benefit of public process. This bill is a small effort to right that inequity. This place is our homeland—our past, our present, and our future.

Our cultural and burial sites occupy every corner of Southeast Alaska and reflect that fact that we historically have used all of the Tongass. This legislation is small but significant step towards recognizing that historic affinity to Southeast Alaska. Our presence in Washington, DC-thousands of miles from our home-is a reflection of the significance of Haa Aaṅi to our people and its importance in meeting the cultural, social and economic needs of our community.

One hundred years ago, in October 1912, the Alaska Native Brotherhood met for the first time, organizing itself in Sitka, Alaska to address racism against Alaska Native peoples and to fight for Native rights, including Native land claims. One hundred years later, things are better, but we continue to seek a fair and balanced settlement of our indigenous land claims. Our efforts to achieve resolution are objected to, in many cases, by others who came later and who choose today to ignore the Native history of use and occupancy of the land. Those who claim we have no right to seek ownership of the lands that are the subject of this legislation-those who claim we do not have a "right" to select land outside of the original ANCSA "withdrawal boxes", discussed below-ignore history. We wish people no harm and we

desire to live in harmony with all our neighbors, but do we ask Congress to do the right thing and to return a small fraction of our land, from which we might seek to realize the goals of ANCSA: to improve the social, cultural and economic wellbeing of our shareholders.

Today, Sealaska seeks legislation that will define the location of the last 70,000 acres of land we will receive under ANCSA. Our people will own these lands in perpetuity. The land will support our villages and will help sustain our people and our culture. This legislation is about Native land-land that we will share with all people-but in our hearts, Haa Aańi.

S. 340 would convey just 70,000 acres in the Southeast Alaska region, a region with almost 23 million acres of land; 85 percent of the region is already in some form of conservation, wilderness or other protected status. Putting the acreage in perspective, Sealaska's remaining land entitlement represents about 1/3 of one percent of the total land mass in Southeast Alaska.

Yet this legislation also represents a significant opportunity for the public, this Congress, the Obama Administration, the Forest Service, communities, environmental groups and others to get it right for once in the Tongass. S. 340 protects ecologically sensitive areas, sustains jobs and communities, and returns important cultural lands to Southeast Alaska's Native people.

This legislation does not give Sealaska one acre of land beyond that already promised by Congress. Sealaska has worked closely with the timber industry, conservation organizations, tribes and Native institutions, local communities, the State of Alaska, and federal land management agencies to craft legislation that provides the best possible result-the most balanced solution-for the people, communities and environment of Southeast Alaska.

For you, Members of Congress and staff, who must consider this legislation, one thing should be clear by now: Every acre of Southeast Alaska is precious to someone. And given the vast array of interests in Southeast Alaska, there is simply no way to achieve absolute consensus on where and how Sealaska should select its remaining lands. We believe-and we hope you will agree-that this legislation offers a balanced solution as a result of our congressional delegation's engagement with all regional stakeholders.

Can Sealaska Select its Remaining Land under Current Law?

Under ANCSA, as amended, Sealaska is required to select land from within 10 "withdrawal boxes". Opponents of the legislation say that Sealaska asked to select land from within the 10 withdrawal boxes in 1976, and today Sealaska should be forced to select the remaining 70,000 acres to which it is entitled under current law.

Let's set the record straight.

ANCSA authorized the distribution of approximately $1 billion and 44,000,000 acres of land to Alaska Natives and provided for the establishment of 12 Regional Native Corporations and more than 200 Village Corporations to receive and manage the funds and land to meet the cultural, social, and economic needs of Native shareholders.

Under section 12 of ANCSA, each Regional Corporation, except Sealaska, was authorized to receive a share of land based on the proportion that the number of Alaska Native shareholders residing in the region of the Regional Corporation bore to the total number of Alaska Native shareholders, or the relative size of the area to which the Regional Corporation had an aboriginal land claim bore to the size of the area to which all Regional Corporations had aboriginal land claims.

While each other Regional Corporation received a significant quantity of land under section 12 of ANCSA, Sealaska received land only under section 14(h) of that Act. Sealaska did not receive land in proportion to the number of Native shareholders in the region, nor did it receive land in proportion to the size of the area to which Sealaska had an aboriginal land claim because, in part, in 1968, minimal compensation was paid to the Tlingit and Haida Indians pursuant to a U.S. Court of Claims decision, which held compensation was due for the taking of the 17 million acre Tongass National Forest and the 3.3 million acre Glacier Bay National Park.

Even if it could be considered equitable, the 1968 settlement provided by the Court of Claims did not compensate the Tlingit and Haida for 2,628,207 acres of land in Southeast Alaska also subject to aboriginal title. The court also determined the value of the lost Indian fishing rights at $8,388,315, but did not provide compensation for those rights.

The 1968 settlement also should be viewed in context with the universal settlement reached by Congress, just three years later, which allowed for the return of 44 million acres and almost $1 billion to Alaska's Native people. With a population that represented more than 20 percent of Alaska's Native population in 1971, South-

east Alaska Natives ultimately would receive title to just 1 percent of land returned to Alaska Natives under ANCSA, ostensibly because the taking of Native lands in Southeast Alaska had been dealt with by the Court of Claims. The Tlingit and Haida people thus led the fight for Native land claims, and lost their land as a consequence.

Sealaska ultimately would be authorized to recover about 365,000 acres of land under ANCSA. However, under the terms of ANCSA, and because the homeland of the Tlingit, Haida and Tsimshian people had been reserved by the U.S. government as a national forest, the Secretary of the Interior was not able to withdraw land in the Tongass for selection by and conveyance to Sealaska. The only lands available for selection by Sealaska in 1971 were slated to become part of the Wrangell-St. Elias National Park or consisted essentially of mountain tops.

For this reason, in the early 1970s, Sealaska requested that Congress amend ANCSA to permit Sealaska to select lands in Southeast Alaska, particularly located near its villages. Congress accomplished this by offering to Sealaska the opportunity to make its selections from within 10 withdrawal boxes established under ANCSA for the 10 Southeast Native villages recognized under that Act. In 1976, Congress granted that right.

Sealaska agreed to select land from within the withdrawal boxes because, in 1976, we had no other place to go. With two large pulp mills holding contracts to cut timber throughout the Tongass at the time, the political reality was such that Sealaska had no true ability to ask for a fair settlement. The suggestion that we, Alaska's Native people, invited our own exclusion from our own Native homeland is an idea that any witness to our history should find repugnant. For us, it was a choice between something limited, or nothing at all. It was hardly a choice.

S. 340 addresses problems associated with the unique treatment of Sealaska under ANCSA and the unintended public policy consequences of forcing Sealaska to select its remaining land entitlement from within the existing ANCSA withdrawal boxes. The legislation presents to Congress a legislative package that will result in public policy benefits on many levels. The benefits to the public of this legislation are discussed in detail in this testimony.

Observers unfamiliar with ANCSA sometimes suggest that the Sealaska legislation might somehow create a negative "precedent" with respect to Alaska Native land claims. This seems odd in the context of the history of the Tongass and its impact on the Southeast settlement. Congress has, on multiple occasions, deemed it appropriate to amend ANCSA to address in an equitable manner issues that were not anticipated by Congress when ANCSA passed.

Sealaska's Land Settlement in the Context of Southeast Alaska's History

Two documents attached to this written testimony present an historical perspective on the long struggle to return lands in the Tongass to Native people: (1) the draft document funded by the Forest Service and authored by Dr. Charles W. Smythe, "A New Frontier: Managing the National Forests in Alaska, 1970-1995" (1995) ("A New Frontier"); and (2) a paper by Walter R. Echo-Hawk, "A Context for Setting Modern Congressional Indian Policy in Native Southeast Alaska ("Indian Policy in Southeast Alaska").

The findings and observations summarized below are to be attributed to the work of Dr. Smythe and Mr. Echo-Hawk. For the sake of brevity, we have summarized or paraphrased these findings and observations. We encourage people with an interest in the history of the Tongass generally, or in this legislation specifically, to take the time to read these documents in full.

Dr. Smythe's research, compiled in "A New Frontier", found, among other things

- By the time the Tongass National Forest was created in 1908, the Tlingit and Haida Indians had been marginalized. As white settlers and commercial interests moved into the Alaska territory, they utilized the resources as they found them, often taking over key areas for cannery sites, fish traps, logging, and mining.
- The Act of 1884, which created civil government in the Alaska territory, also extended the first land laws to the region, and in combination with legislation in 1903, settlers were given the ability to claim exclusively areas for canneries, mining claims, townsites, and homesteads, and to obtain legal title to such tracts. Since the Indians were not recognized as citizens, they did not have corresponding rights (to hold title to land, to vote, etc.) to protect their interests.
- For decades prior to the passage of ANCSA, the Forest Service opposed the recognition of traditional Indian use and aboriginal title in the Tongass National Forest. As late as 1954, the Forest Service formally recommended that all Indian claims to the Tongass be extinguished because of continuing uncertainty affecting the timber industry in Southeast Alaska.

- On October 7, 1959, the U.S. Court of Claims held that the Tlingit and Haida Indians had established their claims of aboriginal Indian title to the land in Southeast Alaska and were entitled to recover compensation for the uncompensated taking of their lands, and for the failure to protect their hunting and fishing rights.
- The efforts by the Interior Department in the 1930s and 1940s to establish reservations in Southeast Alaska greatly alarmed the Forest Service—which at the time opposed the principle of aboriginal rights and its serious conflict with Forest Service plans for a pulpwood industry in Alaska.
- The policy of the Franklin Delano Roosevelt Administration, with Harold Ickes as Interior Secretary, was to recognize aboriginal rights to land and fisheries in Alaska and to support efforts to provide a land and resource base to Native communities for their economic benefit. Following hearings on the aboriginal claims related to the protection of fisheries in the communities of Hydaburg, Klawock and Kake, Secretary Ickes established an amount of land to be set aside for village reservations. The judgments of the Department of the Interior were troubling to the Forest Service. If realized, the whole timber industry in southeast Alaska would be jeopardized. The Forest Service's ability to make timber sales would be in doubt. The Department of Agriculture later expressed its agreement with the efforts of the U.S. Senate to substantially repeal the Interior Secretary's authority to establish the proposed reservations in Southeast Alaska.

Walter Echo Hawk's paper, "Indian Policy in Southeast Alaska", observes, in part:

- The creation of the Tongass National Forest was done unilaterally, more than likely unbeknownst to the Indian inhabitants.
- The Tongass National Forest was actually established subject to existing property rights, as it stated that nothing shall be construed "to deprive any persons of any valid rights" secured by the Treaty with Russia or by any federal law pertaining to Alaska. This limitation was essentially ignored.
- A Tlingit leader and attorney William Paul won a short-lived legal victory in the Ninth Circuit Court of Appeals in Miller v. United States, 159 F. 2d 997 (9th Cir. 1947), which ruled that lands could not be seized by the government without the consent of the Tlingit landowners and without paying just compensation.
- To combat this decision, federal lawmakers passed a Joint Resolution authorizing the Secretary of Agriculture to sell timber and land within the Tongass National Forest, "notwithstanding any claim of possessory rights" based upon "aboriginal occupancy or title." This action ultimately resulted in the Tee-Hit-Ton Indians v. United States decision, in which the U.S. Supreme Court held that Indian land rights are subject to the doctrines of discovery and conquest, and "conquest gives a title which the Courts of the Conqueror cannot deny." 348 U.S. 272, 280 (1955). The Court concluded that Indians do not have 5th Amendment rights to aboriginal property. The Congress, in its sole discretion, would decide if there was to be any compensation whatsoever for lands stolen.

S. 340: A Balanced Solution with Significant Public Policy Benefits

Alaska's congressional delegation has worked hard to ensure that the fair settlement of Sealaska's Native land claims is accomplished in a manner that may have the greatest benefit to all of Southeast Alaska while balancing the interests of individuals, communities, federal and state land management agencies, and other interested stakeholders.

Thanks to the hard work of Alaska's congressional delegation, this legislation largely is in symmetry with the Obama Administration's goals for the Tongass, while also allowing Sealaska to apply to receive cultural sites that are sacred to our people and land that will allow us to develop natural resources in a sustainable manner, supporting local jobs and communities.

Sacred Sites

- S. 340 also would permit Sealaska to select up to 76 cultural sites, totaling 490 acres. In previous version of the legislation, Sealaska would have been permitted to select more than 200 cultural sites, totaling 3600 acres.
- Sites will be selected and conveyed pursuant to the terms of ANCSA Section 14(h)(1) and federal regulations.
- Public access across sacred sites and along fishing streams is protected in the legislation.

Small Parcels of Land

- S. 340 permits Sealaska to select 9 parcels totaling 1,004 acres, near Native villages. The land offers cultural, recreational, and renewable energy opportunities for the villages.
- More than 50 small parcels sites were considered in previous version of the legislation. Sites heavily used by local communities were removed from S. 340.
- Sealaska will seek partnerships with local tribes, clans, businesses and residents to enhance the indigenous and recreational experience on these parcels of land and to share local character and knowledge. Emphasis will be placed on the hiring of local guides and cultural and historical interpreters and traditional entertainers and artists.

Large Parcels of Land

- Most of Sealaska's entitlement lands will be conveyed as large parcels of land, comprising approximately 68,500 acres.
- These lands were identified in consultation between Alaska's congressional delegation, Sealaska, tribes, the State, local communities, the Forest Service, local conservation groups, and other regional stakeholders, avoiding ecologically sensitive areas, the "backyards" of local communities, conservation areas, and community watersheds.
- These lands are generally roaded, and contain significant second growth stands timber, supporting Sealaska's efforts to develop a sustainable forestry economy on Native lands in southeastern Alaska.

We believe this legislation is in symmetry with the goals of the Obama Administration. S. 340 will:

- Protect roadless areas and accelerate the transition away from forest management that relied on old growth harvesting;
- Help struggling communities in rural Alaska; and
- Finalize Sealaska's Native entitlement in an equitable manner, while supporting a transition by Sealaska to second growth harvesting and maintaining rural jobs.

Without legislation to amend ANCSA, Sealaska will be forced either, to select and develop roadless old growth areas within the existing withdrawals or, to shut down all Native timber operations, with significant negative impacts to rural communities, the economy of Southeast Alaska, and our tribal member shareholders.

The public benefits of this legislation also extend far beyond Sealaska Corporation and its shareholders. Pursuant to a revenue sharing provision in ANCSA, Sealaska distributes 70 percent of all revenues derived from the development of its timber resources among all of the more than 200 Alaska Native Village and Regional Corporations.

Finalizing Sealaska's ANCSA land entitlement conveyances will also benefit the federal government. This legislation allows Sealaska to move forward with its selections, which ultimately will give the Bureau of Land Management (BLM) and the Forest Service some finality and closure with respect to Sealaska's selections in Southeast Alaska.

Sealaska's Role in Sustainable Natural Resource Development

Alaska Native Corporations were tasked by Congress in 1971 with supporting the future of the Alaska Native community, in part by utilizing lands returned by the United States to Native people to develop resources that would advance the social, cultural, and economic well-being of our tribal member shareholders.

We believe that Congress' core promise to Alaska Natives in ANCSA was that Alaska Natives would be able to develop sustainable economies so that we could work to achieve, for ourselves, economic parity with the rest of America. Socio-economic parity was a focal point of Alaska Natives and the Land, a congressionally-mandated study published in 1968, which was a foundational predicate for Congress to act on Alaska Native land claims.

Sealaska has utilized some of its land base to develop timber resources. Of the 290,000 acres Sealaska has received under ANCSA, Sealaska has harvested timber on 189,000 acres in accordance with modern forestry and forest engineering best management practices that protect water quality, anadromous fish habitat, wildlife habitat, forest soils, and the long term productivity of the forest. Selective harvesting and even-aged harvesting has been employed. Less than half (81,000 acres) of Sealaska managed forest lands have been clear cut (even-aged harvest).

Sealaska's timber business has been a powerful economic engine that has helped to support the regional economy for 30 years, and 70 percent of Sealaska's timber

revenues have been shared with more than 200 Alaska Native Corporations, as required under sections 7(i) and 7(j) of ANCSA.

According to a report prepared in 2008, Sealaska and its subsidiaries and affiliates expended over $45 million in just one year in Southeast Alaska. Over 350 businesses and organizations in 16 Southeast communities benefited from spending resulting from Sealaska activities. Sealaska provided over 363 full and part-time jobs with a payroll of over $15 million. Including direct and indirect employment and payroll, Sealaska supported 490 jobs and approximately $21 million in payroll. Sealaska will utilize some of its remaining entitlement to support sustainable forestry as part of a sustainable timber rotation that sustains hundreds of jobs in our region, in perpetuity, while protecting important forest resources.

Seeking Sustainable Solutions by Selecting Outside the "Boxes"

Unlike the other eleven Regional Native Corporations, Sealaska was directed to select the entirety of its entitlement lands only from within boxes drawn around a restricted number of Native villages in Southeast Alaska. Forty-four percent of the ten withdrawal areas is comprised of salt water, and multiple other factors limit the ability of Sealaska to select land within the boxes. This has made it difficult to make equitable selections. No other Regional Corporation was treated in this manner under ANCSA.

To date, Sealaska has selected 290,000 acres of land under ANCSA from within the withdrawal boxes. Based on BLM projections for completion of Sealaska's selections, and our own estimates, the remaining entitlement to be conveyed to Sealaska is approximately 70,000 acres. The only remaining issue is where this land will come from. Of the lands available to Sealaska today within the ANCSA withdrawal boxes:

- 270,000 are included in the current U.S. Forest Service inventory of roadless forestland;
- 112,000 acres are comprised of productive old growth;
- 60,000 acres are included in the Forest Service's inventory of old growth reserves; and
- much of the land is comprised of important community watersheds, high conservation value areas important for sport and commercial fisheries and/or areas important for subsistence uses.

The Sealaska legislation allows Sealaska to move away from sensitive watersheds and roadless areas, to select a balanced inventory of second growth and old growth, and to select most of its remaining ANCSA lands on the existing road system, preserving on balance tens of thousands of acres of old growth, much of which is inventoried "roadless old growth".

Local Impact of S. 340: Saving Jobs in Rural Southeast Alaska

While jobs in Southeast Alaska are up over the last 30 years, many of those jobs can be attributed to industrial tourism, which creates seasonal jobs in urban centers and does not translate to population growth. In fact, the post-timber economy has not supported populations in traditional Native villages, where unemployment among Alaska Natives ranges above Great Depression levels and populations are shrinking rapidly.

We consider this legislation to be the most important and immediate "economic stimulus package" that Congress can implement for Southeast Alaska. Sealaska provides significant economic opportunities for our tribal member shareholders and for residents of all of Southeast Alaska through the development of an abundant natural resource—timber.

Our shareholders are Alaska Natives. The profits we make from timber support causes that strengthen Native pride and awareness of who we are as Native people and where we came from, and further our contribution in a positive way to the cultural richness of American society. The proceeds from timber operations allow us to make substantial investments in cultural preservation, educational scholarships, and internships for our shareholders and shareholder descendants. Through these efforts we have seen a resurgence of Native pride in our culture and language, most noticeably in our youth. Our scholarships, internships and mentoring efforts have resulted in Native shareholder employment above 80 percent in our corporate headquarters, and significant Native employment in our logging operations. To create new jobs and new economic models, Sealaska is sponsoring initiatives in Southeast Alaska like mariculture farming.

We are also proud of our collaborative efforts to build and support sustainable and viable communities and cultures in our region. We face continuing economic challenges with commercial electricity rates reaching $0.61/kwh and heating fuel costs

sometimes ranging above $6.00 per gallon. To help offset these extraordinary costs, we work with our logging contractors and seven of our local communities to run a community firewood program. We contribute cedar logs for the carving of totems and cedar carving planks to schools and tribal organizations. We are collaborating with our village corporations and villages to develop hydroelectric projects. We do all of these collaborative activities because we are not a typical American corporation. We are a Native institution with a vested interest in the well-being of our communities.

ANCSA authorized the return of land to Alaska Natives and established Native Corporations to receive and manage that land so that Native people would be empowered to meet their own cultural, social, and economic needs. S. 340 is critically important to Sealaska, which is charged with meeting these goals in Southeast Alaska.

Economic Development on Native Lands and Sealaska's Sustainable Forest Management Program

Sealaska has a responsibility to ensure the cultural and economic survival of our communities, shareholders and future generations of shareholders. Sealaska also remains fully committed to responsible management of the forestlands for their value as part of the larger forest ecosystem. At the core of Sealaska's land management ethic is the perpetuation of a sustainable, well-managed forest, which supports timber production while preserving forest ecological functions. Significant portions of Sealaska's classified forest lands are set aside for the protection of fish habitat and water quality; entire watersheds are designated for protection to provide municipal drinking water; and there are zones for the protection of bald eagle nesting habitat. The decision to cut trees is not taken lightly, and is always based on the best science and best forest practices.

Sealaska re-plants, thins and prunes native spruce and hemlock trees on its lands, thereby maintaining a new-growth environment that better sustains plant and wildlife populations, and better serves the subsistence needs of our communities. In fact, Sealaska has invested a great deal of resources in improving its forest sustainability program, including investing in ongoing silviculture research that is led by professors at Oregon State University and reaching out to organizations like the Forest Stewardship Council to ensure best possible management practices. All of Sealaska's even aged second-growth forest that is ripe for precommercial thinning is managed accordingly, creating healthy young forests that provide wildlife habitat. Sealaska maintains a silviculture program that rivals the best of programs implemented by the Forest Service or private landowners. Our harvesting program as well as thinning and planting investments provide jobs for our shareholders and others in the region, and help maintain the ecological value of our forests.

We are committed to investing the time, money and hard work in progressive management of second growth stands, to capture alternative economies from forest management and to ensure that our place in the timber industry remains a sustainable, although realigned, component of the region's economy. Sealaska is also committed to using its land base to create alternative economies, revenues, and jobs-by developing an aquaculture industry, fostering cultural tourism, and investing in renewable energy development.

Time is of the Essence

Timing is critical to the success of the legislative proposal before you today. Without a legislative solution, we are faced with choosing between two scenarios that ultimately will result in dire public policy consequences for our region. If S. 340 is stalled during the 113th Congress, either Sealaska will be forced to terminate all of its timber operations within approximately one year for lack of timber availability on existing land holdings, resulting in job losses in a region experiencing severe economic depression, or Sealaska must select lands that are currently available to it in existing withdrawal areas.

The Forest Service's Plans for the Tongass: Impact of S. 340 on Tongass Management

The U.S. Forest Service has, in the past, expressed concern that S. 340 could impact its ability to harvest second growth to support Southeast Alaska mills, and could impact other goals laid out in the 2008 Amendment to the Tongass Land Use Management Plan.

We believe Sealaska's offer to leave behind roadless old growth timber in the Tongass is significant; it is a proposal we believe this Administration should support based on its goals to protect these types of forest lands. We also believe that the

lands proposed for conveyance under S. 340 conflict minimally with and may ultimately benefit the Forest Service's Transition Framework for the Tongass.

For the Forest Service, the most significant limitation to an accelerated transition to second growth is the large number of acres of older second growth that is in restricted timber use status. If S. 340 were to pass today, under current standards and guidelines, the Forest Service would retain at least 223,000 acres of suitable second growth. In addition, it retains 177,000 acres of unsuitable second growth that is available for stewardship and restoration. We believe the total pool of lands available to the Forest Service is more than sufficient to support log demand for the Forest Service's Transition Framework.

We also believe that Sealaska and the Forest Service agree that, to achieve a successful transition to second growth, the Forest Service needs Sealaska to remain active in the timber industry in the Tongass, because Sealaska's operations support regional infrastructure (including roads and key contractors), development of markets (including second growth markets), and development of efficient and sustainable second growth harvesting techniques.

In short, the likely success of the Forest Service's transition to second growth is significantly improved if Sealaska second growth operations are in close physical proximity to Forest Service second growth operations.

Sealaska has 30 years of experience developing and distributing Southeast Alaska wood to new and existing markets around the world. Sealaska recently has pioneered second growth harvesting techniques in Southeast Alaska and is active in this market. Partnership between Sealaska and the Forest Service, collaborating to build new markets based on second growth, will have a better chance of success.

This legislation, which moves Sealaska into some older second growth, ensures that Sealaska will engage as an early partner with the Forest Service in second growth market development, while continuing to provide local jobs and supporting the local economy.

It is also important to note that regardless of whether Sealaska selects within the existing ANCSA withdrawal boxes or outside of those boxes, Sealaska must select its remaining entitlement lands from within the Tongass National Forest. In other words, by selecting Native entitlement lands, whether under existing law or the proposed legislation (S. 340), Sealaska's land selections will incorporate lands suitable for timber development and may require the Forest Service to adjust land management plans to account for such selections. However, the ability to make minor management adjustments is built into the revised Tongass Land Management Plan.

Conservation Considerations and S. 340

This legislation is fundamentally about the ancestral and traditional homeland of a people who have lived for 10,000 years in Southeast Alaska. For more than 200 years, people from across the western world have traveled to Southeast Alaska with an interest in the rich natural resources of the region—an area the size of Indiana. The Russians arrived in the late 18th Century to harvest sea otters and other furbearing animals. In the mid-1800s, Americans came to Southeast Alaska to hunt for whales, and in the late-1800s, gold miners and fishing interests arrived. In the first half of the Twentieth century, the fishing industry built traps at the river entrances, depleting salmon populations. In the 1950s and 1960s, two pulp mills signed contracts with the United States that gave the mills virtually unlimited access to Tongass timber. In the meantime, Natives from the late-1800's through the 1930s were moved from their traditional villages to central locations, in part for federally-mandated schooling.

In the late Twentieth Century conservation-minded groups, like industrialists before them, introduced new ideas about how best to serve the public interest in the Tongass. The conservation community writ-large has long fought to preserve the Tongass for its wilderness and ecological values, and we have often worked with them to seek appropriate conservation solutions for the forest. Our resource development practices have evolved over thirty or more years to better ensure to preservation of the Tongass' ecological values.

We do not, however, appreciate environmentalism that does not recognize the human element-that people have to live in this forest, and that people rely on a cash economy to survive. Industrial tourism, ecotourism, and fishing provide limited employment to the residents of our Native villages. But these jobs are limited, and have not prevented widespread outmigration from our communities.

We also do not accept environmentalism that does not recognize that the Tongass is a Native place, and that Native people have a right to develop natural resources on Native lands while seeking to balance the needs of our tribal member shareholders, our neighbors, and the forest itself. We welcome people to our homeland—

but we do not appreciate the assault, by some, on our right to exist and subsist in the Tongass.

There are groups that consistently agree with us that we should have our land, but wish to decide-to the smallest detail-where that land should be. Native people have always been asked to go second. Let's not forget that S. 340 addresses the existing land entitlement of the Native people of Southeast Alaska.

In attempting to resolve Sealaska's dilemma in an equitable manner, Alaska's congressional delegation has been careful to draft legislation to be in alignment with the current Administration's stated objectives for the Tongass; specifically, to protect roadless areas, reduce harvesting of old growth, and accelerate transition to second growth management.

Moreover, lands within the original withdrawal boxes are not without significant and important public interest value. For example, approximately 85 percent of those lands now designated available to Sealaska are classified by the Forest Service as designated roadless areas. A significant portion is Productive Old-Growth forest (some 112,000 acres), with over half of that being Old Growth Reserves as classified under the 2008 Amendment to the Tongass Land Use Management Plan. S. 340 allows these roadless old growth lands to return to public ownership, to be managed as the federal government and general public sees fit.

Some groups have claimed that "the lands that Sealaska proposes to select . . . are located within watersheds that have extremely important public interest fishery and wildlife habitat values." They suggest that the lands Sealaska would forego selecting-within the withdrawal boxes-do not have the same ecological value. We think these claims are, frankly, baseless, and we challenge those concerned for the ecology of Tongass forestlands to acknowledge that allowing land selections to proceed under S. 340 will result in net benefits for watersheds, anadromous streams, public hunting and fishing and recreation, the preservation of roadless old growth forests, sensitive species, and the Forest Service's conservation strategy for the Tongass. We agree that all lands in our region are valuable, and we believe our federal lands and our Native lands should be managed responsibly. We acknowledge the need for conservation areas and conservation practices in the Tongass. This bill meets those goals.

Legislation Forged through Public Process

The alternative selection pool identified in the Sealaska bill is a product of an exceptional public process, including five previous Congressional hearings, one markup, more than a dozen meetings held by Senator Murkowski's staff in Southeast communities, and hundreds of community meetings held by Sealaska with the State of Alaska, communities, mill owners and industry representatives, conservation groups, the Forest Service, the BLM, and Members of Congress.

The Sealaska bill has the support of the full Alaska delegation and many residents, communities and tribes throughout Southeast Alaska and statewide:

- The legislation is supported by the National Congress of American Indians, the Intertribal Timber Council, the Alaska Federation of Natives, the ANCSA Regional Presidents & CEOs, the Central Council of Tlingit and Haida Indian Tribes of Alaska, and numerous tribes throughout Alaska and the western United States.
- The Alaska Forest Association—which works with and represents Southeast Alaska's remaining timber mills—fully supports the Sealaska legislation.
- The Sealaska bill represents a net gain to the U.S. Forest Service of roadless and old growth timber in the Tongass National Forest. The legislation is fundamentally aligned with the goals of the Obama Administration.

Some critics of this bill want to shut down this legislation because it might mean that Sealaska selects lands on "their" islands, in "their" backyard, near "their" favorite spots. At some level, this is understandable. But every acre of the Tongass is precious to someone and we need somewhere to go to fulfill our entitlement. Alaska's congressional delegation has been careful to select lands that do not fall within conservation areas and are appropriate for timber development, and has compromised and adjusted the legislation several times on the basis of concerns expressed by non-governmental organizations, communities, and individuals.

A New Bill for the 113th Congress

In the 113th Congress, Senators Lisa Murkowski and Mark Begich introduced new legislation that incorporates a number of changes, all intended to resolve the outstanding concerns of the Obama Administration. S. 340 incorporates the following changes:

- Final entitlement acreage identified—In the 112th Congress, the Sealaska bill did not finalize Sealaska's entitlement upon enactment. Instead, the bill provided for finalization of entitlement by allowing Sealaska to identify its remaining entitlement lands from within a pool of lands. S. 340 identifies with finality the land Sealaska will receive.

  —BLM has estimated Sealaska's final entitlement as approximately 70,075 acres.

  —S. 340 establishes Sealaska's final entitlement at 70,075 acres. The bill will convey the land to Sealaska.

- Forest Service concerns addressed—S. 340 "squares up" the boundaries of Sealaska's economic parcels so the boundaries can more easily be managed by the Forest Service, removes some lands that conflicted with the Forest Service's Tongass National Forest conservation plan and/or timber harvesting plan, and remove parcels of land on Prince of Wales Island, Tuxekan Island, and Kosciusko Island that raised local concerns.

  —S. 340 conveys a significant amount of non-economic land to Sealaska as part of the compromise with the Administration.

- Trade and Migration Routes removed—In the 112th Congress, the Sealaska bill would have conveyed three Traditional and Customary Trade and Migration Routes to Sealaska. S. 340 simply recognizes the Trade and Migration Routes as Native places and directs the Forest Service to ensure that public access to the Routes is assured. The new bills would not place these lands in Native ownership.
- Cemetery sites and historical places removed—In the 112th Congress, the Sealaska bill would have allowed Sealaska to use 3600 acres of its existing entitlement to select cemetery sites and historical places, consistent with Section 14(h)(1) of ANCSA.

  —S. 340 would allow Sealaska to select up to 76 cemetery and historical sites, and will limit the acreage available for those sites to just 490 acres.

  —S. 340 would also place 25 foot public easements along streams that run through cemetery sites and historical places conveyed to Sealaska, to permit continued public access to the streams for fishing, subject to the right of Sealaska to regulate such access to protect cultural resources.

- Small parcel sites removed: In the 112th Congress, the Sealaska bill would have conveyed 30 small parcels to Sealaska to be used for cultural or economic activities.

  —S. 340 will reduce the number of small parcel sites to 9-mostly located within the original withdrawal boxes-as a result of opposition by some groups to the conveyance of such sites into Native ownership as "precedent-setting".

- Agreement with Forest Service required for forest development roads—S. 340 allows Sealaska to utilize certain forest roads, build a road, and upgrade an existing log transfer facility, so that Sealaska will be able to access a land-locked parcel conveyed to it.
- New restrictive covenant language removed—In the 112th Congress, the Sealaska bill would have modified[1] restrictive covenants in place on cemetery site and historical places to ensure certain activities, like running culture camps, could take place at the sites. As a result of local opposition to this language, the language was removed from the bill when introduced in the 113th Congress.

  —S. 340 also includes the following conservation-oriented amendments:

- Buffers on anadromous streams—The Obama Administration requested that Sealaska accept 100 foot buffers on three anadromous streams across economic lands conveyed to Sealaska. State law already provides sufficient, 67 foot buffers (or larger, depending on terrain) for these streams. Nevertheless, S. 340 was modified to include three conservation easements along anadromous streams.

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[1] Under existing restrictive covenants, the standards for determining whether the use of an Alaska Native cemetery site or historical place is incompatible with or in derogation of the values of the site "are found in relevant portions of 36 C.F.R. 800.9." 36 C.F.R. 800.9, in turn, provides for review by the Advisory Council on Historic Preservation of federal agency compliance with federal requirements for the protection of historic properties established under section 106 of the National Historic Preservation Act (NHPA). In the 112th Congress, the Sealaska bill essentially retained the restrictions on the use of cemetery sites and historical places, but eliminated the paternalistic review process that was established for federal agencies.

- New conservation areas established in the Tongass—As in the 112th Congress, S. 340 would designate approximately 150,000 acres of forestland, much of which is roadless old growth, for new conservation in the Tongass National Forest.
- CMAI waiver—S. 340 does not include language requested by the Forest Service that would allow the harvest of trees prior to the "culmination of mean annual increment" (CMAI) of growth in areas that are available for commercial timber harvest under the Tongass Land Management Plan to facilitate the transition away from the commercial timber harvest of old growth timber in the region. The Administration has proposed to offer an amendment, during a markup of S. 340, that would require such language. Sealaska does not oppose reasonable language to that effect.

Our Future in Southeast Alaska

Our people have lived in the area that is now the Tongass National Forest since time immemorial. The Tongass is the heart and soul of our history and culture. We agree that areas of the region should be preserved in perpetuity, but we also believe that our people have a right to reasonably pursue economic opportunity so that we can continue to live here. S. 340 represents a sincere and open effort to meet the interests of the Alaska Native community, regional communities, and the public at large.

It is important for all of us who live in the Tongass, as well as those who value the Tongass from afar, to recognize that the Tlingit, Haida and Tsimshian are committed to maintaining both the natural ecology of the Tongass and the Tongass as our home. We therefore ask for a reasoned, open, and respectful process as we attempt to finalize the land entitlement promised to our community more than 40 years ago. We ask for your support for S. 340.

Gunalcheesh. Thank you

FIELD INSTITUTE OF TAOS,
Arroyo Seco, NM.

Hon. JOE MANCHIN,
Chairman, Senate Subcommittee on Public Lands, Forests and Mining, U.S. Senate, Washington, DC.

Hon. JOHN BARRASSO,
Ranking Member, Senate Subcommittee on Public Lands, Forests and Mining, U.S. Senate, Washington, DC.

DEAR SENATORS MANCHIN AND BARRASSO:

I am writing in support of S. 312, the Carson National Forest Boundary Adjustment Act, introduced by New Mexico Senators Tom Udall and Martin Heinrich. I am very grateful that your Senate Energy and Natural Resources subcommittee is holding a hearing on this important piece of legislation for New Mexico on April 25, 2013. I am very hopeful that this bill will move forward through the committee and Senate as quickly as possible.

S. 312 is an important bill for my community. It will adjust the boundaries of the Carson National Forest to include the 5,000 acre Miranda Canyon tract, protecting our local drinking water supplies and ensuring that this high-value resource land is open to the public forever. Adding Miranda Canyon to the forest will provide residents and visitors with enhanced opportunities to hike, hunt, mountain bike and generally enjoy the outdoors.

The Miranda Canyon acquisition is strongly supported by the local community in Taos, including our county commission. In addition to expanding recreational access, the project will protect water resources within the Río Grande watershed, a segment of the Old Spanish National Historic Trail, wildlife habitat, and the scenic viewshed from the valley towards Picuris Peak. All of these attributes contribute to the economy and quality of life in Taos County.

Thank you for your consideration of this important piece of legislation before your committee. Sincerely, Susan Fiore Executive Director

Sincerely,

SUSAN FIORE,
Executive Director.

STATEMENT OF JOSEPH GERSEN, DIRECTOR OF GOVERNMENT RELATIONS, PUBLIC LANDS SERVICE COALITION

On behalf of the Public Lands Service Coalition, I would like to express our appreciation and support for S.360 and encourage the committee to pass the Public Lands Service Corps Act of 2013. An expanded Public Lands Service Corps will provide more opportunities for thousands of young Americans to gain valuable workforce training and career development while assisting our nation's land and water management agencies to address critical restoration, maintenance, and rehabilitation needs. Engaging young adults through the Public Lands Service Corps will also help address billions of dollars in backlogged maintenance needs on our nation's public lands and waters, address youth unemployment, and prepare a diverse group of youth to be the next generation of natural resource employees.

The Public Lands Service Coalition promotes youth service jobs and career development on public/tribal lands and waters. Each year, Coalition members engage more than 20,000 young people in jobs and service opportunities, and they are poised to expand greatly to address the record-high youth unemployment, the billions of dollars of backlogged maintenance needs on public lands, the need for future federal public lands employees, the national youth obesity epidemic, and the disengagement of youth from the great American outdoors.

The Public Lands Service Coalition supports this legislation because it will:

- Increase the utilization of service and service learning as a strategies for accomplishing work on our nation's public lands and waters;
- Introduce more young Americans to our nation's public lands and waters—instilling in them an appreciation for nature, an enjoyment of healthy recreation, and a sense of stewardship for our natural resources and the environment;
- Expand career development and workforce training opportunities for Public Lands Service Corps members by increasing non-competitive hiring status allowing more young people, particularly those from disadvantaged backgrounds, the ability to pursue careers in land and natural resource management.
- Raise the profile of the Public Lands Service Corps within the relevant land and water management agencies making it easier for conservation corps to participate and partner with the federal government.

The History of the Corps Movement

The Civilian Conservation Corps employed six million young men between 1933 and 1942 who planted nearly three billion trees and constructed more than 800 parks. Subsequent federal efforts built on the CCC model include Peace Corps (1961), Job Corps (1964), Youth Conservation Corps (1971), Young Adult Conservation Corps (1977), and AmeriCorps (1994). In addition, numerous state and nonprofit groups launched similar efforts beginning with Student Conservation Association in 1957 and followed by the California Conservation Corps in 1976. The Public Lands Service Corps Act builds on these recent efforts by strengthening the ability of the federal government to partner with these non-federal entities to meet national priorities.

The Corps Model

Experienced conservation corps programs engage thousands of young people on public and tribal lands and waters each year. Operating in all 50 states, these programs provide public and tribal land and water managers with an effective and efficient way to complete necessary and important projects and give young people opportunities to further their education and improve their career prospects, while building the next generation of land and water managers and resource stewards.

Each year, Corps complete hundreds of high-quality and often technical projects on public lands and waters. Project sponsors consistently express a high degree of satisfaction with the quality of work and productivity of the Corps. Virtually all federal project partners (99.6 percent) say they would work with Corps again. Types of work include, but are not limited to:

- Protecting wildlife and preserving public lands and waters (ecological restoration);
- Preparing communities for disasters and responding when needed;
- Enhancing recreation on public lands;
- Protecting communities and public lands from the devastating effects of wildfires;
- Preserving historic structures;
- Supporting individual placements and internships at the land and water management agencies.

Cost Savings through Expanding Public Private Partnerships

Corps work with federal and land and water management partners on a project based approach (conservation, restoration, and historic preservation) with cooperative agreements. Implementing this legislation will help stretch the budgets of land and water management agencies, and will not require additional appropriations.

The Public Lands Service Corps Act of 2013 will help the land and water management agencies achieve more with their current operating budgets though partnerships with conservation corps. Research conducted by the National Park Service's Park Facility Management Division in 2012 found that using Conservation Corps to complete maintenance and trail projects provided a cost savings of over 50 percent. Further, it is estimated that the cost of two professional level SCA interns, is the same as one seasonal employee doing similar work. These public private partnerships leverage federal investment by bringing at least a 25 percent match.

The Public Lands Service Corps Act of 2013 will be implemented, and its goals achieved, without additional appropriations to the affected land and water management agencies. PLC programs engaging conservation corps in service on public lands are being paid for from within existing agency appropriations, from recreation fees retained by the agencies, and from charitable contributions. Utilizing existing appropriations is possible because conservation corps complete work that the agencies would be doing anyway with the appropriated funds, primarily derived from maintenance and operating funds. Work projects completed by conservation corps has the added advantage of requiring fewer federal resources than if carried out by agency employees or private contractors.

Conclusion

The Public Lands Service Corps Act would simultaneously address youth unemployment, billions of dollars of backlogged maintenance needs on our nation's public lands and waters while preparing a diverse group of youth to be the next generation of natural resource employees. Meanwhile, the Corpsmembers could, in turn, utilize their AmeriCorps Education awards and the expanded non-competitive hiring authority contained in this bill to pursue careers in land management-thus building and diversifying the next generation of the resource management workforce.

Mr. Chairman, thank you for the opportunity to testify. On behalf of the entire Public Lands Service Coalition, I again want to express our appreciation and support for S.360. We look forward to working with you to see it enacted into law.

Coalition Members

- Backcountry Horsemen of America
- Calif. Assn of Local Conservation Corps
- California Conservation Corps
- Campfire USA
- Canyon Country Youth Corps
- Citizens Conservation Corps of West Virginia
- Civilian Conservation Corps Legacy, Inc
- Coconino Rural Environment Corps
- Colorado Youth Corps Association
- Conservation Corps Minnesota and Iowa
- EarthCorps
- Greater Miami Service Corps
- Groundwork USA
- Los Angeles Conservation Corps
- Montana Conservation Corps
- National Congress of American Indians
- National Parks Conservation Association
- National Wildlife Federation
- Nevada Conservation Corps
- Northwest Youth Corps
- Operation Fresh Start
- Rocky Mountain Youth Corps (CO)
- Rocky Mountain Youth Corps (NM)
- Sequoia Community Corps
- Sierra Club
- Southeast Alaska Guidance Association
- Southwest Conservation Corps
- Student Conservation Association
- Texas Conservation Corps
- The Corps Network
- The Wellness Coalition

- The Wilderness Society
- The Y
- Utah Conservation Corps
- Vermont Youth Conservation Corps
- Veterans Green Jobs
- Washington Conservation Corps

LIVESTOCK INDUSTRY ORGANIZATION,
April 24, 2013.

Hon. JOE MANCHIN,
Chairman, Subcommittee on Public Lands, Forests, and Mining, U.S. Senate, Natural Resources Committee, 306 Hart Senate Office Building, Washington, DC.

Hon. JOHN BARRASSO,
Ranking Minority Member, Subcommittee on Public Lands, Forests, and Mining, U.S. Senate, Natural Resources Committee, 307 Dirksen Senate Office Building, Washington, DC. 20510

DEAR CHAIRMAN MANCHIN AND RANKING MEMBER BARRASSO:

The Public Lands Council (PLC), American Sheep Industry Association (ASI), National Cattlemen's Beef Association (NCBA), Association of National Grasslands (ANG) and undersigned livestock groups strongly support the Grazing Improvement Act (S. 258) and thank you for providing a hearing for this important legislation. Passage of S. 258 would be a great contribution toward our goal of providing a stable business environment to our members, ranchers who hold grazing permits on public lands. These ranchers face ever- increasing uncertainty as to the future of their permits on lands managed by the Bureau of Land Management (BLM) and U.S. Forest Service. Through no fault of their own, our members risk the loss of their grazing permits due to the abiding and substantial backlog of required environmental analysis by the agencies. S. 258 would alleviate this problem.

Each year, our members rely on appropriation rider language to ensure their permits will be reissued when the agencies are unable to complete the required environmental analysis. The agency backlog of National Environmental Policy Act (NEPA) analysis is only worsened by the constant stream of process-based lawsuits by anti-grazing special interest groups. Many of these groups' sole purpose is to eliminate livestock grazing from public lands, and they use taxpayer dollars to fund their agenda. Their lawsuits consume considerable agency resources, further delaying the required NEPA analyses and perpetuating the cycle of litigation. The Grazing Improvement Act would help alleviate that cycle.

S. 258 would allow permits to be renewed under existing terms and conditions until the renewal process is complete, and allow for categorical exclusion of grazing permits from NEPA if those permits are to continue under current management. By extending the life of a grazing permit from 10 years to 20 years, your legislation would reduce the number of allotments due for environmental analysis each year. These provisions will contribute to the stability and assurances our members need in order to continue successful operations.

The continued success of our members' ranching operations holds great implications for the landscapes and rural economies of the West. Failed operations lead to the fragmentation of private and public lands and the loss of wildlife habitat. Innumerable rural communities count grazing on public lands as their lifeblood, and many of them are already experiencing the hardships that accompany the loss of grazing permits. This legislation is of great importance to our members, and we look forward to working with your subcommittee to ensure its success.

Sincerely,

Public Lands Council
American Sheep Industry Association
Association of National Grasslands
National Cattlemen's Beef Association
Arizona Cattle Growers' Association
Arizona Wool Producers Association
California Cattlemen's Association
California Wool Growers Association
Colorado Cattlemen's Association
Colorado Wool Growers Association
Idaho Cattle Association
Idaho Wool Growers Association
Montana Stockgrowers Association
Montana Public Lands Council

Montana Association of State Grazing Districts
Montana Wool Growers Association
New Mexico Stock Growers' Association
New Mexico Wool Growers, Inc.
Nevada Cattlemen's Association
Nevada Wool Growers Association
North Dakota Stockmen's Association
Oregon Cattlemen's Association
Oregon Sheep Growers Association
South Dakota Cattlemen's Association
South Dakota Public Lands Council
Utah Cattlemen's Association
Utah Wool Growers Association
Washington Cattlemen's Association
Washington State Sheep Producers
Wyoming Stock Growers Association
Wyoming Wool Growers Association

STATEMENT OF THOMAS J. CASSIDY, JR., VICE PRESIDENT, GOVERNMENT RELATIONS AND POLICY, ON S. 507

The National Trust for Historic Preservation (National Trust) appreciates the Committee on Energy and Natural Resources Member Senator Maria Cantwell for her leadership sponsoring S. 507, the Manhattan Project National Historical Park and the co-sponsorship of fellow Committee Members Senators Lamar Alexander and Martin Heinrich. We are also grateful for the co-sponsorship of Senators Patty Murray and Tom Udall.

My name is Thomas J. Cassidy, Jr. and I am the Vice President for Government Relations and Policy. The National Trust is a privately-funded nonprofit organization chartered by Congress in 1949. We work to save America's historic places to enrich our future. With headquarters in Washington, D.C., 13 field offices, 27 historic sites, 746,000 members and supporters and partner organizations in 50 states, territories, and the District of Columbia, the National Trust works to save America's historic places and advocates for historic preservation as a fundamental value in programs and policies at all levels of government. For more than 20 years, the National Trust has advocated for the preservation and enhancement of historic and cultural resources on federal public lands.

Manhattan Project Background

The Manhattan Project is the unparalleled story of a nation coming together for the common cause of creating the atomic bomb. It has been has been called "the single most significant event of the 20th century." The top-secret Manhattan Project brought an end to World War II, altering the role of the United States in the world community and effectively setting the stage for the Cold War. The newly created technology fostered advances in the newly emergent fields of chemotherapy, high-speed computer technology, genomics, and bioengineering.

The facilities associated with the Manhattan Project were top-secret, hidden in rural locations, their perimeters bound with security fencing. The project's classified status demanded sites be situated beyond the range of enemy aircraft, isolated from population centers yet accessible to a ready labor supply as well as rail and motor transportation. At its peak, the Manhattan Project employed over 130,000 people, many of whom knew only enough to do their job and nothing more.

The laboratory sites possessed enough land to erect laboratories and secret towns which would house scientists, construction workers, and their families. Specific laboratories—the Los Alamos Laboratory, New Mexico, the Oak Ridge Reservation, Tennessee, and the Hanford Site, Washington—were central to the mission and were established to support research. Seventy years later these laboratories retain architectural integrity and are considered eligible for National Register of Historic Places and National Historic Landmark (NHL) designation. These sites, owned and managed by the U.S. Department of Energy (DOE), were listed on the National Trust for Historic Preservation's 11 Most Endangered Historic Places in 2009, with the Enola Gay Hanger at Utah's Wendover Airfield representing threatened Manhattan-era properties. In 2011, the National Trust named Manhattan Project resources to its National Treasures program, an initiative dedicated to saving the places that tell America's stories through the engagement of a wide range of partners and the development of strategic campaigns to protect these irreplaceable places.

Oak Ridge

The Manhattan Project's enormous scale and ambition is illustrated at the laboratories located in Oak Ridge, TN—facilities exclusively focused on three distinct methods of uranium enrichment—electromagnetic separation (Y-12 Plant), gaseous diffusion (K-25 Site), and liquid thermal diffusion (X-10). Sixty percent of all expenditures for the Manhattan Project supported research occurring at Oak Ridge, which also functioned as the project's administrative headquarters. Construction advanced at such a rapid pace that in December 1945, the Engineering News Record described the achievement as the equivalent of having constructed the Panama Canal within a period of 12 months.

Among the facilities to remain at Oak Ridge are Y-12's Beta-3 Electromagnetic Separation Racetracks, one of only two plants in the world capable of producing over 200 stable isotopes. The enriched uranium produced by Y-12's calutrons ultimately created the weapon detonated over Hiroshima. Y-12's Building 9204-3 houses working calutrons, the only surviving production-level electromagnetic isotope separation facility to exist in the United States.

The X-10 Graphite Reactor produced the world's first significant amounts of plutonium, proving that plutonium production could be achieved. The reactor was designed as the pilot plant for reactors later constructed in Hanford, Washington. The Graphite Reactor remains in its original condition and currently serves as a museum where visitors can examine the reactor face and control panels.

Hanford

The B Reactor was completed in 1944, becoming the world's first reactor to produce plutonium on a large-scale, including manufacturing plutonium for the Trinity device, the Nagasaki weapon and subsequent Cold War weapons. At 250 megawatts, the B Reactor was built on a significantly larger scale than its prototype, the X-10 Graphite Reactor, which produced only 4,000 kilowatts of power. Placement of the B Reactor along the banks of the Columbia River permitted cooling of the reactor's network of aluminum tubes and uranium slugs with river water which was pumped at a rate of 75,000 gallons per minute. Hanford's B Reactor is currently accessible via limited, ticketed public tours.

Los Alamos

The laboratories erected at Los Alamos, New Mexico, were constructed on the grounds of the former Los Alamos Ranch School, a boy's boarding school which was situated approximately 40 miles from Santa Fe. Established in 1928, the school's 800-acre campus contained Fuller Lodge, a rustic log-constructed building which met the school's administrative needs and a scattering of rustic outbuildings. Acquired by the Army in 1942 for inclusion in the Manhattan Project, the school's rural campus was soon overrun by barracks and chemistry and physics laboratories.

By 1944, Los Alamos was home to the "V-Site," the lab in which the world's first plutonium bombs were assembled. "The Gadget," code name of the prototype "Fat Man" bomb detonated over Nagasaki, was assembled here. Today, the community retains historic residential buildings and public spaces dating from the World War II period. Los Alamos' visitors will have unique opportunity to walk the same paths as the giants of 20th century physics.

Permanent Preservation and Interpretation

In 2000, the DOE named eight "Signature Facilities" historic properties whose original function is directly associated with the Manhattan Project. In awarding this designation, DOE's intention was to advance the preservation and interpretation of properties associated with the Manhattan Project. The agency proposed to integrate departmental headquarters and field activities by creating a working partnership with all interested outside entities, organizations, and individuals, a coalition inclusive of Congress, state/local governments, and various other stakeholders. Though certainly a prestigious designation, the listing does not preclude building deterioration or demolition of historic facilities affiliated with the Manhattan Project. Five of the eight "Signature Facilities" are included in H.R. 1208 including Hanford's B Reactor and T Plant Chemical Separations Building; Oak Ridge's Y12 Beta-3 Racetracks and X-10 Graphite Reactor; and Los Alamos' V-Site Assembly Building/Gun Site.

The Manhattan Project National Historical Park Study Act

On October 18, 2004, President Bush approved Public Law 108-340, "The Manhattan Project National Historical Park Study Act." The act directed the Secretary of the Department of the Interior, in consultation with the Department of Energy, to conduct a study for the preservation and interpretation of historic sites associated with the Manhattan Project. At its conclusion in July 2011, the Feasibility Study

determined resources located in Los Alamos, Oak Ridge, and Hanford possessed the national significance required for designation and were suitable for inclusion in the National Park System. The National Trust for Historic Preservation fully endorses this conclusion.

The National Trust recognizes this designation will be accompanied by controversy. History is often fraught with complexity, and it is for this reason the National Trust supports creation of the Manhattan Project National Historical Park. Anyone who has visited National Park Service units like Little Bighorn, Manzanar, Andersonville or Little Rock Central High School, understands that these National Parks are authentic sites—the places where history happened—and not places of celebration. The National Park Service's mission in these locations is to preserve and objectively interpret what is often complex and contentious history, so current and future Americans have opportunity for a deeper understanding of seminal events.

The National Trust believes historic sites associated with the Manhattan Project are no less worthy of National Park recognition and we recommend the Members of Senate support S. 507 to establish the Manhattan Project National Historical Park. Present and future generations of Americans deserve the opportunity to see and learn our nation's history through the unbiased and balanced interpretation of the National Park Service and to draw their own conclusions about how the Manhattan Project changed the world. Recognizing that sites associated with the Manhattan Project are places of commemoration, Pulitzer-prize winning historian Richard Rhodes describes these authentic places in this way: "The factories and bombs that Manhattan Project scientists, engineers, and workers built were physical objects that depended for their operation on physics, chemistry, metallurgy, and other natural sciences, but their social reality—their meaning, if you will—was human, social, political. The same is true of Williamsburg and Bandelier and the Declaration of Independence."

The National Trust for Historic Preservation applauds the National Park Service and the Department of Energy for their successful collaboration. We anticipate this innovative partnership will bring many benefits to the Manhattan Project National Historical Park, creating a model which may be replicated by other agencies. We look forward to working with you, and request that National Park designation be completed by the close of the 113th Congress.

COALITION FOR NEVADA'S WILDLIFE,
Reno, NV, April 10, 2013.

Hon. MARK AMODEI,
U.S. House of Representatives, 222 Cannon House Office Building, Washington DC.

Re: Support letter for H.R. 433

DEAR CONGRESSMAN AMODEI:

We are writing to both thank you for your support of HR 433 and also to encourage you to cont1nue to be a strong advocate for this bill, until it is enacted into law.

The "Pine Forest Range Recreation Enhancement Act of 2013" is a shining model of how public lands bills should be developed here in the west. It was a "ground up" process that started at the stakeholder level. 23 Members of the "Pine Forest Working Group", consisting of ranchers, miners, hunters, fishermen, Wilderness advocates off-road-vehicle enthusiasts, and other affected Interests. developed a comprehensive set of recommendations that were unanimously supported by the members of the working group. These recommendations were then unanimously supported by the Humboldt County Commtssion. The entire process and recommendations were then supported by a resolution from the Nevada State legislature and the Nevada Association of Counties. This legislation is also supported by all the major wildlife and conservation NGO's in Nevada

This process and the resulting bill show that when local interests. that know and love the land, come to the table and work together, good things can happen. Some examples of how stakeholders working together can produce good results include:

- Areas of conflict, (approximately 1,000 acres from the original WSA's), primarily popular camping and vehicle access areas. were dropped from the final recommendations 1n order to accommodate the desires of local users and stakeholders.
- Additional acres of roadless landscape, where no conflicts occurred, were added to create a more logtcal and definable boundary.
- Identifies and preserves cherry stem road access that all parties supported

- Two existing roads were realigned to avoid wet meadow or ripanan areas, allowing continued access.
- Would enlarge the Blue Lakes trailhead for additional camping and parking.
- Approximately 1,500 acres of mountamous private lands. bordenng the proposed wilderness, were Identified for exchange for BLM lands at the edge of the mountains adjacent to private landowners. Once transferred, these exchanged BLM lands can then be developed for agricultural production.

We need passage of this bill not only to ratify the hard, painstakmg work of the Humboldt County Commission and the stakeholder group, but also to serve as an example of how a "ground up" process, involving local stakeholders and user groups, can resolve local issues through a locally dnven process Th1s is the model for how our pubhc lands should be managed. Passage of this bill is not only good for Nevada but can also serve as an example for other western states to follow. Again we would like to urge you to contmue to be a champion for the H.R. 433. Too often land management decisions are perceived as being dictated from the top down with madequate mput from local residents that are both intimately knowledgeable and deeply affected by these decisions.

Sincerely,

THE COALITION FOR NEVADA'S WILDLIFE
LARRY JOHNSON,
President (also Director, Nevada Bighorns Unlimited-Reno).
TOM SMITH,
Vice President (also Director, Truckee River Flyfishers).
MIKE BERTOLDI,
Treasurer.
STACEY TRIVITT,
President Carson Valley Chukar Club.
ED WAGNER,
Director, Nevada Wildlife Federation.
JOEL BLAKESLEE,
President, Nevada Trapper's Association.
JUDI CARON,
Director (also President, Safari Club International, Northern Nevada Chapter).
JIM PURYEAR,
Director (also Member, Nevada Guides and Outfitters Association).
BOB BRUNNER,
Director.
WILLIE MOLINI,
Director (also Director of Nevada Waterfowl Coalition).
MIKE CASSIDY,
Director (also Vice President Safari Club International, Northern Nevada)

COALITION FOR NEVADA'S WILDLIFE,
Reno, NV, April 10, 2013.

Hon. DEAN HELLER,
U.S. Senate, 361A Russell Senate Office Building, Washtngton, DC.

Re: Support letter for S. 342

DEAR SENATOR HELLER:

We are writing to both thank you for your support of S. 342 and also to encourage you to continue to be a strong advocate for this bill, until it is enacted into law.

The "Pine Forest Range Recreation Enhancement Act of 2013" is a shining model of how public lands bills should be developed here in the west. It was a "ground up" process that started at the stakeholder level. 23 Members of the "Pine Forest Working Group", consisting of ranchers, miners, hunters, fishermen, Wilderness advocates, off-road-vehicle enthusiasts. and other affected tnterests, developed a comprehensive set of recommendations that were unammously supported by the members of the working group. These recommendations were then unanimously supported by the Humboldt County Commission. The entire process and recommendations were then supported by a resolution from the Nevada State legislature and the Nevada Association of Counties. This legislation is also supported by all the major wildlife and conservation NGO's in Nevada

This process and the resulting bill show that when local interests, that know and love the land, come to the table and work together, good things can happen. Some examples of how stakeholders worktng together can produce good results include.

- Areas of conflict. (approximately 1,000 acres from the original WSA's), primarily popular camping and vehicle access areas, were dropped from the final recommendations in order to accommodate the desires of local users and stakeholders.
- Additional acres of roadless landscape, where no conflicts occurred, were added to create a more logical and definable boundary.
- Identifies and preserves cherry stem road access that all parties supported.
- Two existing roads were realigned to avo1d wet meadow or riparian areas, allow1ng continued access.
- Would enlarge the Blue Lakes trailhead for additional camping and parking.
- Approximately 1,500 acres of mountainous pnvate lands, bordering the proposed wilderness, were identified for exchange for BLM lands at the edge of the mountains adjacent to private landowners. Once transferred, these exchanged BLM lands can then be developed for agncultural product1on

We need passage of this bill not only to ratify the hard, painstaking work of the Humboldt County Commission and the stakeholder group, but also to serve as an example of how a "ground up" process, involving local stakeholders and user groups, can resolve local issues through a locally driven process. This is the model for how our public lands should be managed. Passage of this bill IS not only good for Nevada but can also serve as an example for other western states to follow. Again we would like to urge you to continue to be a champion for the S.342. Too often land management decisions are perceived as being dictated from the top down with inadequate input from local residents that are both intimately knowledgeable and deeply affected by these decisions

Sincerely,

THE COALITION FOR NEVADA'S WILDLIFE
LARRY JOHNSON,
President (also Director, Nevada Bighorns Unlimited-Reno).
TOM SMITH,
Vice President (also Director, Truckee River Flyfishers).
MIKE BERTOLDI,
Treasurer.
STACEY TRIVITT,
President Carson Valley Chukar Club.
ED WAGNER,
Director, Nevada Wildlife Federation.
JOEL BLAKESLEE,
President, Nevada Trapper's Association.
JUDI CARON,
Director (also President, Safari Club International, Northern Nevada Chapter).
JIM PURYEAR,
Director (also Member, Nevada Guides and Outfitters Association).
BOB BRUNNER,
Director.
WILLIE MOLINI,
Director (also Director of Nevada Waterfowl Coalition).
MIKE CASSIDY,
Director (also Vice President Safari Club International, Northern Nevada)

NEW MEXICO WILDLIFE FEDERATION,
Albuquerque, NM.

Hon. JOE MANCHIN,
Chairman, Senate Subcommittee on Public Lands, Forests and Mining, U.S. Senate, Washington, DC.

Hon. JOHN BARRASSO,
Ranking Member, Senate Subcommittee on Public Lands, Forests and Mining U.S. Senate, Washington, DC.

DEAR SENATORS MANCHIN AND BARRASSO:

I am writing on behalf of the New Mexico Wildlife Federation and our 9,000 members and supporters to express my strong support of S. 312, the Carson National Forest Boundary Adjustment Act, introduced by New Mexico Senators Tom Udall and Martin Heinrich. Founded in 1914 by Aldo Leopold and other conservation-minded sportsman, the New Mexico Wildlife Federation is New Mexico's oldest conservation organization dedicated to protecting New Mexico's wildlife, habitat and outdoor way of life.

I am very grateful that your Senate Energy and Natural Resources subcommittee is holding a hearing on this important piece of legislation for New Mexico on April 25, 2013. I am very hopeful that this bill will move forward through the committee and Senate as quickly as possible.

S. 312 is an important bill for my community. It will adjust the boundaries of the Carson National Forest to include the 5,000 acre Miranda Canyon tract, protecting our local drinking water supplies and ensuring that this high-value resource land is open to the public forever. Adding Miranda Canyon to the forest will provide residents and visitors with enhanced opportunities to hike, hunt, mountain bike and generally enjoy the outdoors.

The Miranda Canyon acquisition is strongly supported by the local community in Taos, including our county commission. In addition to expanding recreational access, the project will protect water resources within the Río Grande watershed, a segment of the Old Spanish National Historic Trail, wildlife habitat, and the scenic viewshed from the valley towards Picuris Peak. All of these attributes contribute to the economy and quality of life in Taos County.

Thank you for your consideration of this important piece of legislation before your committee.

Sincerely,

ALAN HAMILTON PH.D.
Conservation Director.

NEVADA WILDERNESS PROJECT,
Reno, NV, February 28, 2013.

Hon. HARRY REID,
U.S. Senate, 522 Hart Senate Office Building, Washington, DC.

Hon. MARK AMODEI,
U.S. House of Representatives, 222 Cannon House Office Building, Washington, DC.

Hon. DEAN HELLER,
U.S. Senate, 361A Russell Senate Office Building, Washington, DC.

Re: Support letter for H.R. 433 and S. 342

DEAR REPRESENTATIVE AMODEI AND SENATORS REID AND HELLER,

First, let me thank you for introducing and supporting S. 342 and H.R. 433. Your leadership on this important issue is deeply appreciated by the entire conservation community.

As you know, The Humboldt County Commission sanctioned a "ground up" process to review and formulate recommendations on two key Wilderness Study Area's (WSA's) within the Pine Forest Range in northern Nevada. Twenty three members of the "Pine Forest Working Group" developed a comprehensive set of recommendations that all the various user groups unanimously supported and which in turn were unanimously supported by the Humboldt County Commission, by a 5-0 vote.

The review process and subsequent recommendations were also supported by resolutions from the 2011 Nevada Legislature and the Nevada Association of Counties. The legislation is supported by all major conservation and wildlife NGO's throughout Nevada.

The recommendations drop areas of conflict from the designated WSA's and add additional acres of roadless no conflict landscape to firm up a boundary. In addition, approximately 1500 acres of mountainous private lands, bordering the proposed wilderness, were identified for exchange for BLM lands by the private landowners.

We need passage of S.342 and H.R. 433 to ratify the work of Humboldt County Commission in support of a "ground up" land use review process that has unilateral support. Passage of the legislation is not only good for Nevada; it validates the process of involving local and regional user groups to resolve local issues through a locally driven process.

Sincerely,

JENEANE HARTER,
Executive Director.

OLD SPANISH TRAIL ASSOCIATION,
Las Vegas, NM, April 2013.

Hon. JOE MANCHIN,
Chairman, Senate Subcommittee on Public Lands, Forests, and Mining, U.S. Senate, Washington, DC.

Hon. JOHN BARRASSO,
Ranking Member, Senate Subcommittee on Public Lands, Forests and Mining, U.S. Senate, Washington, DC.

DEAR SENATORS MANCHIN AND BARRASSO:

I am writing in support of S.312, Carson National Forest Boundary Adjustment Act, introduced by Senator Tom Udall and Senator Martin Heinrich of New Mexico. As an interested citizen, I am personally pleased that your Energy & Natural Resources Subcommittee is holding a hearing on this most important piece of legislation, and I am hopeful that the bill will move through committee and through the Senate as quickly as possible.

Adjusting the boundaries of Carson National Forest to include the 5000-acre Miranda Canyon tract will help protect local water supplies, preserve wildlife habitat, and ensure that this significant resource will always be open to the public for healthful outdoor recreation-tremendously important to all Americans.

Not only is the Miranda Canyon acquisition strongly supported by the people of Taos and northern New Mexico, but by those of us who work with the National Trails System and, especially, with the Old Spanish Trail Association (OSTA).

Thank you for your favorable consideration of S.312.

Sincerely,

REBA WELLS GRANDRUD.

OREGON HUNTERS ASSOCIATION,
Medford, OR, April 25, 2013.

Hon. JON MANCHIN,
Chairman, Subcommittee on Public Lands and Forests, U.S. Senate, Washington, DC.

Hon. JOHN BARRASSO,
Ranking Member, Subcommittee on Public Lands and Forests, U.S. Senate, Washington, DC.

RE: Oregon Treasures

DEAR CHAIRMAN MANCHIN AND SENATOR BARRASSO:

We are writing to express our strong support for S. 353, the Oregon Treasures Act of 2013, which will provide our members with markedly improved opportunities to hunt and boat along the John Day River, the Rogue River, the Chetco River, and the Molalla River.

Oregon has always been a haven for outdoor enthusiasts who come from far and wide to experience its wild rivers, high deserts, and ancient forests. With the passage of legislation like the Oregon Treasures Act, we will continue to draw visitors from all over the world who come to enjoy the pristine nature of our watersheds and protected public lands.

As hunters, we are especially excited about the consolidation of public lands in Cathedral Rock and Horse Heaven. Due to a checkerboard of public and private land, these areas have been virtually off-limits to hunting for fear of trespass. Thanks to this legislation, we have the opportunity to enjoy increased road access to an additional 1,661 acres of BLM lands and increased river access to 7,501 acres, thereby doubling access to public lands, from 9,112 acres to 18,245 acres.

As boaters, we are looking forward to new protections along the John Day, Rogue, Chetco, and Molalla Rivers that will offer enhanced protection for fish habitat and some of our favorite river runs.

Passage of the Oregon Treasures Act will benefit Oregonians of today and for many generations to come. Thank you for your continued work to support this proposal, showing that securing places for people to hunt and boat is an important public value for our state, our nation and our future.

Sincerely,

JOHN CRAFTON,
Redmond Chapter Secretary.

THOMAS O'KEEFE,
Pacific Northwest Stewardship Director, American Whitewater.

STATEMENT OF JOSEPH GERSEN, DIRECTOR OF GOVERNMENT RELATIONS, PUBLIC LANDS SERVICE COALITION, ON S. 360

On behalf of the Public Lands Service Coalition, I would like to express our appreciation and support for S.360 and encourage the committee to pass the Public Lands Service Corps Act of 2013. An expanded Public Lands Service Corps will provide more opportunities for thousands of young Americans to gain valuable workforce training and career development while assisting our nation's land and water management agencies to address critical restoration, maintenance, and rehabilitation needs. Engaging young adults through the Public Lands Service Corps will also help address billions of dollars in backlogged maintenance needs on our nation's public lands and waters, address youth unemployment, and prepare a diverse group of youth to be the next generation of natural resource employees.

The Public Lands Service Coalition promotes youth service jobs and career development on public/tribal lands and waters. Each year, Coalition members engage more than 20,000 young people in jobs and service opportunities, and they are poised to expand greatly to address the record-high youth unemployment, the billions of dollars of backlogged maintenance needs on public lands, the need for future federal public lands employees, the national youth obesity epidemic, and the disengagement of youth from the great American outdoors.

The Public Lands Service Coalition supports this legislation because it will:

- Increase the utilization of service and service learning as a strategies for accomplishing work on our nation's public lands and waters;
- Introduce more young Americans to our nation's public lands and waters—instilling in them an appreciation for nature, an enjoyment of healthy recreation, and a sense of stewardship for our natural resources and the environment;
- Expand career development and workforce training opportunities for Public Lands Service Corps members by increasing non-competitive hiring status allowing more young people, particularly those from disadvantaged backgrounds, the ability to pursue careers in land and natural resource management.
- Raise the profile of the Public Lands Service Corps within the relevant land and water management agencies making it easier for conservation corps to participate and partner with the federal government.

The History of the Corps Movement

The Civilian Conservation Corps employed six million young men between 1933 and 1942 who planted nearly three billion trees and constructed more than 800 parks. Subsequent federal efforts built on the CCC model include Peace Corps (1961), Job Corps (1964), Youth Conservation Corps (1971), Young Adult Conservation Corps (1977), and AmeriCorps (1994). In addition, numerous state and nonprofit groups launched similar efforts beginning with Student Conservation Association in 1957 and followed by the California Conservation Corps in 1976. The Public Lands Service Corps Act builds on these recent efforts by strengthening the ability of the federal government to partner with these non-federal entities to meet national priorities.

The Corps Model

Experienced conservation corps programs engage thousands of young people on public and tribal lands and waters each year. Operating in all 50 states, these programs provide public and tribal land and water managers with an effective and efficient way to complete necessary and important projects and give young people opportunities to further their education and improve their career prospects, while building the next generation of land and water managers and resource stewards.

Each year, Corps complete hundreds of high-quality and often technical projects on public lands and waters. Project sponsors consistently express a high degree of satisfaction with the quality of work and productivity of the Corps. Virtually all federal project partners (99.6 percent) say they would work with Corps again. Types of work include, but are not limited to:

- Protecting wildlife and preserving public lands and waters (ecological restoration);
- Preparing communities for disasters and responding when needed;
- Enhancing recreation on public lands;
- Protecting communities and public lands from the devastating effects of wildfires;
- Preserving historic structures;
- Supporting individual placements and internships at the land and water management agencies.

Cost Savings through Expanding Public Private Partnerships

Corps work with federal and land and water management partners on a project based approach (conservation, restoration, and historic preservation) with cooperative agreements. Implementing this legislation will help stretch the budgets of land and water management agencies, and will not require additional appropriations.

The Public Lands Service Corps Act of 2013 will help the land and water management agencies achieve more with their current operating budgets though partnerships with conservation corps. Research conducted by the National Park Service's Park Facility Management Division in 2012 found that using Conservation Corps to complete maintenance and trail projects provided a cost savings of over 50 percent. Further, it is estimated that the cost of two professional level SCA interns, is the same as one seasonal employee doing similar work. These public private partnerships leverage federal investment by bringing at least a 25 percent match.

The Public Lands Service Corps Act of 2013 will be implemented, and its goals achieved, without additional appropriations to the affected land and water management agencies. PLC programs engaging conservation corps in service on public lands are being paid for from within existing agency appropriations, from recreation fees retained by the agencies, and from charitable contributions. Utilizing existing appropriations is possible because conservation corps complete work that the agencies would be doing anyway with the appropriated funds, primarily derived from maintenance and operating funds. Work projects completed by conservation corps has the added advantage of requiring fewer federal resources than if carried out by agency employees or private contractors.

Conclusion

The Public Lands Service Corps Act would simultaneously address youth unemployment, billions of dollars of backlogged maintenance needs on our nation's public lands and waters while preparing a diverse group of youth to be the next generation of natural resource employees. Meanwhile, the Corpsmembers could, in turn, utilize their AmeriCorps Education awards and the expanded non-competitive hiring authority contained in this bill to pursue careers in land management-thus building and diversifying the next generation of the resource management workforce.

Mr. Chairman, thank you for the opportunity to testify. On behalf of the entire Public Lands Service Coalition, I again want to express our appreciation and support for S.360. We look forward to working with you to see it enacted into law.

Coalition Members

- Backcountry Horsemen of America
- Calif. Assn of Local Conservation Corps
- California Conservation Corps
- Campfire USA
- Canyon Country Youth Corps
- Citizens Conservation Corps of West Virginia
- Civilian Conservation Corps Legacy, Inc
- Coconino Rural Environment Corps
- Colorado Youth Corps Association
- Conservation Corps Minnesota and Iowa
- EarthCorps
- Greater Miami Service Corps
- Groundwork USA
- Los Angeles Conservation Corps
- Montana Conservation Corps
- National Congress of American Indians
- National Parks Conservation Association
- National Wildlife Federation
- Nevada Conservation Corps
- Northwest Youth Corps
- Operation Fresh Start
- Rocky Mountain Youth Corps (CO)
- Rocky Mountain Youth Corps (NM)
- Sequoia Community Corps
- Sierra Club
- Southeast Alaska Guidance Association
- Southwest Conservation Corps
- Student Conservation Association
- Texas Conservation Corps
- The Corps Network
- The Wellness Coalition

- The Wilderness Society
- The Y
- Utah Conservation Corps
- Vermont Youth Conservation Corps
- Veterans Green Jobs
- Washington Conservation Corps

ROGUE RIVER,
Merlin, OR, April 24, 2013.

Hon. JOE MANCHIN,
Chairman, Subcommittee on Public Lands and Forests, U.S. Senate, Washington, DC.

Hon. JOHN BARRASSO,
Ranking Member, Subcommittee on Public Lands and Forests, U.S. Senate, Washington, DC.

DEAR CHAIRMAN MANCHIN AND SENATOR BARRASSO:

We the undersigned are rafting and fishing guide services that operate on the Rogue River in the southwestern corner of Oregon. The Rogue River is essential to our livelihood and our employee's livelihood also. The Rogue River is an iconic place with cultural, historical and ecological values. We are writing to strongly encourage you to advance S.353, The Oregon Treasures Act of 2013, in this 113th Congress to protect our business interests and the resource we depend on.

Over the years, both the fishing and rafting industry on the Rogue have grown to become a cornerstone of the recreation economy in southwestern Oregon. A recent economic study by ECONorthwest determined that rafting, fishing and other recreation along the Rogue generate $30 million annually in economic output statewide, including 445 jobs. Locally this includes economic impacts of approximately $16 million in Josephine County, OR, alone. This study doesn't include other activities that vacationers may participate in and spend money on during their visits to southwestern Oregon. Often these vacations are planned around their Rogue fishing or rafting trip with other area local attractions benefitting from our world renowned river.

One reason our businesses are able to invest in our operations and plan for the future is due to the existing federal protections for portions of the Rogue. In fact, recreation began to blossom in the area after the Rogue was designated as Wild and Scenic in 1968. While these protections are helpful over half of the well-known and most popular section of the river does not have any federal protection outside of the narrow Wild and Scenic corridor.

Timber sales have targeted this area in the past, and while most of us agree that timber harvest can be appropriate in some areas this just isn't the right place. Logging would harm the views of old-growth forest that our trips are known for. Even when a timber harvest cannot be seen it can still affect our businesses as it can degrade water quality. The tributaries to the Rogue provide clear, cold spawning and rearing habitat and respite for salmon and other fish migrating upstream. Logging in this area would likely degrade both the ecological benefits the area provides and tarnish the reputation of the area. Swimming in these cold streams on a warm summer day is a favorite pastime of our thousands of visitors and maintaining a healthy fish population is essential for our future fishing customers.

For our businesses to thrive, we need the security of knowing that the river will be protected into the future. Increasing the area protected to include the popular and well known wild stretch of the Rogue will help us feel secure in making investments in our business including advertising both our trips and the region as a great tourism destination. When you look at a map it is clear that this type of protection should have been done a long time ago and we are fortunate the opportunity still exists. A place as iconic as the Wild Rogue deserves our nation's best protections and we ask that you do this for our businesses, the next generation of whitewater, hiking and fishing enthusiasts and for our country.

Sincerely,

ECHO River Trips,
Momentum River Expeditions
Orange Torpedo Trips
Northwest Rafting Company
Ferron's Fun Trips
All Star Rafting
Sundance Kayak School
Morrison's Rogue River Lodge

Rogue River Raft trips
Rogue Wilderness Adventures
ARTA River Trips
Rogue Canyon Adventures

SOUTHEAST ALASKA CONSERVATION COUNCIL,
Juneau, AK, April 24, 2013.

Hon. LISA MURKOWSKI,
U.S. Senate, Washington, DC.

Re: S. 340, the Sealaska Bill

DEAR SENATOR MURKOWSKI:

In our last letter to you, we endorsed the responsible approach reflected in your February 2013 re-introduction of the Sealaska lands bill. We expressed our appreciation for the flexibility and leadership you showed in your response to community needs and stakeholder concerns. We also informed you that S.340 was not perfect from our point of view.

Ongoing discussions between local stakeholders, the Forest Service, and a more inoovative segment of the Tongass timber industry are complicated by the uncertainties associated with young growth management. While young growth management will not be a panacea for all timber management controversies, most of the involved stakeholders see the benefits from working together to develop economically viable solutions for restoring fish and wildlife habitat and developing local markets for new wood products. Like the Forest Service, involved stakeholders need some space for innovation and trial and error. For this reason, we hope the remaining outstanding issues with S.340 do not hamstring effort by the Forest Service or Tongass stakeholders to develop solutions that can work in the real world.

While we share some of your apprehension over the Forest Service's implementation of its Southeast Alaska Transition Strategy, we applaud the agency's willingness to confront new realities, such as permanent and fundamental changes in world timber markets and the insoluble problems associated with high Tongass production costs and distance from markets. The Forest Service is trying to adapt its existing timber program to reflect these market realities, as well as changes in demand and need for renewable forest resources here in Southeast Alaska. We are participating in ongoing and thoughtful discussions with diverse interests on what next steps to take to create an integrated wood product and forest service industry on the Tongass for the 21st Century. The Southeast Alaska Transition Strategy is as an important part of the solution for addressing long-tetm community needs on the Tongass.

For us, the Tongass Transition is just the latest expression of a common-sense approach that we have long advocated for. Over 15 years ago, SEACC teamed up with small-scale timber operators, communities, and the U.S. Forest Service to create an innovative approach to logging on the southern end of the Tongass National Forest. Today, the Microsale Timber Program (Alaskan wood—Alaskan jobs) provides small mill operators on Prince of Wales Island with small quantities of dead or down trees near the existing road system. The program encourages local processing and the manufacture of high value-added wood products. This approach produces more job hours per tree cut and higher stumpage returns than the Forest Service's traditional timber program. Even better, this success does not come at the expense of a mill owner's neighbors having to sacrifice their diverse uses on the Tongass National Forest.

More recently, SEACC started our "Buy Local: Alaskan Wood, Alaskan Jobs" marketing program with small-scale mills on the Tongass. Our program is the first effort organized in the region to help these local businesses develop local markets for their wood products.

As the Sealaska bill moves forward, we respectfully request you consider the following:

Expanded Calder Parcel—We understand that the Calder parcel on North Prince of Wales was expanded nearly 3,000 acres to make up for reductions in other targeted timber tracts. While we realize the difficulties in any additional modification to parcel boundaries, roughly 500 acres of the expanded parcel encompasses the end of the existing Forest Road 2900 . . . A primary reason the communities of Port Protection and Point Baker continue to object to this legislation is because they fear Sealaska will connect this road with the existing Calder road network and use Labouchere Bay (Lab Bay) instead of Calder Bay for log storage and transfer. Such use would interfere with these communities' use of the productive Lab Bay and re-

verse the ongoing recovery of this waterbody after decades of intensive use by Ketchikan Pulp Company. We intend to raise this issue with Sealaska and hope we can come up with a solution that works for everyone. At this point, we have identified two (2) options for consideration:

- Drop that portion of the Calder Parcel that is isolated from the existing road network in Calder (about 500 acres); or
- Obtain Sealaska's agreement not to use Lab Bay for log storage and transfer from development on its lands.

Conservation—While we appreciate your willingness to conserve important Tongass wildlands in this legislation, we offer a couple of recmmnendations.

- Honker Divide-The Honker Divide is the largest remaining unlogged and unroaded area on Prince of Wales Island-an interconnected chain oflakes and rivers stretching 36 miles from saltwater to saltwater, from Thome Bay to Coffman Cove. Its combination of low elevation topography, extensive stream and lake systems, and wetlands provide an extraordinary diversity offish and wildlife. The Alaska Department ofFish and Game has long recognized the Honker Divide as one of only 19 "high quality" sport fish watersheds in Southeast Alaska. In 1997, the Forest Service recommended designating 24 miles as a "scenic" river and the remaining 18 miles as a "recreational" river under the Wild and Scenic River Act in order to protect the area's outstandingly remarkable values for future generations.

We are concerned that the proposed LUD II's 16,684 acres does not even encompass the entire 25,480 acre river corridor recommended for designation in 1997. Please expand the LUD II boundary to encompass all of the Honker Divide-"ridge top to ridge top"—an area encompassing approximately 92,629 acres, less than 35 percent of which (+32,000 acres) are within the current timber base.

- Western Kosciusko—The proposed LUD II appears to encompass most of the Kosciusko Island Geological Area, designated as a Special Interest Area in the 2008 TLMP. The proposed designation appears to miss the Badder Ladder cave (between the loops of the road), and the "super karsty" slopes below the summit of Mmmt Francis. We recommend expanding this LUD II to include the remainder of this designated geological Special Interest Area (sections 10, 11, and 15 directly west of the proposed LUD II). This expansion will have no effect on the Tongass timber base because the 2008 TLMP classifies all lands allocated to the Special Interest Area as unsuitable for timber production.
- Northern Prince of Wales—Similar to the proposed Western Kosciusko LUD II, it looks like the largest western block of the proposed LUD II does not contain all the lands designated as geologic Special Interest Area in the 2008 TLMP. Since these lands are already excluded from the timber base, we recmmnend expanding the northern boundary of the largest block of the proposed LUD II to encompass the entire Special Interest Area . designated in the 2008 TLMP.

Public Access to Salmon Streams—Section 5(g) of S.340 proposes to grant an easement 25 feet wide on either side of a Class I stream for public access. As a practical matter, we recmmnend expanding the easement to 100 feet on either side of Class I streams and those Class II streams that flow into Class I streams. We offer this practical suggestion to facilitate safe movement up and down the streams by fishermen.

Thank you for your careful attention to these matters. Please incorporate our letter into the record for the Committee's April 25, 2013 hearing on S.340.

Best Regards,

LINDSEY KETCHEL,
Executive Director.

SOUTHEAST ALASKA CONSERVATION COUNCIL,
Juneau, AK, April 22, 2013.

Hon. RON WYDEN,
Senate Committee on Energy & Natural Resources, 221 Dirksen Senate Office Bldg., Washington, DC.

Hon. LISA MURKOWSKI,
Senate Committee on Energy & Natural Resources, 709 Hart Senate Building, Washington, DC.

Re: Support for the Subsistence Structure Protection Act of 2013 (S. 736)

DEAR CHAIRMAN WYDEN AND RANKING MEMBER MURKOWSKI, Please accept this letter from the Southeast Alaska Conservation Council (SEACC) expressing support for the Subsistence Structure Protection Act of 2013 (S.736).

Subsistence-or customary and traditional use, as many prefer to call it-plays an extremely important role for many Southeast Alaskans. For most rural families, much if not most of a family's food comes from fish, game, and other wild sources. In smaller communities where things like gas, heating oil, and groceries are already many times more expensive than they are in the lower 48, subsistence is more than a lifestyle- it's a necessity. In addition, harvesting, preparation, and eating wild foods is of special value to Alaska Natives, who have harvested from these lands since time inunemorial, and for whom customary and traditional use plays an integral cultural and spiritual role.

Since 2010, SEACC has been working with Southeast Alaskan subsistence users in an effort to lower the fees the Forest Service charges annually rural residents for personal use cabins on National Forest land. These cabins are often Native-owned, and in most cases, were built generations ago by the same families who own them today for the purpose of harvesting and processing customary and traditional foods, such as salmon, halibut, seal, deer, moose, shellfish, seaweed, and benies. In the generations since these cabins were built, for those families that have access to them, the cabins have become just as impmiant a subsistence tool as the rifle, the seine, or the gaff.

In recent years, the Forest Service has substantially increased the annual fee it charges these cabin owners. Now around $900 per year, the fees threaten to put families living in relatively cash-poor subsistence economies in the impossible position of having to choose between certain basic necessities on the one hand, and access to food, culture, and tradition on the other. Particularly upsetting to many of the cabin owners affected, the fees are no less than what the Forest Service charges numerous other users- including mining companies, guides/outfitters, and academic institutions- for use of similar shelters on federal land. For many, as a result of the long and traumatic history surrounding Native-owned subsistence structures on the Tongass, these conflicts run especially deep.

Two years ago, SEACC submitted a memo to Forest Service Region 10 urging the agency to substantially reduce the fees it charges these cabin owners. In the time since—which has included two billing cycles, representing over $1700 per family in special use fees-no categorical reduction was made in the fees being charged subsistence users, and SEACC began to seek other solutions. We are grateful that Sen. Murkowski has taken the issue on. In our efforts to support this legislation, we have had numerous conversations with Forest Service employees in hopes of ensuring that the legislation protects subsistence users, without creating undue hardship for the agency. The $250 yearly fee is based on the Forest Service's estimate that the annual per-cabin cost for administering the special use permit system is no more than $200. The $250 flat fee is also in accordance with the preference the agency expressed for pre-determined flat fees, rather than general amounts (e.g., "a fee not to exceed the per-cabin cost of administering the program"). Similarly, the $15,000 income cut-off for those subsistence users who primarily use their cabins for subsistence purposes, but also use their cabins for occasional micro-scale commercial fishing, is the product of conversations with Region 10 in combination with research from the Commercial Fisheries Entry Commission (CFEC) and the Alaska Department of Fish and Game (ADF&G).

We greatly appreciate Ranking Member Murkowski's leadership on this issue. We are grateful to Chairman Wyden and the Committee for taking this on, and extremely hopeful that the Subsistence Structure Protection Act will succeed, for the benefit of Alaska's mral subsistence users.

Sincerely,

LINDSEY KITCHEL,
Executive Director.

STATEMENT OF THE SIERRA CLUB, ON S. 340

The Sierra Club appreciates the Subcommittee's invitation to comment on S. 340 for the hearing record. We have long been involved in major Tongass National Forest management issues, including the massive Admiralty Island timber sale of the 1960's; designation of Tongass wilderness areas in the Alaska National Interest Lands Conservation Act of 1980; the Tongass Timber Reform Act of 1990; Forest Service timber sales; and the agency's forest-wide Land and Resource Management plans.

We support finalization of Sealaska Corporation's land selections, a process that will complete the corporation's land entitlement under the Alaska Native Claims Settlement Act (ANCSA). We testified in support of the Alaska Land Transfer and Acceleration Act of 2004 (ALTAA), legislation sponsored by Senator Lisa Murkowski, which expedites final conveyances of Native corporation and State of Alaska land selections.

However, we oppose S. 340. This bill would in effect amend ANCSA to authorize Sealaska selections of approximately 70,000 acres from areas of the Tongass outside the areas withdrawn in ANCSA for Sealaska's selections. From within these original withdrawals-the eight townships surrounding each of the village core townships-Sealaska has title to more than 290,000 acres and has prioritized selection of its remaining 70,000 acres as required by ALTAA.

But instead of accepting title to its remaining acreage, Sealaska asked the Bureau of Land Management to put final conveyance on hold while the corporation seeks Congress's approval of S. 340 that would allow it take the acreage from other areas of the Tongass.

Sealaska's proposed new selections

Sealaska's proposed alternative selections, 18 in all throughout the Tongass, include stands of high-volume old-growth on Prince of Wales Island, Kuiu Island, Kosciusko Island, and the Cleveland Peninsula. Keete Inlet on Prince of Wales Island, North Kuiu Island (Security Bay), McKenzie Inlet and Calder Bay on Prince of Wales Island, contain some of the most valuable old growth stands and fish and wildlife habitats in the Tongass.

In response, the residents of nine small communities on Prince of Wales and Kosciusko are vigorously opposing S. 340. Sealaska seeks to log in watersheds that encompass major salmon streams that sustain the region's commercial and subsistence fisheries. Residents also rely on this old growth forest habitat for their subsistence hunting, fishing, and trapping, and for recreation.

Sealaska's proposed move into this general area would also adversely affect the interests of other forest users who rely on intact old growth forest-sport hunters and anglers, sport fishing/hunting lodge owners, independent hunting, fishing, and wildlife tour guides, tour companies, and Alaskans and out-of-state visitors coming to view outstanding wildlife and scenery in natural, undeveloped settings.

The potential economic effect of S. 340 is described by retired Forest Service economist Joe Merhkens in an op-ed for the Sit News of Sitka Alaska.

> Sealaska's exchange is a value-for-value trade. Simply stated, Sealaska Corp. wants to exchange lower quality uncut old-growth for much higher quality old-growth on Prince of Wales Island. Sealaska claims the proposed exchange is a value-for-value trade—especially in terms of wildlife habitat. Unfortunately, there are no publicly available timber appraisals available to evaluate the proposed timber trade. However, there are two proxies for value-to-value comparisons. Based on the presence of big trees, Sealaska is getting a ten-fold increase in big tree values. Likewise, using comparative wildlife habitat measures, Sealaska will log habitat that is 3.5 times more valuable than what they are returning to the public. Granted these proxies may be somewhat subjective, but even if they are off by 200 percent, Sealaska Corp. still gains much higher timber values and the public is left with lower-quality habitat. The real issue is that Sealaska quickly liquidated their old-growth and now is looking for a second bite of the apple. Sealaska Corp. is simply angling for a windfall benefit and a benefit that may never trickle down to shareholders. Past Sealaska/village corporation logging has certainly left villages like Kake and Hoonah high and dry. Moreover, there is absolutely no justification for this windfall to Sealaska Corp. when it comes at the expense of small communities, sportsmen, tourism operators and commercial fishers.

Forest Service's transition to second-growth forestry

The centerpiece of the current Forest Plan is a transition from old growth logging to utilization of second growth stands as the agency moves away from commercial timber sales to support for tourism, wildlife habitat, protection of subsistence resources and other industries and activities that depend on the presence of old growth forest and unimpaired fish streams.

In April 25, 2013 testimony on S. 340, Associate Deputy Chief of the Forest Service James M. Pena stated that if Sealaska's proposed new selections are approved, there would be less timber available for supplying local mills during the transition, and hence this could delay the transition beyond 15-20 years. Mr. Pena was not asked to estimate the length of the delay.

Interference with the transition plan, which enjoys widespread support in SE Alaska and the nation, is not in the public interest.

Conservation Areas

S. 340 would establish eight new "conservation areas" consisting of Land Use Designation II (LUD II) areas totaling 152,000 acres. LUD 11 is a Forest Service land classification that prohibits commercial logging while accommodating a host of other uses and developments.

LUD II designation provides inadequate protection for the full range of nationally significant resources and values of the eight areas proposed in S. 340. Uses and developments available under LUD II designation are listed in the current Forest Plan:

- Salvage logging only to prevent significant damage to other resources;
- Personal use of wood for cabin logs, fuel wood, float logs, trolling poles, etc.;
- Water and power development if designed to be compatible with the primitive characteristics of the area;
- Roads only for access to authorized uses, transportation needs identified by the State, or vital linkages;
- Mineral development;
- Access by boats, aircraft, and snowmachines unless such uses become excessive;
- Primitive recreational facilities; and
- Major concentrated recreational facilities generally excluded.

Thus the claim that S. 340 would create "conservation areas" is misleading. Despite the prohibition on commercial logging, the bill's eight proposed LUD II areas would be subject to the above uses and developments that over time would render these areas ineligible for potential addition to the wilderness and wild and scenic river systems.

A coalition of environmental groups including the Sierra Club has proposed the eight LUD II's of S. 340 for addition to the National Wilderness Preservation System or the Wild and Scenic Rivers System. These areas are currently administratively-designated "roadless" units, an interim protective status that preserves Congress's options for deciding the appropriate statutory protection for the areas.

In any event, LUD II designation in S. 340 is not germane. We urge the Subcommittee to consider the ultimate disposition of the eight proposed LUD II's and other roadless areas on the Tongass in separate legislation.

S. 340 as precedent

In testimony on a previous version of the Sealaska bill in the 112th Congress, the Interior Department's witness observed that the bill, if it became law, might encourage other regional corporations to ask Congress for similar treatment.

At the April 25 Subcommittee hearing, the Interior Department reaffirmed its position when Sen. Murkowski pressed the Department's witness, Jamie Connell, Acting Deputy Director of the BLM, to concede that S. 340 would not establish a precedent, given that the other regional corporations have assured her that they would not ask Congress to allow major changes to their existing land holdings. But Ms. Connell would not give Sen. Murkowski an "absolute" that a precedent would not be created if S. 340 is enacted into law. Nor would the Department in its written statement:

> We note that if S. 340 is enacted other corporations might seek similar legislation for the substitution of new lands. In addition, the U.S. Fish and Wildlife Service notes that if S. 340 is enacted as proposed and the Tongass Forest Management Plan is modified, the Service may have to review its findings not to list the southeast Alaska distinct population segment (DPS) of Queen Charlotte goshawk and the Alexander Archipelago wolf.

We agree with the Department on the possibility that a precedent could be set if S. 340 is enacted. Regional corporations, especially those that have some land with little or no economic development potential, could ask Congress for permission to move existing holdings into other federal lands.

Conclusion

There is no justification for S. 340. Sealaska can take title to its remaining 70,000 acres within its original withdrawal areas at any time of its choosing. We recommend that the Subcommittee urge the corporation to proceed with final conveyance.

In the absence of S. 340 and with its entitlement complete, Sealaska would be free to explore land exchanges with the Forest Service. In the Alaska National Interest Lands Conservation Act of 1980 Congress provided for land exchanges be-

tween federal, state, Native, and private land owners. Since then several exchanges have taken place between Native corporations and the federal government.

In summary, we recommend that the Subcommittee take no further action on S. 340. If this bill were to become law, it would impede the Forest Service's planned phase-out of old growth-growth logging, damage nationally significant fish and wildlife resources and natural values of the Tongass, threaten the livelihoods of local residents and other forest users, and set an undesirable precedent.

STATEMENT OF ROBERT SKINNER, PRESIDENT, SKINNER RANCHES INC., BOARD MEMBER, PUBLIC LANDS COUNCIL, ON S. 258

Chairman Manchin, Ranking Minority Member Barrasso and Members of the Subcommittee:

My name is Robert Skinner. I am a cattle rancher from Jordan Valley, Oregon, testifying today on behalf of the Public Lands Council (PLC), the National Cattlemen's Beef Association (NCBA), and the Oregon Cattlemen's Association (OCA). I serve on PLC's Board of Directors, am past president of OCA, and am a longstanding NCBA member. My grandchildren are the seventh generation to live and work on the ranch I own and operate. I am deeply committed to our way of life and our important job of providing food and fiber to a growing nation and world. As such, I appreciate the opportunity to share with the Subcommittee my and the livestock industry's strong support for S. 258, the Grazing Improvement Act.

PLC is the only National organization dedicated solely to representing public land ranchers. Affiliates of PLC include not only NCBA but also the American Sheep Industry Association (ASI), the Association of National Grasslands (ANG) and sheep and cattle organizations from twelve western states. PLC represents the roughly 22,000 ranchers who own nearly 120 million acres and manage more than 250 million acres of federal land. NCBA is the nation's oldest and largest national trade association for cattlemen and women, representing more than 140,000 cattle producers through direct membership and their state affiliates. Like PLC, NCBA is producer-directed and works to preserve the heritage and strength of the industry by providing a stable business environment for its members. OCA has worked for Oregon's cattlemen for over a hundred years to promote environmentally and socially sound industry practices, improve and strengthen the economics of the industry, and protect industry communities, producers and private property rights.

We thank Senator Barrasso, Chairman Manchin, and this Subcommittee for leading the way on the Grazing Improvement Act, legislation that is of crucial importance to the public lands livestock grazing industry and that has bipartisan support. This legislation passed the House of Representatives last session as part of the Conservation and Economic Growth Act (H.R. 2578). We look forward to working with you to achieve passage of S. 258 in the Senate.

The public land livestock industry seeks and supports the essential legislative changes provided by S. 258, as they are essential steps in restoring a stable business environment to our industry. By allowing for grazing permit renewals despite agency National Environmental Policy Act (NEPA) backlogs, extending the life of grazing permits, and categorically exempting certain qualified permits from NEPA review, S. 258 will provide environmental, economic, and government cost-saving benefits.

Environmental Benefits of a Stable Public Lands Grazing Industry

Livestock grazing represents the earliest use of the land and resources as our nation expanded westward. Today it continues on now-federally managed land as a multiple-use that is essential to the livestock industry, wildlife habitat, open space and the vitality of many western rural communities. While grazing was historically viewed only as a "use" of the public lands, today it has also come to be recognized as an important "tool" for the management of these lands and the resources.

Greater business stability leads to grazing practices that better benefit the resources, allowing federal lands ranchers to think long-term about the kind of land and resources they want to pass down to the next generation. This stability is also at the foundation of the evolving science of rangeland management. By implementing long-term plans, ranchers are able to bring about significant changes in forage composition, to the benefit of livestock and wildlife alike. Sophisticated analytical systems, such as the State and Transition Model (STM), which has been embraced in recent years by both BLM and USFS, allow livestock grazing to be utilized to bring about significant changes in forage composition over long periods of time. But without the assurance that they will be able to hold onto their permits, many

ranchers are hesitant to make the commitment of resources it takes to implement such plans.

Accompanying the recent advances in range science are the longstanding benefits of grazing, which will only be bolstered by better business certainty. Wildlife depend on the habitat and range improvements provided by public land ranching. The improvements ranchers make to water sources—building, maintaining and protecting reservoirs and stock ponds, for example—can improve and, in some cases, create, wildlife habitats.[1] In the West, where productive, private lands are interspersed with large areas of arid, less desirable public lands, biodiversity of species depends greatly on ranchland. According to Rick Knight, a biology professor at Colorado State University, ranching on both public and private land "has been found to support biodiversity that is of conservation concern" because it "encompasses large amounts of land with low human densities, and because it alters native vegetation in modest ways."[2] Knight also noted that other uses—such as outdoor recreation and residential use—are not as conducive to the support of threatened or endangered species.

Wild birds, animals and rodents seek out and thrive in the shelter and open spaces provided by natural ranch features, like diverse plant cover and windbreaks, as opposed to row crops or bare landscapes. Many ranchers across the West are purposefully implementing grazing practices to improve habitat and help prevent the addition of species such as the Greater Sage-grouse (GSG) to the Endangered Species List. (According to the Natural Resources Conservation Service, ranchers have, among other efforts, invested approximately $70 million in GSG conservation efforts and instituted improved grazing systems on over 2 million acres over that past three years, which is expected to increase GSG populations by 8 to 10 percent.[3]) Not only does well- managed grazing encourage healthy root systems and robust forage growth, it also reduces the risk of catastrophic wildfire.[4] Large animals such as elk and deer are known to thrive in areas where cattle graze.[5]

Other research suggests that livestock grazing helps prevent invasion by non-native grasses, which threaten plant biodiversity on the land.[6] Ranchers' brush control also benefits wildlife, helping more grass to take root and decreasing the spread of cheatgrass, a highly flammable invasive weed. A study in the Journal of Rangeland Management concluded that "from an ecological standpoint we can argue that if we remove the grazing infrastructure from public rangelands, we would see some adverse consequences. We'd see less variety and too much ground cover, for example, as well as more cheatgrass and the potential for more range fires."[7] Oregon experienced the worst wildfire season in recorded history last summer. The lack of land managers' ability to use practices such as grazing to reduce fuels, along with the extreme fire conditions and behavior, all combined to create this disaster.

A study by Mark W. Brunson and Lynn Huntsinger published in the journal Rangeland Ecology Management explained that "Saving ranches has become a focus not only of rural traditionalists and livestock producers but also of conservationists, who prefer ranching as a land use over exurban subdivisions."[8]

Economic Benefits of a Stable Public Lands Grazing Industry

Meanwhile, countless communities across the West depend upon the continued existence of ranchers who hold public land grazing permits. Many communities across the West, where public lands account for roughly half of the landmass, depend just as we do on the tax base, commerce, and jobs created by the public land grazing industry.

Indeed, the national-level statistics give light to the importance of public lands grazing. The latest available data show that there were over 8.9 million animal unit

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[1] http://cesantaclara.ucdavis.edu/files/33367.pdf

[2] "Ranchers as a Keystone Species in a West that Works." Richard L. Knight. Rangelands Oct. 2007.

[3] Natural Resources Conservation Service, USDA (2013). Sage Grouse Initiative: Tracking Success. Report. http://static.sagegrouseinitiative.com/sites/default/files/sgi-tracking___success-final___low___res-020613.pdf

[4] Natural Resources Conservation Service, USDA (2004). Environmental Benefits of Improved Grazing Management. Illini PastureNet Papers. Hendershot, R.

[5] Texas A&M University-Kingsville (2005). Cattle Management to Enhance Wildlife Habitat in South Texas. Wildlife Management Bulletin of the Caesar Kleberg Wildlife Research Institute, Management Bulletin No. 6, 2005

[6] Ranching as a Conservation Strategy: Can Old Ranchers Save the New West? Mark W. Brunson and Lynn Huntsinger. Rangeland Ecology Management 61:127-147 March 2008.

[7] "Vegetation Change after 65 Years of Grazing and Grazing Exclusion." Barry Perryman. Journal of Rangeland Management Dec. 2004.

[8] Ranching as a Conservation Strategy: Can Old Ranchers Save the New West? Mark W. Brunson and Lynn Huntsinger. Rangeland Ecology Management 61:127-147 March 2008.

months (AUMs) of grazing authorized on BLM lands in 2012. This grazing was administered through roughly 18,000 permits and leases.[9] In 2008 (latest available data), the USFS issued more than 8,000 permits in the fifteen western, representing roughly 6.9 million AUMs.[10] While false data is often cited showing the relatively small amount of beef or lamb that is produced on public lands, such statements ignore the importance of these lands in an integrated ranching operation. Approximately 40 percent of beef cattle in the West and half of the nation's sheep spend some time on federal lands. Without public land grazing, the cattle and sheep industries would be dramatically downsized, threatening infrastructure and the entire market structure. Certainly, with the national cattle herd size at its lowest level for 60 years-and trending downward- losing our western producers would have a destabilizing effect on the U.S. food supply.

Of great importance to the economic viability of many western ranches is the stability of the federal lands grazing permits associated with the private base property. These permits are a value property interest of the ranchers who hold them. They represent a rancher's "grazing preference," which is exclusive, taxed, included in a ranch's deed, transferrable, and the subject of equitable protection (all attributes of a property right)[13]. Congress passed the Taylor Grazing Act in 1934, which led to the establishment of grazing allotments, giving preference rights to forage to ranchers who had a history of using the range and who owned private "base" property nearby. Grazing permits (much like building permits or water permits) are the mechanism through which this grazing preference right is administered. In order to ensure the continuation of the environmental and economic benefits of grazing, this valuable property interest, granted protection under the law, must be defended.

Challenges to the Industry

Despite the broadening acclaim for public lands livestock grazing's environmental and economic benefits, today's public land livestock industry faces challenges unlike ever before, making the aforementioned goals of a stable business environment and long-term grazing plans increasingly difficult to achieve. Private ranchland values in the west have skyrocketed based on competing uses-primarily rural subdivision development. Increasing land values render the estate tax a bigger threat than ever, making succession planning an ominous prospect for future generations of ranching families. Enhanced livestock genetics and current market prices for sheep and cattle have combined with the rising land prices to dramatically increase the need for operating capital-and at the same time, agricultural lenders are demanding greater long-term certainty in livestock operations. Burgeoning government regulation and the resulting litigation demand ever-greater investment of both financial and human resources. Extreme, predatory "environmental" groups wage a constant, partly taxpayer-funded war against public lands grazing.[11] Together, these and other factors create a business environment that is less stable than ever.

Adding to the uncertainty is the changed nature of the grazing permit renewal process. In the 1960s, renewal of term grazing permits every ten years on both BLM and USFS lands was little more than an administrative exercise. The permit renewal routinely arrived in the mail it was signed and returned to the agency for final execution, completing the renewal process. Any on- the-ground issues regarding management were addressed during the many opportunities that the agency range personnel and I had to spend time together in the field.

Today, permit renewals are subject to compatibility with a Resource Management Plan or Land Use Plan, prior environmental analysis under the National Environmental Protection Act (NEPA), a potential need for consultation under Section 7 of the Endangered Species Act and the likely appeal by an anti-grazing organization that has been granted "interested public" status by the agency and standing by the courts. The opportunities that our members once appreciated to spend time in the field with range personnel have become scarce as agency personnel are inundated by process, Freedom of Information Act requests and endless appeals. The NEPA analysis now deemed necessary is seldom completed in a timely manner. As a result, ranchers with public land grazing permits have, for the past ten years, been at the mercy of the annual congressional appropriations rider to allow permits to be renewed in a timely manner. S. 258 would alleviate this annual cliffhanger, codifying language that has been approved annually by Congress for over a decade.

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[9] Fact Sheet on BLM Management of Livestock Grazing, February 2013. Available at http://www.blm.gov/wo/st/en/prog/grazing.html.

[10] USDA—USFS, Annual Grazing Statistical Report, Grazing Season 2009

[13] The Right to Graze Livestock on the Federal Lands: The Historical Development of Western Grazing Rights, Idaho Law Review, Spring, 1994

[11] Budd Falen, K. (2005). Environmental Organization's use of NEPA to Eliminate Land Use and Obtain Attorneys' Fees Under the EAJA. Legal Memorandum, November, 2005.

Challenges Facing the Federal Land Management Agencies

As noted above, new regulations and resulting litigation have added dramatically to agency workloads. Over the past decade, the agencies have operated under pressure to produce environmental analyses on permit renewals either under a schedule imposed by Congress, or under self-imposed schedules. These timelines have seldom been met. Last year, the NEPA backlogs impacting permit renewals amounted to 4,200 and 2,700 for the BLM and USFS, respectively. The backlogs continue to exist, with no end in sight. Time pressures have led to NEPA analysis that is frequently either substantively or procedurally inadequate and is therefore subject to successful administrative and judicial challenge. Reducing the requirement for perfunctory environmental analysis, as S. 258 proposes to do, would enable the agencies to be more thorough when analyzing actions that actually impact the resource. It would also help reduce the opportunity for litigation by extreme anti-grazing groups who, by virtue of fee- shifting statutes such as the Equal Access to Justice Act, have made a cottage industry out of process-based litigation, draining agency budgets and reaping taxpayer dollars to the tune of millions, annually.

S. 258 Offers Solutions

As noted above, proper range management, economic certainty at the individual, community, and west-wide levels, land management agency workloads, and taxpayers would all benefit from a longer-term approach to the permitting of public lands grazing. S. 258 takes a sizeable step in that direction.

Section 2 of the bill extends the life of grazing permits from 10 to 20 years. This critical change will bring needed certainty, improved range management and greater agency efficiency. In the context of this change to a 20 year permit, it is important to note that the ability of the agency to make needed management adjustments through the annual authorization to graze (BLM) or annual operating plan (USFS) is not diminished. In addition, the agencies retain the authority to issue shorter term permits under special conditions. Lengthening term grazing permits from 10 to 20 years provides more certainty to permittees and reduces process burdens on the land management agencies, all while retaining current standards for adjusting on-the-ground practices.

Section 3—As referenced above, federal lands ranchers have relied for more than a decade on language being included into annual appropriations bills to allow the agencies to renew grazing permits on federal lands under current terms and conditions until the renewal process is complete. S. 258 would codify that language. The bill recognizes that the renewal, reissuance or transfer of a permit does not, per se, have a resource impact so long as there is no significant change in the grazing management. By categorically excluding these actions from the requirement to prepare an environmental analysis, this section restores the role of environmental analysis to its proper function-an analysis of the potential impacts of a commitment of resources (changes to an RMP or Forest Plan) or a significant new on-the-ground activity. This section also takes a practical approach by properly acknowledging that minor modifications to renewed, reissued or transferred permits are acceptable, so long as they do not interfere with the achievement of or progress toward land and resource management plan objectives, and so long as extraordinary circumstances do not indicate a need for further analysis. Additionally, in order to solve a problem with crossing permits we have seen in my home state of Oregon, S. 258 would correctly exclude the issuance of crossing and trailing permits from NEPA analysis. There is no need for endless analysis of an activity with minimal impact which takes place in an effort to comply with the terms and conditions of underlying term grazing permits.

Taken together, Sections 2 and 3 represent a major step toward returning the focus of public land grazing to on-the-ground activities including management plans and range improvements. The resource, the land management agencies and the grazing permittees-and thus, ultimately, the local and national economies-all stand to benefit from these adjustments. Entities that oppose these commonsense provisions show their true intensions: removal of all livestock from public lands with no real interest in the health of the natural resources or the economy.

Conclusion

All but the most extreme opponents of public lands grazing acknowledge that the continuation of grazing on public lands is essential to maintaining the integrity of landscapes in the West. Given the mosaic pattern of land ownership in most public land areas, a majority of ranches in these areas are not economically viable ranching operations without access to forage on public lands. These associated intermingled private lands will often readily find a market as rural subdivisions and other non-agricultural uses. The resulting land fragmentation equates to a loss of

wildlife habitat, open space and scenic vistas, and public access. This can diminish the value of the public lands themselves for recreational use. Keeping ranchers in business is good policy for conservation of both private and public land.

Most public land ranchers do not want to develop their private lands. It is not in the public interest to drive them to do so by increasing the uncertainly that they face in continuing public lands ranching. Over the past 10 years, many states have seen an increase in the use of conservation easements. The primary reason for doing so is to provide another tool to keep private ranchlands in ranching. However, as we visit with public land ranchers, we often hear, "I would be very interested in placing an easement on my private land if my grazing permit were more secure. If I lose the permit, I will have little choice but to subdivide my land."

There are certain times when small steps can produce large results. In S. 258, Senator Barrasso takes those small steps. The results will include greater stability for the livestock industry, a renewed focus on long-term resource management, enhanced agency efficiency and flexibility, and continuation of the broad public benefits provided by both public and private lands in the West. On behalf of the Public Lands Council, National Cattlemen's Beef Association and the Oregon Cattlemen's Association and, most significantly, over 22,000 families who depend on public land grazing, I urge your support for this legislation.

Thank you for the opportunity to provide testimony on the Grazing Improvement Act. I am happy to submit to the record responses to any questions you may have.

STATEMENT OF PATRICIA QUINTANA, EXECUTIVE DIRECTOR, TAOS LAND TRUST, TAOS, NM, ON S. 312

I am writing in support of S. 312, the Carson National Forest Boundary Adjustment Act, introduced by New Mexico Senators Tom Udall and Martin Heinrich. I am very grateful that your Senate Energy and Natural Resources subcommittee is holding a hearing on this important piece of legislation for New Mexico on April 25, 2013. I am very hopeful that this bill will move fotward through the committee and Senate as quickly as possible.

S. 312 is an impmtant bill for my community. It will adjust the boundaries of the Carson National Forest to include the 5,000 acre Miranda Canyon tract, protecting our local drinking water supplies and ensuring that this high-value resource land is open to the public forever. Adding Miranda Canyon to the forest will provide residents and visitors with enhanced opportunities to hike, hunt, mountain bike and generally enjoy the outdoors.

The Miranda Canyon acquisition is strongly supported by the local community in Taos, including our county commission. In addition to expanding recreational access, the project will protect water resources within the Río Grande watershed, a segment of the Old Spanish National Historic Trail, wildlife habitat, and the scenic viewshed from the valley towards Picuris Peak. All of these attributes contribute to the economy and quality of life in Taos County.

Thank you for your consideration of this important piece of legislation before your committee.

STATEMENT OF KEVIN S. CARTER, DIRECTOR UTAH SCHOOL AND INSTITUTIONAL TRUST LANDS ADMINISTRATION, SALT LAKE CITY, UT, ON S. 27

Introduction

On behalf of the Utah School and Institutional Trust Lands Administration, I thank the subcommittee for the opportunity to provide a statement in support of S. 27, the Hill Creek Cultural Preservation and Energy Development Act. I also wish to thank the leadership of the Ute Tribe of the Uintah and Ouray Reservation for their unanimous and continued support of S. 27 and predecessor efforts, and Utah Senators Orrin Hatch and Mike Lee for their sponsorship of this legislation. S. 27 will permit resolution of a 64 year old land tenure problem, protect reservation lands with outstanding values for wildlife and other biological and scenic resources, promote tribal economic development, and help fund public schools in Utah.

About SITLA

The School and Institutional Trust Lands Administration ("SITLA") is an independent, non- patiisan state agency established to manage lands granted by Congress to the State ofUtah at statehood for the financial support of K-12 public education and other state institutions. SITLA manages approximately 3.3 million acres of state trust lands, and an additional million acres of mineral estate. Revenue from school trust lands—most of which comes from mineral development—is deposited in

the Utah Pennanent School Fund, a perpetual endowment suppmiing K-12 public schools. Investment income from this endowment is distributed annually to each public and charter school in Utah to supp01i academic priorities chosen at the individual school level.

Background

In the 1930s and early 1940s, substantial conflict arose between Indian and non-Indian ranchers over the rights to graze cattle on the public domain in southern Uintah and northern Grand Counties, Utah. The Department of the Interior's Indian service (now the Bureau of Indian Affairs) proposed resolution of these disputes through the addition of a 510,000-acre area of public domain to the existing Uintah and Ouray reservation. The addition, which came to be known as the Hill Creek Extension, was fonnalized by Congress through the Act of March 11, 1948, 62 Stat. 72 (the "Hill Creek Act"). Because the focus of the Hill Creek Act was protection of tribal grazing uses, large areas of previously withdrawn mineral rights under the extension were retained by the Bureau of Land Management ("BLM") as part of the public domain, rather than becoming tribal minerals. A map* showing mineral ownership within the extension is attached as Exhibit 'T' and a general location map of the Hill Creek Extension is attached as Exhibit r to this statement.

At the time that the Hill Creek Extension was created, the State of Utah also owned approximately 38,000 acres of state school trust lands inside the extension, most of which were scattered sections in the familiar "checkerboard" pattern of western land ownership. Recognizing the potential need to remove state trust lands from the extension, Congress included provisions in the Hill Creek Act allowing the State to relinquish state trust lands within the extension to the United States for the benefit of the tribe, and to select replacement lands from public lands "outside the area hereby withdrawn." In 1955, Congress amended the Hill Creek Act to clarify that this right of relinquishment and selection extended to lands "mineral in character. . . . Pub. L. 263, 69 Stat. 544 (Aug. 9. 1955)(the "1955 Act").

In 1957, the Utah legislature authorized the State Land Board (SITLA 's predecessor agency) to sell the surface estate of all state trust lands located in the Hill Creek Extension to the Ute Tribe for $2.50/acre. L. Utah, ch. 144, §1-3 (1957), cod fied at Utah Code Ann. §§ 65-83, -85 (1961)(repealed). This legislation expressly required the State to reserve the mineral estate and the right of ingress and egress to develop such minerals. The sale of surface lands authorized by the state legislation was consummated in 1958, leaving Utah's school trust with approximately 38,000 acres of subsurface mineral estate within the extension.

Need for the Current Legislation

In the intervening years, SITLA and its predecessor agencies and the Ute Tribe have maintained a cordial and cooperative relationship in connection with the development of state school trust minerals within the Hill Creek Extension. Because ofthe area's remote geographic location, there has not been significant industry demand for the development of minerals in the southern part of the extension until recently. With recent industry interest in the area, the Ute Tribe has evaluated competing values and dete1mined that it wishes to maintain the far southern portion of the extension—that portion of the extension located in the Book Cliffs area of Grand County, Utah-as an unspoiled area protected for religious and cultural values, as well as wildlife and wilderness. The BLM Vernal Resource Management Plan desc1ibes this area as follows:

> The Hill Creek Extension Book Cliffs "wilderness" is where relatively undisturbed natural values interrelate to Triballifeways and religious pursuits. In these Tribal sensitive areas, construction, operation and sights and sounds of oil and gas wells and associated support facilities would degrade the roadless and natural character of undisturbed areas.

To accommodate the Ute Tribe's desire to maintain the Grand County portion of the Hill Creek Extension in its undeveloped character, SITLA filed an application with BLM in 2006 seeking to relinquish 18,247.54 acres of state trust minerals in the Grand County portion of the extension to the United States for the benefit of the tribe, and to select replacement minerals from BLM mineral estate further north in the Hill Creek Extension. This relinquishment and request for selection was made in accordance with applicable provisions of the 1948 Hill Creek Act and its 1955 amendment.

BLM has declined to process SITLA's application on the basis that public domain (i.e. non- tribal) minerals managed by BLM within the Hill Creek Extension are not

*All maps have been retained in subcommittee files.

"outside the area . . . withdrawn" by the 1948 and 1955 acts. Both the Ute Tribe and SITLA disagree with BLM's conclusion in this regard since Congress expressly chose not to withdraw BLM-managed minerals when it created the Hill Creek extension. These mineral lands are open and unappropriated, and should be available for selection.

BLM and the Office of the Solicitor in the Department of the Interior have drawn the opposite conclusion, contending that BLM minerals within the extension are not subject to selection. S. 27 would override this conclusion, and confirm that the State of Utah, upon relinquishment of mineral estate within the Grand County portion of the Hill Creek Extension, may select BLM mineral estate within the exterior boundaries of the extension in Uintah County.

It should be noted that under the Hill Creek Act and its 1955 amendment, SITLA has the unquestioned right to select BLM lands outside the Hill Creek Extension elsewhere in Utah. SITLA and the Ute Tribe are jointly pursuing S. 27 because they believe that a selection of BLM minerals inside the extension is most beneficial to all parties involved. If S. 27 is not enacted, SITLA will either select replacement lands from public lands outside the extension, or lease its existing mineral estate to industry.

Description of S.27

S. 27 adds a new section 5 to the Hill Creek Act. This new section 5 does two things. First, it clarifies that upon the State's relinquishment of minerals within the Hill Creek Extension, the State may use the 1948 and 1955 acts to select replacement minerals from BLM minerals in the Uintah County portion of the extension on an acre for acre basis. Second, it provides that the United States will reserve an overriding mineral interest in all lands conveyed to the State equal to the percentage of revenue that the United States would have retained under the federal Mineral Leasing Act had the lands remained in federal ownership and been leased at the current time. The State of Utah would reserve an identical interest in the state lands relinquished to the United States for the benefit of the tribe.

The mineral reservation provisions are drafted to ensure that both the federal treasury and the State school trust are held harmless by the relinquishment/selection process. BLM minerals that would be selected by Utah are currently not leased for oil and gas, but are thought to be prospective, particularly for natural gas. The State trust lands that would be relinquished to the United States for the benefit of the tribe are similarly prospective. Appraisals of prospective but nonproducing mineral lands are expensive and inherently unreliable due to the many unknowable variables involved in determining potential resources and their likelihood of production. The mineral reservation provisions of S. 27 avoid the expense and unreliability of mineral appraisals by sharing revenue from each set of lands equally.

Under existing federal law, the United States retains 50 percent of bonuses, rentals and royalties from mineral production on federal lands, with the remaining half transferred to the state of production. 30 U.S.C. § 191. After the State's acquisition of BLM minerals through S. 27, the United States would still retain all revenue that the United States treasury would have received from leasable minerals had the U.S. retained ownership of the lands, i.e. 50 percent of bonuses and rentals, and a share of royalties equal to the federal share of production royalties (6.25 percent in the case of oil and gas, different amounts for tar sands and oil shale). This language would ensure that the U.S. treasury and federal taxpayers are held ham1less in the transaction, while saving the United States management and royalty collection costs.

In connection with the identical language passed by the House of Representatives in the last Congress, H.R. 4027 (I 12th Cong., 2d Sess.), the Congressional Budget Office (CBO) detem1ined that enacting the legislation would have no impact on federal direct spending or revenues over the ten year CBO analysis period:

> H.R. 4027 would authorize a transfer of federally owned subsurface mineral rights for an equivalent number of acres of state land. However, the acres transferred may not have the same value because mineral deposits are not evenly spread across all areas. To compensate for such a potential imbalance, H.R. 4027 would preserve the federal government's existing financial rights to the value of any subsurface minerals that are developed on all properties . . . . Therefore, CBO estimates that enacting the legislation would have no impact on direct spending or revenues over the 2013-2022 period.

A copy of the CBO Cost Estimate is attached as Exhibit "3" to this statement.

Utah's school trust would likewise share in half of any revenue from the relinquished lands, although subsection 5(5) provides that neither party is obligated to

lease lands in which the other party retains a reserved interest. Thus, if the Ute Tribe chooses not to permit leasing oflands relinquished by the State, no revenue would be generated for the State school trust.

This type of arrangement has legislative precedent. Sharing of revenue by pa1iies exchanging land was a critical component of the large state-federal land exchange, Project BOLD, championed by Utah Governor Scott Matheson. More recently, in connection with the Utah Recreational Land Exchange Act of 1009, Public Law 111-53 ("URLEA . . . "), BLM and SITLA recognized that any formal appraisal of oil shale would be expensive and inaccurate, and jointly asked Congress to include language for oil shale identical in effect to that contained in S. 27. URLEA was enacted with this language. S. 27 simply extends the concept to all Jeaseable minerals.

SITLA has received feedback about S. 27 raising two questions: (1) why does the legislation not provide for formal mineral appraisals; and (2) why does the legislation base the reserved royalty interest of each party on the existing royalty rate structure rather than allowing the federal reserved interest to rise if federal royalty rates rise in the future? The answers to these questions are as follows:

(1) The proposal does not require formal mineral appraisals because appraisals of prospective but nonproducing mineral lands are expensive and inherentl y unreliable due to the many unknowable variables involved in determining potential resources and their likelihood of production. SITLA and BLM are currently engaged in mineral appraisals in connection with the Utah Recreational Land Exchange Act of 2009, Pub. L. 111-53 ("URLEA . . .). The cost of mineral appraisals in the URLEA exchange was so high that BLM was unable to fund its share of costs for over three years after congressional enactment. In the current age of sequestration, it seems unlikely that BLM will be able to fund a similar project in the foreseeable future. Mineral appraisals have been a major sticking point in other contexts, causing the failure of legislation to exchange Utah school trust lands out of national forests and parks (Pub. L. 103-93, although that failure was subsequently rectified through the Grand Staircase-Escalante National Monument exchange, Pub. L. 105-335). The mineral reservation provisions of S. 27 would avoid the expense and unreliability of mineral appraisals by sharing revenue from each set of lands equally. As CBO noted, this would have no direct impact on federal revenues, because the legislation would preserve the federal government's existing financial rights in the selected lands.

(2) H.R. 4207 would give the United States an overriding interest in the lands to be acquired by SITLA equal to 6.25 percent of proceeds from oil and gas, and equal to 50 percent of the royalty rate from other leaseable minerals, based on royalty rates as of October 1, 2011 (the date this proposal was first incorporated into proposed legislation). These provisions, as noted above, would ensure that the United States would receive revenue equivalent to that it would receive if the lands remained in federal ownership, based on the existing federal royalty structure. As noted below, SITLA and the Ute Tribe are joining together to develop the selected lands for mutual benefit. If the United States could unilaterall y raise its share of revenue from those lands at a later date- reducing or eliminating the share of the Utah school trust and the Ute Tribe—neither pruty would have the economic certainty necessary to proceed with the transaction. This would result in SITLA either selecting replacement lands from public lands outside the extension under existing authority, or leasing its existing mineral estate in the extension to industry.

It is important to note that the United States is currently receiving nothing from the lands to be selected, and will not unless S. 27 is passed. Although there is some legal uncertainty about the issue, the United States has taken the position that the Tribal Consent Act, 25 U.S.C. §324, requires tribal consent for surface occupancy of the lands to be selected, as well as any necessary access rights-of-way. By tribal ordinance, such consent is not available to any prospective federal lessee, so there is no prospect of future royalty revenue to the federal treasury from the BLM minerals to be selected by SITLA under S. 27. This is true no matter how high the United States raises the royalty rate for federal oil and gas: a higher percent of zero is still zero.

Tribal Economic Development

One of the great success stories in Native American economic development in recent years has been the growth in active participation by tribes in the business of mineral development on tribal lands as well as lands outside of reservation areas. The Energy Policy Act of 2005 (Pub. L. 109-58) included a Title V entitled the Indian Tribal Enerry Development and Self Determination Act. This Act authorized

considerably brreater autonomy for tribes in the development of tribal energy resources. The Ute Tribe of the Uintah and Ouray Reservation has embraced this opportunity in its goal of tribal self-determination and financial autonomy.

If H.R. 4207 is enacted, SITLA has agreed to join with the Ute Tribe in development of the selected lands for mineral extraction in a prudent and responsible manner. A joint transaction of the nature contemplated by SITLA and the Tribe would add 18,257 acres to the Tribe's mineral portfolio, creating jobs and supporting financial self-sufficiency for tribal members. The Utah legislature and both Grand and Uintah Counties have supported the proposed legislation as well.

Conclusion

S. 27 will allow the Ute Tribe to eliminate the possibility of surface-subsurface conflict arising from the presence of state school trust minerals underlying sensitive lands in the south portion of the Hill Creek extension. It will allow Utah's school trust to generate revenue for K-12 public education in Utah, and allow the Ute Tribe to generate additional revenue to support tribal economic independence, without cost to federal taxpayers. I respectfully urge the subcommittee's support for S. 27. Thank you for the opportunity to provide this statement.

WESTERN ORGANIZATIONS,
April 22, 2013.

Hon. HARRY REID,
Majority Leader, U.S. Senate, S-221 Capitol Building, Washington, DC.

Hon. RON WYDEN,
Chairman, Committee on Energy and Natural Resources, 304 Dirksen Senate Office Building, Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate, S-230 Capitol Building, Washington, DC.

Hon. LISA MURKOWSKI,
Ranking Member, Committee on Energy and Natural Resources,304 Dirksen Senate Office Building, U.S. Senate, aqWashington, DC.

DEAR MAJORITY LEADER REID, MINORITY LEADER MCCONNELL, CHAIRMAN WYDEN AND RANKING MEMBER MURKOWSKI:

On behalf of our respective organizations, we write in support of S. 368, the Federal Land Transaction Facilitation Act Reauthorization of 2013 (FLTFA reauthorization), a critical lands bill for the West. We urge you to advance S. 368 quickly through Committee and pass it in the Senate, in order to reinstate this important program as soon as possible. Our groups and many others are eagerly waiting for Congress to reinstate the program.

FLTFA is a common-sense lands tool that achieves economic and environmental goals. Through FLTFA's "land for land" concept, the Bureau of Land Management (BLM) sells lands identified for disposal, generating revenue for high-value federal conservation projects with willing sellers in the West. Through this balanced approach, the BLM has more capacity to sell land to private land owners, counties, companies and others for ranching, community development, businesses and various projects. The sales revenue fuels jobs and allows federal agencies to acquire high-priority lands with recreational access, historic significance, ecological importance and other conservation values. Before it expired, FLTFA funded 39 projects throughout the West, including creating public access for trout fishing along the North Platte River in Wyoming, hiking in the heart of Hells Canyon Wilderness in Arizona, and exploring ancient Pueblo ruins at Canyons of the Ancients National Monument in Colorado. The conservation purchases often enhanced the tourism and recreation economies of local communities through retail sales, hotels, restaurants, gas stations and more. FLTFA helped consolidate inholdings to allow for better management of public lands.

The revenue also provides funding for BLM realty staff to conduct the program. Without the FLTFA program, BLM has very limited funding to conduct sales, appraisals, acquisitions and other real estate procedures that benefit communities, ranchers, farmers, businesses and others.

As the bill moves forward, we look forward to working with you and your staff. Please reauthorize FLTFA as soon as possible, in order to provide benefits for local economies, communities, agencies and conservation.

Sincerely,

Access Fund
Agua Fria Open Space Alliance, Inc.

Ala Kahakai Trail Association
American Bird Conservancy
American Canoe Association
American Hiking Society
American Horse Council
American Sportfishing Association
American Whitewater
Arizona Trail Association
Audubon New Mexico
Backcountry Horsemen of America
Backcountry Horsemen of California
Backcountry Horsemen of Washington
Backcountry Hunters and Anglers
Boone and Crockett Club
0Carson Valley Trails Association
Citizen's for Dixie's Future
Colorado Mountain Biking Association
Columbia Land Trust
Congressional Sportsmen's Foundation
Conservation Lands Foundation
Ducks Unlimited
Endangered Habitats League
Friends of Ironwood Forest
Friends of the Missouri Breaks Monument
Friends of the Sonoran Desert National Monument
Grand Canyon Wildlands Council
Grand Staircase Escalante Partners
Great Old Broads for Wilderness
Greater Yellowstone Coalition
Hancock Natural Resource Group
Henry's Fork Foundation
Idaho Conservation League
Idaho Rivers United
International Mountain Bicycling Association
Japanese American Citizens League
Klamath-Siskiyou Wildlands Center
Land Trust Alliance
Legacy Land and Water Lewis and Clark Trust, Inc. Montana
Wilderness Association
Mule Deer Foundation
National Alliance of Forest Owners
National Parks Conservation Association
National Trust for Historic Preservation
National Wild Turkey Federation
National Wilderness Stewardship Alliance
National Wildlife Federation
Nevada Land Trust
Old Spanish Trail Association
Oregon Natural Desert Association
Oregon-California Trails Association
Outdoor Alliance
Outdoor Alliance
Outdoor Industry Association
Pacific Crest Trail Association
Pacific Northwest Trail Association
Partnership for the National Trails System Public Lands Foundation
Pure Fishing
Rocky Mountain Elk Foundation
San Juan Citizens Alliance
Santa Fe Trail Association
Scenic America
Sierra Club
Soda Mountain Wilderness Council Superstition Area Land Trust
Teton Regional Land Trust
The Appalachian Trail Conservancy
The Conservation Fund
The Mountaineers
The Nature Conservancy

The Trust for Public Land
The Wilderness Land Trust
The Wilderness Society
Theodore Roosevelt Conservation Partnership
Trout Unlimited
Truckee Meadows Trails Association
Tuleyome
Western Rivers Conservancy
Wild Sheep Foundation
Wildlife Management Institute
Winter Wildlands Alliance

STATEMENT OF THE WILDERNESS SOCIETY, ON S. 341,

Chairman Wyden, Ranking Member Murkowski, and Members of the Committee:

On behalf of The Wilderness Society and its half million members and supporters nationwide, and on behalf of the organizations listed above, I would like to thank the Committee for considering the San Juan Mountains Wilderness Act of 2013. This bill would not only protect some of Colorado's beloved scenic wild country, it is also the product of years of painstaking research and consultation with a myriad of interested and affected stakeholders in southwest Colorado. I would especially like to thank Senator Udall for his long-standing dedication to land protection, and commitment to protecting these deserving areas. I also want to thank Senator Michael Bennet, who is an original cosponsor of S.341.

Colorado has a long and rich tradition of wilderness protection, with nearly twenty bills enacted over the last 45 years. All of these have shared the characteristics of broad citizen and stakeholder support and cooperation among the State's delegation members. The San Juan Mountains Act is carrying on this proud Colorado tradition.

This legislation had its genesis with the interest of San Miguel County citizens in adding deserving wild land areas to the already designated Mt. Sneffels and Lizard Head Wildernesses, and adding statutory protection to several other spectacular and qualifying backcountry landscapes. Residents of neighboring counties also advocated protection for deserving contiguous lands outside San Miguel County, and by the Spring of 2009, the proposal included lands in three counties (San Miguel, Ouray, and San Juan), and enjoyed nearly universal support in the region. More detail about that follows.

Colorado's San Juan Mountains offer a myriad of benefits and services to residents of Colorado and visitors from across the nation. Spectacular mountain vistas, clean water and air, ongoing ranching operations, healthy wildlife populations, and a wide variety of world-class recreational opportunities, from hunting and angling to skiing, hiking, and boating. In decades past, hard rock mining was a major force in the region's development; evidence of this history is scattered across the landscape in the form of weathered mill sites, mine shafts, and tailings piles. As the economic drivers in the intermountain West steadily evolved during the post-war 20th century, and outdoor recreation grew in popularity, local communities looked increasingly toward tourism and recreation as a significant part of their economic foundations. Visitors come to the region in large numbers to enjoy not only backcountry challenges, but also to experience the area's rich history. Thousands of tourists ride the original narrow gauge train from Durango to Silverton each year, to wander the town's historic main street or learn about the region's mining history.

As one measure of this modern economy, hunting and fishing alone brought in, in direct expenditures, $7.2 million in San Miguel County, $2.4 million in Ouray County, and $1.3 million in San Juan County in 2002. Hunting and fishing groups routinely emphasize the importance of protected lands as the basis for healthy game populations.

As the economy of the San Juan Mountains region has evolved into what it is today, and as more and more people visit to experience the natural and recreational values offered by the area's public lands, the protection of those lands has become increasingly valued by local residents, stakeholders, and elected officials. This phenomenon has occurred concurrent with our increasing knowledge of the importance of large areas of undisturbed land for a broad array of wildlife, both to maintain functioning natural systems, and for the human benefits that healthy wildlife populations provide. Protective designations also help to ensure the resiliency of these areas in the face of climate change.

Protected public lands provide a critical benefit to local communities in the form of clean water and air. Each of the areas proposed for permanent protection in this

legislation contain portions of the watersheds that comprise the water supplies of Telluride, Ouray, Ridgway, and Silverton. Wilderness will keep those watersheds intact and ensure they are able to provide clean water to those communities in perpetuity.

Natural and Human Values of the San Juan Mountains

The San Juan Mountains, and pointedly the areas proposed for protection in this legislation, offer a rich array of natural and environmental values. The existing Mt. Sneffels and Lizard Head Wilderness areas are the headwaters of the San Miguel, Dolores, and Uncompahgre Rivers, and many of their tributaries, such as Deep Creek, Dallas Creek, Bilk Creek, and Wilson Creek. Areas in the legislation make up large portions of the municipal water supplies for towns in all three counties. These waterways also offer some of the West's finest fishing opportunities—anglers from across the country come to southwest Colorado to fish for many species, including the iconic Colorado Cutthroat Trout.

What wildlife of all kinds needs more than anything is space—large areas of land in which to feed, grow, and bear their young. The mountain areas in the legislation will expand the core habitat already protected in the Mt. Sneffels and Lizard Head Wildernesses, and increase the elevation range of existing protected areas by adding habitat rich down-slope areas. The Sheep Mountain designation would add another significant core habitat area, and improve the wildlife connectivity to protected areas on the San Juan National Forest, like the Weminuche Wilderness. These mountain designations will benefit existing populations of Black bear, elk, bighorn sheep, and bird species such as the white-tailed ptarmigan, and provide critical habitat for other wildlife such as Canada lynx and Northern goshawk.

Moving down from the higher mountain areas, the proposed McKenna Peak Wilderness and mineral withdrawal for Naturita Canyon would protect mid-elevation lands critical as winter range for deer and elk (North Mountain, which borders McKenna Peak, contains one of the largest deer and elk herds in Colorado), as well as habitat for such species as mountain lion, bald eagle, and peregrine falcon. The mineral withdrawal proposed for Naturita Canyon would protect more of these vital lands, benefitting not only the resident deer, elk, bobcat, raptors and rare birds like the Mexican spotted owl; but a rich riparian zone as well.

Ecosystem representation, or selecting areas for protection that represent a full range of habitats and vegetation types, is a way of ensuring protection of the species that rely on these various ecosystems for survival. The Nature Conservancy, which practices this "coarse filter" method, estimates that 85 percent to 90 percent of all species in a region can be protected via ecosystem representation. Protecting down-slope mountain landscapes, as well as mid-elevation areas like McKenna Peak and Naturita Canyon would expand ecosystem representation in the region; this helps fulfill the purposes not only of the 1964 Wilderness Act, but of conservation biology overall.

Agriculture has a rich history in the San Juan Mountains, and not only provides a long-standing livelihood for multi-generational families, but also forms an essential part of the cultural fabric of the entire region. There are nearly a dozen working ranches with allotments that overlap the areas in the legislation. These ranch operators were all consulted as the legislation was crafted; following is a quote from Ouray County rancher Liza Clarke, owner of the Ferguson Family Ranch, from a letter to former Congressman John Salazar, who introduced a House version of the legislation in 2009:

> I was happy to learn that the proposed boundaries avoid any substantial conflict with existing uses and private property. I understand that grazing leases will continue under any new wilderness designation." "I respectfully request that you introduce legislation to expand the Sneffels Wilderness Area in Ouray County. This proposal has widespread support in our County and includes signature views, including Mount Sneffels itself which is currently only partially contained in its namesake Wilderness Area."

Recreation and tourism is the backbone of the San Juan Mountains regional economy. For visitors who come to explore the region's history, go on a jeep tour, or ride the Durango-Silverton train, the backdrop views of majestic mountain peaks is essential to the experience. Winter recreation is dominated by skiing, including the developed alpine resort of Telluride, the recently developed Silverton Mountain area, and Colorado's only heli-skiing operation. Backcountry skiing is hugely popular across the range.

In the warmer months, recreational users comb the mountains. Hikers enjoy thousands of miles of trails, whether to see the spectacular views of the Telluride valley from atop its enclosing cliffs, or through a multi-day backpack into the beautiful Ice

Lakes Basin out of Silverton. Climbers challenge themselves against the iconic 14,150 foot Mt. Sneffels, the rock walls near Telluride, and the famous frozen waterfalls just outside of Ouray. The San Juan Mountains are a world class destination for mountain biking, and many trails skirt the edges of the areas in S. 341. The famous Hard Rock 100 footrace—one of most grueling of its kind in the nation—courses through the heart of the region.

Outreach to Regional Stakeholders

The process of outreach for, and vetting of, the San Juan Mountains Wilderness proposal has been detailed and comprehensive. Thanks to the leadership of local citizens groups in the three counties—Sheep Mountain Alliance in San Miguel County, the Ridgway-Ouray Community Council in Ouray County, the Silverton Mountain School in San Juan County, and the San Juan Citizens Alliance for the McKenna Peak proposal—the original proposal was crafted with extensive and intimate familiarity of the landscapes of interest. Each of these local groups worked closely with their respective county governments in carefully considering the ramifications and benefits of protective designations. San Miguel County first expressed support for wilderness legislation in June 2007, followed a short time later by the Commission of Ouray County. San Juan County followed in 2009, with an endorsement of expanding the proposed Sheep Mountain Special Management Area.

Extensive outreach to stakeholders that could directly or indirectly be affected by the legislation was conducted for over two years before legislation was introduced, involving painstaking work to consult with, and respond to, anyone with a stake in these designations. Every livestock operator with a permit in the proposed areas was contacted, as were the owners of private land inside the areas (mostly patented mining claims), water right holders, recreation interests, State agencies, and local governments. Numerous adjustments were made to the areas in the bill to accommodate concerns of these parties. Just a few examples follow.

The Sheep Mountain area was originally proposed for—with strong local support—designation as wilderness. Early in the outreach process, wilderness advocates were approached by the helicopter-supported skiing company Helitrax, who informed us that Sheep Mountain was the heart of their operation, in which they land helicopters to drop off skiers. This particular use would not be allowed in a wilderness and therefore a compromise was crafted to accommodate this use while protecting the wild character of Sheep Mountain via a Special Management Area.

Another example of efforts to make the legislation work for stakeholders is with the Towns of Telluride and Ophir. Both Towns had either historic or potential new water supply facilities in the proposed areas (Telluride in the proposed Liberty Bell addition to Mt. Sneffels Wilderness, and Ophir in the Sheep Mountain SMA); staff from both Towns were consulted with to adjust boundaries to make sure that designations wouldn't interfere with the development or operation of these water supplies.

Motorized recreation is an important piece of the recreational landscape in the San Juan Mountains, and thousands of visitors come each year to experience the Ophir Pass jeep road and Alpine Loop. Great care was taken to ensure that motorized routes would not be closed by the legislation, and boundaries were drawn or adjusted meticulously to achieve that. For example, the boundaries of McKenna Peak and Naturita Canyon were reduced significantly from what was originally proposed to eliminate known motorized routes. Similarly, the boundaries of the Whitehouse and Last Dollar additions to the Mt. Sneffels Wilderness were adjusted to provide for snowmobile access to backcountry huts operated by San Juan Huts for stocking and maintenance.

Another example relates to concerns with proposed wilderness and SMA boundaries brought forth by staff from the Grand Mesa, Uncompahgre, and Gunnison (GMUG) National Forest. A number of boundary adjustment recommendations were made to improve manageability or to eliminate specific potential conflicts, and these were incorporated into the legislation; we thank the Forest Service for its knowledgeable advice and help on refining this important legislation.

On another recreation issue, the course of the renowned Hard Rock 100 footrace runs through two of the areas in the bill. A non-profit entity, the Hard Rock brings about 130 runners to the San Juan Mountains once each summer to run the backcountry trails and high mountain passes. No support facilities are placed within proposed wilderness, and travel is by foot only. Although the National Forest Service Manual prohibits competitive events in designated wilderness, and we generally support that prohibition, wilderness advocates believe this particular race is appropriate, since the fundamental activity, running, is completely compatible with wilderness, no other non-conforming uses are associated with the event, and the race has a long-established history in this area. Guidance for the decision to allow the

race to continue was found in House Natural Resources Committee Chairman Rahall's Wild Monongahela Wilderness legislation, enacted in the 111th Congress as part of the Omnibus Public Lands legislation.

Although southwest Colorado makes important contributions to energy production, the areas in this legislation are not part of that. No existing oil and gas leases are affected by the proposed designations, and exploratory wells recently drilled near McKenna Peak have not discovered developable deposits. A number of other adjustments were made to the legislation, assuring a steadily increasing degree of support throughout the outreach and vetting process.

Support for the San Juan Mountains Wilderness Act

The result of the consultation with numerous stakeholders and adjustments made to the proposal is legislation that enjoys support both deep and broad. Written support for the legislation has been received from:

- San Miguel County Board of County Commissioners
- Ouray County Board of County Commissioners
- San Juan County Board of County Commissioners
- Town of Telluride
- Town of Ophir
- Town of Mountain Village
- Town of Ridgway
- City of Ouray
- San Miguel County Open Space Commission
- San Miguel Conservation Foundation
- Telluride Tourism Board
- Telluride Open Space Commission
- Rancher and grazing permittee Liza Clark
- Hidden Lakes Home Owners Association
- San Bernardo Home Owners Association
- Many adjacent landowners
- Telluride Helitrax
- Hard Rock 100 Endurance Run
- San Miguel County Sheriff
- Prominent members of the local mountain biking community
- Numerous local, regional, and national conservation and recreation organizations.

We hope that the information and history included here will be of help with Committee members as they consider the merits of S. 341. The Wilderness Society along with all the other supporters of this legislation stand ready to help in any way, and we encourage the Members of this Subcommittee and the full Energy and Natural Resources Committee to support this legislation, and report it expeditiously for consideration by the full Senate.

We'd like to again thank Senator Udall for his excellent work in crafting this legislation, and also thank the Subcommittee for the opportunity to submit our views on S. 341.

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