

# PENDING LEGISLATION

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HEARING  
BEFORE THE  
SUBCOMMITTEE ON  
PUBLIC LANDS, FORESTS, AND MINING  
OF THE  
COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
UNITED STATES SENATE  
ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

|                |                |
|----------------|----------------|
| <b>S. 1167</b> | <b>S. 2018</b> |
| <b>S. 1423</b> | <b>S. 2223</b> |
| <b>S. 1510</b> | <b>S. 2379</b> |
| <b>S. 1699</b> | <b>S. 2383</b> |
| <b>S. 1777</b> |                |

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APRIL 21, 2016

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

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U.S. GOVERNMENT PUBLISHING OFFICE

21-976

WASHINGTON : 2018

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This official record contains a random selection of statements for the record submitted for this hearing. A complete record of all statements submitted for the record is on file with the Senate Energy Committee.

The text for each of the bills addressed at this hearing can be found on the committee's website at: <http://www.energy.senate.gov/public/index.cfm/hearings-and-business-meetings?ID=A9500EE4-7F6A-400F-8C58-1F2C5A3CFF93>.

## PENDING LEGISLATION

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THURSDAY, APRIL 21, 2016

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. John Barrasso, Chairman of the Subcommittee, presiding.

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

Senator BARRASSO. The Subcommittee will come to order.

The purpose of today's hearing is to receive testimony on nine bills pending before this Subcommittee.

Three of these bills designate hundreds of thousands of acres of new wilderness and add hundreds of miles of river segments to the National Wild and Scenic Rivers System. These include: S. 1423, the Central Coast Heritage Protection Act, sponsored by Senator Boxer; S. 1510, the Wild Olympic Wilderness and Wild and Scenic Rivers Act, sponsored by Senator Murray; and S. 1699, the Oregon Wildlands Act, sponsored by Senator Wyden.

Already 110 million acres of lands have been added to the wilderness system. Additionally, tens of millions of acres are protected as "roadless" by the Forest Service and the Bureau of Land Management (BLM). In my view we must take a more balanced approach between adding lands to the wilderness system and Congress releasing lands. The agency currently manages wilderness study areas to be managed in accordance with the land management plans.

These bills also propose to designate thousands of acres of potential wilderness. Potential wilderness gives the agency authority to remove all uses prohibited by the Wilderness Act on multiple use lands and provides the agency with discretionary authority at some future date to convert potential wilderness to designated wilderness without needing any additional authority or approval from Congress. This is troubling to me as it could have far reaching impacts for the management of our forests and our public lands.

Today we also have two Idaho bills on the agenda that revisit past wilderness and wild and scenic river designations. Senator Crapo's bill, S. 1167, the Owyhee Wilderness Areas Boundary Modifications Act, would authorize the continued use of motorized vehicles to herd livestock in certain wilderness areas. Senator Risch's bill, S. 1777, would amend the Wild and Scenic Rivers Act

to maintain or replace certain facilities and structures at Smith Gulch. In these two cases Congress needs to provide further direction to the agencies so we can actually carry out the legislative intent.

The remaining four bills on the agenda include: S. 2018, to convey a federal reversionary interest in Glennallen, Alaska, sponsored by Chairman Murkowski; S. 2223, to transfer administrative jurisdiction over certain BLM land to the VA for inclusion in the Black Hills National Cemetery, sponsored by Senator Thune; S. 2379, to convey a federal reversionary interest to the City of Tucson, sponsored by Senator Flake; and S. 2383, to withdraw certain BLM outside the Utah Test and Training Range (UTTR) to facilitate and enhance weapons testing and pilot training at the Air Force, sponsored by Senator Hatch and Senator Lee.

So I want to thank all of our witnesses for being here today.

I would now like to turn to Senator Wyden for any opening remarks or comments he would like to add.

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

Senator WYDEN. Thank you very much, Mr. Chairman. We are going to look at important public lands bills today, and I especially appreciate the inclusion of my Oregon Wildlands bill. There are important challenges here, and I am just going to touch on a few.

One is the Frank Moore Wild Steelhead Sanctuary Act, which is a bill to honor a World War II hero and conservationist in Oregon. I look forward to working with my colleagues on this Committee to find a way to honor his legacy.

I also have two Oregon tribal bills, the Coos and the Cow Creek bills. Helping these tribes has been important to me since I was Chair of this full Committee, because they provide these tribes with the land base that they deserve. I appreciate the continued efforts of the Chair and the Ranking Member of the Committee and their staffs on helping me get these bills over the finish line.

With respect to my bill on the agenda today, the Oregon Wildlands Act is a compilation of several wilderness and wild and scenic provisions that were included in my O&C bill. So this is actually the second time these bills have been heard in this Committee, because the Committee held a hearing on the O&C bill last July.

I know the Committee has received many letters of support for the legislation from groups across Oregon representing conservation, fish and wildlife, and sportsmen's interests. I also appreciate the continued support and commitment from the Bureau of Land Management and the Forest Service to work with me on this important bill.

The Oregon Wildlands Act designates hundreds of miles of rivers in Oregon as wild and scenic. It expands wilderness for some of Oregon's most treasured areas and protects over 100,000 acres as National Recreation Areas.

My state is a special place, and it has remarkable natural features and diverse landscapes that lend themselves to a variety of recreational pursuits. We essentially have it all. Climbing, hiking, bird watching, we have everything. That is why the bill is so im-



portant. The qualities that make Oregon's natural treasures unique are exactly the reasons for protecting them, and I want to make sure that our kids and our grandkids can enjoy them for years to come and continue to support the ecosystems and wildlife that depend on them.

The Oregon Wildlands Act was a part of my O&C bill, and I am just going to take a quick minute to talk about that. Unlike other forestry proposals that are out there, and the recently released Bureau of Land Management Resource Management Plan, this legislation is different.

My O&C bill would double the harvest compared to the average harvest over the last decade, and it would ensure lasting protections for Oregon's special places. With tough forestry and conservation issues, you always face the same challenge. I am looking down the dais and all of us, as Westerners in particular, understand what this is about. Not everybody is going to get what they asked for, and nobody is going to get everything they think they deserve. The question is in the West can you come up with a challenge so that all of the responsible parties get what they need? Looking down the row and to Senator Heinrich, I think all of us as Westerners have been through that, and that, in my view, sums up the challenge.

Finally, I want to talk for a moment about Senator Crapo's Owyhee bill. I know the wilderness management issues are difficult in his state, just as they are for all of us as Westerners. Senator Crapo has worked very hard to bring diverse interest groups together to pass the Owyhee Wilderness bill in 2009. And of course, again, as Westerners we know that is the way you go about this right.

My understanding is the Bureau of Land Management recently changed its policies on grazing within these wilderness areas which the ranchers believe are inconsistent with what they agreed to in 2009. So I want to just state, in wrapping up, my commitment to work with Senator Crapo to thread the needle on this to find a solution that is consistent with the Wilderness Act and also with the grazing language that was included in the original Owyhee Wilderness bill.

Again, I want to thank Chairman Barrasso for his help on including the Oregon Wildlands Act today and for our witnesses. I hope they will excuse my bad manners. The last plane for Oregon leaves in a little bit, so that is going to be my immediate challenge.

I really appreciate you all being here, and we look forward especially to working with you on the Oregon Wildlands bill.

Thank you, Mr. Chairman.

Senator BARRASSO. Thank you very much, Senator Wyden.

We have some sponsors of initial legislation here with us. I think Senator Lee was the first to arrive if you would like to make any statement regarding your legislation?

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

Senator LEE. Thank you very much, Mr. Chairman, and thanks to all of you for being here. This is an important issue to our state.

We are grateful for the fact that you are willing to include S. 2383 in the hearing this afternoon. The Enhancement of the Utah

Test and Training Range is an issue that the Utah delegation, both in the House of Representatives and here in the Senate, feel is great importance to our national security and the capabilities of the Air Force.

As a member of the Senate Armed Services Committee, I have had the opportunity this year to question Air Force leaders on the importance of readying our nation's test and training ranges for fifth generation weapons systems and technology.

Lieutenant General John Raymond, the Deputy Chief of Staff for the Air Force Operations, told the Airline Subcommittee on March 8th that enhancing training is, "something that is going to be absolutely critical for our readiness going forward," and that the Air Force will put nearly \$1 billion in FY'17 to make sure that the ranges have the capabilities and the air space that they need to address these high end threats and to test the systems that we need.

Thank you very much, Mr. Chairman.

Senator BARRASSO. Thank you very much, Senator Lee.

Senator Flake, is there anything you would like to add about your legislation?

**STATEMENT OF HON. JEFF FLAKE,  
U.S. SENATOR FROM ARIZONA**

Senator FLAKE. Yes, thank you, Mr. Chairman. I appreciate this being talked about today.

This would simply provide for the unencumbering of title to non-federal land owned by the City of Tucson for purposes of economic development to buy a conveyance of the federal reversionary interest to the city.

We know this was a deal that was done in 1989 and it was done with an equal land exchange at that time, but somehow BLM does not see it that way. The City of Tucson would simply like the full use of this land.

This legislation would just complete the transaction that began in 1989.

Thank you, Mr. Chairman.

Senator BARRASSO. Thank you very much, Senator Flake.

Senator Risch.

**STATEMENT OF HON. JAMES RISCH,  
U.S. SENATOR FROM IDAHO**

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

I have two pieces of legislation that I would like to speak to briefly.

First of all, I have a lengthy statement on each one which I would ask unanimous consent to put in the record.

Senator BARRASSO. Without objection.

[The information referred to follows:]

Statement

U.S. Senator James E. Risch  
Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests and Mining Legislative Hearing  
366 Dirksen Senate Office Building  
April 21, 2016  
2:30 PM

Chairman Murkowski and Ranking Member Cantwell, I seek time today to speak in support of S. 1167, the Owyhee Wilderness Areas Boundary Modifications Act. This bill is designed to clarify an agreement that the Bureau of Land Management supported in 2008, the Owyhee Public Land Management Act (P.L. 111-11).

The original bill that was passed in the Omnibus Public Land Management Act of 2009 was the result of over 8 years of hard work, trust, and collaboration between many different groups. These groups that span the political spectrum formed the Owyhee Initiative Agreement (OIA) and worked together with the Bureau of Land Management (BLM), Idaho Department of Lands, and the U.S. Air Force. The BLM supported this effort to create a compromise between all parties to properly manage the Owyhee Wilderness Area when the Omnibus was passed.

Part of the clarification of P.L. 111-11 helps to ensure ranchers' continued motorized access to already established grazing areas in the Owyhee Wilderness in order to properly maintain the grazing area and livestock. Motorized access to these grazing areas is crucial for efficient livestock and land management. While this access should be handled responsibly, it should not be restricted or discontinued.

The BLM decided that attempting to protect wilderness values and range resources trumps the importance of the cooperation the OIA produced, when it revised its management policies of the Owyhee Wilderness to halt motorized access to grazing areas. This was done solely by the BLM without input from any of the organizations who helped make the OIA a reality, indicating that the BLM comes ahead of compromise, forcing the need for this clarification in the Owyhee Wilderness Areas Boundary Modifications Act.

Being a rancher myself, I know personally how vital it is to have access to your livestock as well as the means to care and manage them efficiently. Limiting ease of access also further limits the purpose of grazing areas by making it more difficult to maintain livestock on them. The OIA garners rancher support from the guarantee that all prior livestock grazing activities would be able to continue after the wilderness designation. With the attempts to limit access to grazing allotments, the BLM is undermining the trust that the Owyhee Initiative had instilled.

It is imperative to continue to uphold this Act not only for the sake of proper management of grazing areas, but also because it is the result of a very rare compromise from so many invested and diverse parties.

Statement

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Chairman Murkowski and Ranking Member Cantwell, I speak today in support of S. 1777, a bill to amend the Wild and Scenic Rivers Act. This legislation will authorize the replacement of obsolete and potentially unsafe energy facilities and the use of maintenance equipment at the River of No Return Lodge at Smith Gulch in Idaho.

Currently, the River of No Return Lodge is operating under a Forest Service permit to provide recreational experience along the Salmon River in Idaho. In order to maintain the facility and to provide an alternative form of renewable energy, the facility is in need of the ability to use maintenance equipment and to replace outdated energy facilities. The Forest Service is under the misapprehension that it does not hold the power or authority to allow such use of this equipment and replacement activities. This bill will clarify the intent of legislation passed by Congress in 2004 to retain the basic characteristics of the Lodge without significantly altering the existing use.

This bill clarifies that the Forest Service has the power to authorize the use of power equipment for maintenance and general upkeep of the Lodge. This includes: gas generators, mowers, chainsaws and other equipment used for routine maintenance. Also needed, is ability to implement a renewable energy source, such as an in stream hydroelectric water wheel. This would help to reduce or eliminate the reliance on propane fuel.

While increasing the opportunities for recreation on our public lands and helping to shape them for future Americans, previous iterations of S.1777 had been scored as at no cost to the taxpayer by the Congressional Budget Office.

With the consideration of the stakeholder's view in mind, and in order to maintain and operate the River of No Return Lodge on a fundamental level, I urge my colleagues to support this legislation.

Senator RISCH. S. 1177 is simply a bill that would allow for one of the lodges that is on the Salmon River to obtain permits in order to use certain motorized equipment. This is on private property and it was never the intention, I don't believe, of anyone to stop that. This would very clearly allow them to use the kinds of things that they need to maintain the things that are there, not necessarily to improve. As usual this is a government-made problem, and this will resolve it.

Interestingly enough the local Forest Service people say well they don't have the authority to issue such a permit. The higher-ups say that they do have the authority and the testimony I am reading today from the Forest Service says, "The Department opposes Senate bill 11777 because it would create a negative precedent for other commercial recreation service providers on wild and scenic rivers across the nation. We hope to work with Senator Risch and Senator Crapo to find a solution that is mutually beneficial to their constituents and the Forest Service."

So I have got a real good solution. Issue the permits, then we really do not need this legislation. Again, this is very diminimus in the overall scheme of things. It was the intent always, when all of this was passed, that the private landholders could continue to operate they have traditionally been operating. I will be interested to hear the Forest Service position on that. Hopefully it is more than just in this, what I have in this prepared statement.

Secondly, I am helping Senator Crapo on Senate bill 1167. Senate bill 1167 is another government-made problem. Senator Crapo worked very hard with the people. It was a collaborative sort of thing in order to get this particular wilderness put in place. What it did allow for is the people who were running cattle out there to continue running cattle and to do it the way they have always done it.

Now for those of you who do not run cattle, I can tell you that every year we have to go out and gather the cattle. There are a couple of ways you do it. One is on a horse. One is on a four-wheeler. If you are down in Owyhee County, you want to be on a four-wheeler because you can cover about ten times the amount of ground on a four-wheeler that you can on a horse. It's always been allowed, but the BLM has modified its rules since the original bill was passed and they are now trying to prohibit four-wheelers on the ranchers that are operating down there.

What this bill does is simply allow us, again, to go back with what was the understanding. Interestingly enough, this is supported by our flagship conservation group in Idaho, the Idaho Conservation League, Rivers United which is our flagship group when it comes to wild and scenic rivers, the Wilderness Society and the Pew Foundation. All these people know that this is what was intended.

With that, Mr. Chairman, I will yield back.

Senator BARRASSO. Thank you very much, Senator Risch.

At this time, we will turn to our witnesses.

At the end of the witness testimony we will begin a round of questions. The witnesses' full written testimony will be made part of the official hearing record. We will ask you to please keep your statements to five minutes so that we may have time for questions.

The witnesses include: Mr. Glenn Casamassa, who is the Associate Deputy Chief of the U.S. Forest Service; Mr. Mike Pool, who is the Acting Deputy Director of the Bureau of Land Management; Major General Martin Whelan, who is the Director of Future Operations at the U.S. Department of the Air Force, and you are accompanied by Ms. Jennifer Miller, who is the Deputy Assistant Secretary regarding Installations.

So welcome to all of you.

If we could start with you, Mr. Casamassa.

**STATEMENT OF GLENN CASAMASSA, ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM, U.S. FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE**

Mr. CASAMASSA. Yes, Mr. Chairman, members of the Subcommittee, my name is Glenn Casamassa and I serve as the Associate Deputy Chief for the National Forest System.

There are four bills I've been asked to address, and I have provided written testimony for the record.

S. 1423, the Central Coast Heritage Protection Act, designates National Forest System lands on the Los Padres National Forest in California as wilderness and additional to existing wilderness and designates potential wilderness areas, scenic areas and a national recreation trail.

The legislation also directs the Forest Service to study creating a connection between the northern and southern portions of the Los Padres using a trail corridor, directs the Forest Service to study the feasibility of opening a new trail to an existing off-highway vehicle trail and additional access to wilderness scenic areas and potential wilderness areas by Indian tribes for traditional, cultural and religious purposes.

The Department is generally supportive of the 24 additions of the eight existing wilderness areas and the designation of the new Diablo Caliente Wilderness and would like to work with the bill's sponsor and the Subcommittee to develop legislative maps and additional language to clarify the intentions of some portions of the bill.

The Department supports the Wild and Scenic River designation and will provide more details on the suitability, eligibility and classification information with the bill's sponsors and the Subcommittee to facilitate as much consistency as possible between the agency's findings and the river segments proposed for designation in the bill.

Senate bill 1510, the Wild Olympic Wilderness and Wild and Scenic River Act of 2015, would designate new and expand existing wilderness areas, potential wilderness areas and certain rivers in the Olympic National Forest and Olympic National Park as wild and scenic rivers.

The Department supports designation of suitable rivers to the national wild and scenic river system as well as the new wilderness areas and additions to existing wilderness in S. 1510.

The Department would like to work with the bill's sponsors and the Subcommittee on aspects of the bill such as the identification of potential locations of future restoration or habitat improvements, on language to be included in the bill that affords reasonable time for completion of the required comprehensive river management

plan and boundary modifications to ensure that the boundaries are crafted to best support the agency's ability to manage and preserve wilderness characteristics.

Senate bill 1699, the Oregon Wildlands Acts, would designate new and expand existing wilderness areas and would designate certain rivers in the Rogue River—Siskiyou in the Siuslaw National Forest as Wild and Scenic rivers.

In summary, the Department is supportive of the following portions of the bill: Designate rivers and streams on National Forest System land as part of the National Wild and Scenic Rivers and defer to the Department of Interior in regard to the proposal to designate rivers and streams flowing on lands administered by the BLM; supportive of the technical changes that amend the existing designation in the Wild and Scenic Rivers Act as they provide a more appropriate naming convention and better reflect management classification and correction; supportive of the technical correction to remove the offensive name of the designation of Squaw Creek to Whychus Creek and other name designations; supportive of the designation of wilderness additions to the Wild Rogue Wilderness that has both BLM and U.S. Forest Service parcels; and, as we have previously testified in July of 2015 in support of Senate bill 132, the Oregon and California Land Grant Act of 2015, the designation of the Devil's Staircase Wilderness which would include transfer of administrative jurisdiction of 49-acre parcel managed by the BLM to the Forest Service to be managed as part of the Siuslaw National Forest as site of cultural significance to the Coos, Lower Umpqua and Siuslaw Indians. The Department would also like to work with the Subcommittee on some potential amendments and map revisions that we believe would improve this bill.

With respect to Senate bill 1777, to amend the Wild and Scenic River, the Department opposes the amendment to the Wild and Scenic Rivers Act because it would create a negative precedent for other commercial recreation services providers on wild and scenic rivers across the country.

The facilities and structures for commercial recreation services at Smith Gulch in Idaho are authorized and operated under a 20-year term, special use permit to the River of No Return Lodge Incorporated issued and administered by the Salmon Challis National Forest. This permit is issued with provisions and terms similar to those of recreation facilities throughout the National Forest System. The permit takes into account the location and surrounding of facilities improvements the public values if affected by such an operation and any specific public health and safety concerns.

The Department encourages the operator or the recreation services business at Smith Gulch to work with the appropriate local Forest Service official to revise any issues related to their existing permit.

This concludes my remarks of the four bills. I'd be happy to answer any questions. Thank you for the opportunity.

[The prepared statement of Mr. Casamassa follows:]

**STATEMENT OF  
GLENN CASAMASSA  
ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM  
U.S. FOREST SERVICE  
U.S. DEPARTMENT OF AGRICULTURE  
BEFORE THE  
UNITED STATES SENATE  
COMMITTEE ON ENERGY AND NATURAL RESOURCES  
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS AND MINING  
CONCERNING**

**S. 1423 – Central Coast Heritage Protection Act**

**APRIL 21, 2016**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 1423, the Central Coast Heritage Protection Act.

S. 1423 designates National Forest System lands on the Los Padres National Forest in California as wilderness and additions to existing wilderness, and designates Potential Wilderness Areas, Scenic Areas, and a National Recreation Trail. The legislation directs the Forest Service to study creating a connection between the northern and southern portions of the Los Padres National Forest using a trail corridor, directs the Forest Service to study the feasibility of opening a new trail to an existing off-highway vehicle trail system, and ensures access to wilderness, scenic areas, and potential wilderness areas by Indian tribes for traditional cultural and religious purposes.

Specifically, the bill includes additions to eight designated wilderness and one new wilderness for a total of 183,461 acres of National Forest System lands; provisions for two Potential



Wilderness areas that would convert to additions to designated wilderness within 20 years for a total of 43,791 acres; additions to three existing wild and scenic rivers and would designate three new wild and scenic rivers, adding a total of 159.6 miles to the National Wild and Scenic Rivers System; creation of the Condor Ridge and Black Mountain Scenic Areas comprising 34,512 acres; and creation of the Condor National Recreation Trail.

While the Department is generally supportive of the 24 additions to eight existing wilderness areas listed in Section 3(a)(4) to Section 3(a)(11), and the designation of the new Diablo Caliente wilderness, it is concerned that the map associated with the bill is not of sufficient scale, detail or clarity to provide the level of review necessary. It is difficult to interpret the impact of the boundaries on existing land uses, such as existing trail corridors to see what is included in the additions and potential wilderness areas and what is not. The Department would like to work with the bill sponsor and the Subcommittee to create legislative maps that would clarify the intention of the bill sponsor and ensure that the requirements in the bill are consistent.

Sections 4 and 7 include the designations of the Machesna Mountain Potential Wilderness and the Fox Mountain Potential Wilderness. In the Machesna Mountain Potential Wilderness area, the Secretary would be authorized to reconstruct, realign, or reroute the Pine Mountain Trail and to allow use of motorized and mechanized vehicles in addition to hikers and equestrians. In the Fox Mountain Potential Wilderness, the Secretary would be authorized to construct a new trail for use by hikers, equestrians, and mechanized vehicles that connects the Aliso Park Campground to the Bull Ridge Trail and to reconstruct or realign the Bull Ridge and Rocky Ridge Trails. These sections also state that the Secretary shall use the minimum tool or administrative practice necessary to accomplish the work and the Forest Service may use motorized vehicles and machinery for construction, reconstruction, or realignment of the trails and may permit the use of mechanized vehicles on the existing trails until such date as the potential wilderness areas are designated wilderness in accordance with subsection (h).

The Department would like to work with the bill sponsor and Subcommittee to clarify whether section 4 and 7 are intended to create a corridor through the potential and later the actual designated wilderness for motorized and/or mechanized transportation, and if this trail corridor is within the boundary or outside the boundary of the potential areas and future wilderness

additions.

Section 4(g) requires that the boundary of the potential wilderness area be modified to exclude the realigned or reconstructed trails. Because this process would place a burden on staff resources, the Department would like to suggest that the modification be made when the area converts to wilderness.

Additionally, the Department would like to work with the Subcommittee on refinement of the potential wilderness boundaries so that they allow for possible fuel treatments around the periphery of the boundaries and better management of the areas.

Section 5(b)(1) and 5 (b)(2) address fire and fuels management, fire funding and agency approval procedures in wilderness areas or wilderness additions designated by this legislation. Section 4(d)(1) of the Wilderness Act already allows for control of fire, insect, and disease. Additionally, as the Forest Service is no longer developing stand-alone fire management plans but is using the Wildland Fire Decision Support System, the Department would like to work with the bill sponsor and Subcommittee to refine this language to reflect the current practice and existing language in the Wilderness Act.

In regards to Section 5(b)(4)(A), the Forest Service already has a process for delegation of authority. If this section remains, the Department would like to request that it does not override the Forest Service policy of retaining delegated authority at the regional level for heavy equipment approvals. This authority is not currently delegated to the Forest Supervisor level.

Section 5(d)(2) addresses fish and wildlife activities. The Department would like to work with the bill sponsor and Subcommittee to affirm that these activities are in accordance and consistent with an existing agreement between the State and the Forest Service. This agreement is an important guidance document for State and Forest Service responsibilities and when concurrence or approval is needed for certain activities.

Section 5(d)(3) provides for a wildlife water development special provision and allows the use of motorized vehicles by other agencies or their designees. The Department would like to work with the bill sponsor and Subcommittee on language that would clarify that the activities are the minimum necessary to preserve wilderness character and comply with the appropriate environmental analysis and permitting.

Section 5(g) states that nothing in this Act precludes horseback riding in, or recreational or commercial saddle or pack stock into wilderness areas or wilderness additions. Primitive recreation, including horse use, is already allowed by the Wilderness Act and commercial services are allowed to the extent necessary to meet the purposes of the Act. The Department would like to work with the bill sponsor and the Subcommittee to ensure that the current Wilderness Act commercial services definition is retained.

Section 5(j) may authorize the installation and maintenance of climatological collection devices in wilderness areas for flood warning and flood control. The Department would like to work with the bill sponsor and the Subcommittee to determine if these installations can be located outside the boundary of the wilderness area or if there are other alternative areas that can meet the needs and objectives of climatological data collection.

Section 6 designates three new wild and scenic rivers (Indian Creek, Mono Creek, and Matilija Creek) and also designates additions to three existing wild and scenic rivers (Sespe Creek, Sisquoc River, and Piru Creek) for a total of 159.6 new miles added to the National Wild and Scenic Rivers System. The Los Padres National Forest has determined portions of Sespe Creek and Piru Creek to be suitable for designation, and had determined that portions of Matilija Creek to be eligible for designation. These suitable and eligible segments have been assigned a preliminary classification and are being managed to protect the river values that provide the basis for their potential inclusion in the National System. The Department supports these designations and would be happy to share more details on this suitability, eligibility, and classification information with the bill sponsor and the Subcommittee to facilitate as much consistency as possible between the agency's findings and the river segments proposed for designation in this bill. While the agency has not found any other of the segments that would be designated by the

bill as eligible or suitable, the Department does not oppose any of these wild and scenic river designations. However, the Department would like to work with the bill sponsor and the Subcommittee to clarify the scope of section 6(e) to ensure that it does not have any unintended consequences. Additionally, while motorized use of trails can be consistent with wild and scenic rivers designations, the Department has concerns that section 6(f) will limit the ability of the forest to make management decisions that best balance all uses and ensure that water quality and other river values are protected and enhanced in the future.

Section 8 designates the Condor Ridge Scenic Area (18,666 acres) and the Black Mountain Scenic Area (15,846 acres). The Department would like to work with the bill sponsor and the Subcommittee to strengthen the language to better emphasize the importance of protecting the scenic qualities of the area. Additionally, the Department would like to clarify if the restriction on timber harvesting in Section 8(f)(1) also includes other vegetation and fuel management activities.

Section 9 designates the Condor National Recreation Trail. The Department would like to work with the bill sponsor and the Subcommittee to add “scenic” to the list of values the area promotes and to better define the use of the trail per segment. The Department would also like to clarify the intention of the bill sponsor on whether mechanized and motorized transport will be allowed in the Condor National Recreation Trail in the non-wilderness segments. Additionally, the Department is concerned that the language regarding acquisition of property rights and locating the trail on private land with a letter of consent is not adequate for obtaining an easement.

Finally, in Section 9(b)(31)(F), the Department would like to work with the bill sponsor and Subcommittee to extend the study timeframe to five years, which would allow for the incorporation of the additional work into budget cycles and work planning priorities, especially considering that multiple studies would be required in the same timeframe.

Section 12(b) would require the Secretary to ensure that Indian tribes have access to wilderness areas for traditional, cultural, and religious purposes. In carrying out this provision, the Secretary would be authorized, upon request of an Indian tribe, to temporarily close to the general public

the use of portions of areas designated by the bill to protect the privacy of traditional cultural and religious activities in the area by members of an Indian Tribe. We understand that implementation of this provision is at the discretion of the Secretary to determine whether the requested closure is appropriate and that providing access would be to the extent practicable in order to maintain the wilderness character.

This concludes my remarks on the Central Coast Heritage Protection Act. I would be happy to answer any questions. Thank you for the opportunity to testify.

**STATEMENT OF  
GLENN CASAMASSA  
ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM  
U.S. FOREST SERVICE  
U.S. DEPARTMENT OF AGRICULTURE  
BEFORE THE  
UNITED STATES SENATE  
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SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING  
CONCERNING**

**S. 1510 Wild Olympics Wilderness and Wild and Scenic rivers Act of 2015**

**APRIL 21, 2016**

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify before you today on S. 1510, the Wild Olympics Wilderness and Wild and Scenic Rivers Act of 2015.

S. 1510 would designate new and expand existing wilderness areas, would designate potential wilderness areas, and would designate certain rivers in the Olympic National Forest and Olympic National Park as wild and scenic rivers. The Department supports this legislation, but has some technical concerns we would like to work with the committee and the sponsors of this bill to address. My testimony pertains only to the designations proposed on the Olympic National Forest.

The Department supports designation of suitable rivers to the National Wild and Scenic Rivers System. Of the nineteen rivers proposed for Wild and Scenic River designation in the bill, thirteen are in areas managed by the Forest Service. Three of these rivers were previously recommended for designation through the agency's land management planning process (Dungeness, Dungeness-Gray Wolf, and Duckabush). We support adding these river segments to the System. In addition, the Department would like to work with the Committee and bill

sponsor to identify potential locations of future restoration or habitat improvement work to ensure that the designations appropriately support fisheries and water quality management activities and are properly integrated into the system with reasonable time to develop Comprehensive River Management Plans in cooperation with the National Park Service and the interested public.

While we support the new wilderness areas and additions to existing wilderness in S. 1510, the Department looks forward to working with the Committee and bill sponsor on boundary modifications to ensure that the boundaries are crafted to best support the Agency's ability to manage and preserve wilderness character. As currently drafted, some enforcement actions would need to be executed to bring non-conforming uses into compliance. Specifically, some of the proposed wilderness areas are adjacent to open roads which could complicate compliance efforts.

The Forest Service fully embraces its mission to steward and safeguard wilderness character in wilderness areas and free flowing rivers with their outstandingly remarkable values. We are committed to collaborating openly with Congress, Tribes, and all members of the interested public to identify and propose appropriate parcels of land and segments of river within the National Forest System and the Olympic National Forest for designation as Wilderness and Wild and Scenic Rivers and to manage those parcels responsibly when designated. We look forward to working with the sponsors of this bill to address the concerns outlined above.

I would like to thank the Chairman and committee members for inviting me to testify on this issue, and I welcome any questions you may have for me at this time.

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GLENN CASAMASSA  
ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM  
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**S. 1699, Oregon Wildlands Act**

**APRIL 21, 2016**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 1699, the Oregon Wildlands Act.

Wild & Scenic River Designations

Section 202(a) 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 consistent with the Siskiyou National Forest Land and Resource Management Plan. The total length of the Chetco Wild and Scenic River would remain 44.5 miles. In addition, this amendment 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. Typically 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, and better reflect management classifications and direction for the Chetco River.



Section 202(b) officially changes the name of “Squaw Creek” to “Whychus Creek” to better reflect local usage, current geographic nomenclature standards, and the name change approved by the U.S. Board on Geographic Names in 2005. 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. The Department strongly supports this much-needed technical correction to remove the offensive name of the designations.

Section 203 would designate approximately 10.4 miles of streams on National Forest System lands as part of the National Wild and Scenic Rivers System: 5.9 miles of Wasson Creek and 4.5 miles of Franklin Creek, both on the Siuslaw National Forest. The Department defers to the Department of the Interior in regard to the proposal to designate the 4.2-mile segment of Wasson Creek flowing on lands administered by BLM.

The Forest Service conducted an evaluation of the Wasson and Franklin Creeks to determine their eligibility for wild and scenic river designation as part of the forest planning process for the Siuslaw National Forest. However, the Agency has not conducted a wild and scenic river suitability study, which provides the basis for determining whether to recommend a river as an addition to the National System. Wasson Creek was found eligible as it is both free-flowing and possesses outstandingly remarkable scenic, recreational and ecological values. The Department supports designation of the 1.7 miles of the Wasson Creek on NFS lands based on the segment’s eligibility. At the time of the evaluation in 1990, Franklin Creek, although free flowing, was found not to possess river-related values significant at a regional or national scale and was therefore determined ineligible for designation. However, the Department does not oppose Franklin Creek’s designation. We would also like to work with the Subcommittee on some potential amendments and map revisions that we believe would improve this section of the bill.

Section 205(a) would amend the Wild and Scenic Rivers Act by adding additional segments in the Elk River watershed to the National Wild and Scenic Rivers System on the Siskiyou National Forest. These additions would increase the Elk’s designated wild and scenic river mileage from approximately 29 miles to 63.4 miles. The Department takes no position on these additional

designated segments. None of the additional segments are currently identified as eligible or suitable for wild and scenic river designation under the 1989 Siskiyou National Forest Land and Resource Management Plan. However, the Department would be happy to work with the Subcommittee to provide additional relevant information concerning the Elk River segments identified in this bill.

#### Wilderness Designations

Section 301 of the bill would designate 56,100 acres managed by the Bureau of Land Management (BLM) and by the Forest Service as an addition to the Wild Rogue Wilderness. The Department supports this addition of wilderness on National Forest System and has testified in July 2015 in support of S. 132, the Oregon and California Land Grant Act of 2015 that also would make this designation.

Section 301(b) would expand the Wild Rogue Wilderness in Oregon by designating 56,100 acres of land currently managed by the Bureau of Land Management and the Forest Service as wilderness. The “Proposed USFS Wilderness” identified in this section and on the referenced “Wild Rogue Wilderness Additions” map is located along a “cherry stem” into the existing wilderness area. The “cherry stem” originally allowed for the existence of a Level II Forest System Road, part of the designated “Grave Creek to Marial Back Country Byway,” and the continuation of the Marial Lodge, a permitted resort. Marial Lodge accommodates hikers in the spring, rafters through the summer and commercial fishing trips in the fall. Proposed boundary adjustments in this area appear to be consistent with the continuation of the present and current use of the existing facilities.

Section 301(b)(1)(A) also includes language that turns back administration of a portion of the existing Wild Rogue Wilderness from Forest Service to BLM management. The Forest Service is currently authorized to manage this BLM area through a Memorandum of Understanding. The Department does not see any issues of concern related to management of this expanded Wilderness area. However, the Department would like to work with the committee to develop a

detailed "inset map" in the legislation to ensure that the boundaries between BLM and USFS parcels are clear and unambiguous.

Section 302 would designate the Devil's Staircase Wilderness (30,540 acres) on lands managed by the Forest Service and BLM surrounding Wasson Creek. Approximately 24,000 acres of this wilderness would be on the Siuslaw National Forest. There is an existing road within the proposed boundary of this wilderness that would require decommissioning by heavy equipment prior to designation. Section 302(h) of the bill also would effectuate the transfer of administrative jurisdiction of an approximately 49 acre parcel managed by BLM to the Forest Service to be managed as part of the Siuslaw National Forest. This parcel includes a site of cultural significance to the Coos, Lower Umpqua, and Siuslaw Indians. The Department supports this designation.

Section 302(b) would designate an area known as the "Devil's Staircase" as wilderness under the National Wilderness Preservation System. The proposed wilderness encompasses approximately 30,540 acres of NFS and BLM lands. Approximately 7,800 acres of the NFS lands are within the Wasson Creek Undeveloped Area under the Forest Plan for the Siuslaw National Forest and were evaluated for wilderness characteristics in the 1990 Siuslaw National Forest Land and Resource Management Plan. The proposed Devil's Staircase Wilderness provides an outstanding representation of the Oregon Coast Range and would enhance the National Wilderness Preservation System. There is an existing road within the proposed boundary of this wilderness that would require decommissioning by heavy equipment prior to designation as wilderness or allowance for use of mechanized equipment for this purpose after the enactment. The Department supports the designation of the proposed Devil's Staircase Wilderness.

Other portions of this bill would designate additional BLM lands and rivers flowing on BLM lands and would be administered by the Secretary of the Interior. Therefore, the Department defers to Department of the Interior on these proposed designations.

This concludes my remarks on the Oregon Wildlands Act. I would be happy to answer any questions. Thank you for the opportunity to testify.

**STATEMENT OF  
GLENN CASAMASSA  
ASSOCIATE DEPUTY CHIEF, NATIONAL FOREST SYSTEM  
U.S. FOREST SERVICE  
U.S. DEPARTMENT OF AGRICULTURE  
BEFORE THE  
UNITED STATES SENATE  
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**S. 1777, To amend the Wild and Scenic Rivers Act**

**APRIL 21, 2016**

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S 1777, To amend the Wild and Scenic Rivers Act.

The Department opposes S. 1777 because it would create a negative precedent for other commercial recreation service providers on wild and scenic rivers across the nation. We hope to work with Senator Risch and Senator Crapo to find a solution that is mutually beneficial to their constituents and the Forest Service.

More than 200 rivers in 40 states and the Commonwealth of Puerto Rico comprise the National Wild and Scenic River System. More than 12,000 river miles are protected reflecting tremendous geographic diversity, from the remote rivers of Alaska, Idaho and Oregon to rivers threading through the rural countryside of Massachusetts, New Hampshire, and Ohio.

Smith Gulch is located within the Main Salmon Wild River corridor, located within the Frank Church-River of No Return Wilderness in Idaho. Both the Wild River and Wilderness were designated as such by the Central Idaho Wilderness Act of 1980 (16 U.S.C. 1132). The Act

mandates that the Main Salmon River corridor be managed according to the requirements of the Wild and Scenic Rivers Act.

Public Law 108-447, enacted in 2004, amended the Wild and Scenic Rivers Act, 16 U.S.C. §1274(a)(24)(D), and directed that the Forest Service continue to authorize the established use and occupancy of three commercial recreation services within the Main Salmon River Corridor, including the services at Smith Gulch. Such continued authorization is to be subject to such reasonable regulation as the Secretary deems appropriate, including rules that would provide for revocation for noncompliance, and upon revocation, reoffering the concession through a competitive process.

The facilities and structures for commercial recreation services at Smith Gulch in Idaho are authorized and operated under a 20-year Term Special Use permit to River of No Return Lodge, Inc. (Permit #NFK299), issued and administered by the Salmon-Challis National Forest. The current permit authorizes gas-powered water pumps for emergency fire suppression. The permit is authorized under the authority of the Act of March 4, 1915, as amended July 28, 1956, (16 U.S.C. 497). This permit is issued with provisions and terms similar to those of recreation facilities throughout the National Forest System. The permit takes into account the location and surroundings of facilities and improvements, the public values affected by such an operation, and any specific public health and safety concerns.

The Forest Service has in place appropriate policies to accommodate the needs of a recreation service business operating at this location. Consistent with statutory guidance, the policies allow for such facilities and structures needed to provide the authorized recreation services. Smith Gulch operates under these policies and requirements; just as other similarly authorized businesses within the Main Salmon Wild River Corridor. For example, the management plan for the Frank Church River of No Return Wilderness already allows for the use of chainsaws in the Salmon River corridor by permit; the Smith Gulch operation has obtained such a permit annually.

The Department encourage the operators of the recreation service business at Smith Gulch to work with the appropriate local Forest Service officials to resolve any issues related to their utilizing existing agency regulations, policies and authorities. Allowing new facilities at this operation,

including those that do not conform with the Wilderness Act and the Wild and Scenic Rivers Act, opens the door to others seeking similar exceptions in the wild river corridor of the Main Salmon River, elsewhere in the Frank Church-River of No Return Wilderness. The Department believes that this would create an undesirable precedent for the National Wild and Scenic Rivers System.

This concludes my remarks. I would be happy to answer any questions. Thank you for the opportunity to testify.

Senator BARRASSO. Thank you very much for your testimony.  
Mr. Pool.

**STATEMENT OF MIKE POOL, ACTING DEPUTY DIRECTOR FOR  
OPERATIONS, BUREAU OF LAND MANAGEMENT, U.S. DE-  
PARTMENT OF THE INTERIOR**

Mr. POOL. Good afternoon, Mr. Chairman, Mr. Ranking Member, and members of the Subcommittee. I am Mike Pool, the BLM Acting Deputy Director for Operations.

Thank you for the opportunity to present this testimony today which will briefly summarize our written statements.

Senate bill 1167 focuses on the boundaries and the management of six wilderness areas in the Owyhee Canyonlands regions of Idaho. The Department acknowledges the dedicated efforts of the stakeholders to collaborate on issues concerning wilderness management in this region and we generally support stakeholder driven efforts to redefine management boundaries; however, the Department strongly opposes this bill because it proposes broad management changes that will lift the central protections from the wilderness areas. We would like to work, take the opportunity to continue to work with Senator Crapo and the Subcommittee on a balanced approach to issues concerning roadless management in this region.

Senate bill 1423 would designate three wilderness areas on BLM managed land within the Carrizo Plain National Monument in California, establish the Black Mountain Scenic Area on lands managed by the BLM and the Forest Service and designate or expand nine wilderness areas within the Los Padres National Forest, two of which would include BLM-managed public lands. The Department supports this bill as it pertains to lands managed by the BLM and would like to work with Senator Boxer and the Subcommittee to address various technical concerns including ensuring consistency with the 2010 Carrizo Plain RMP and correcting various references to other laws.

Senate bill 1699 would establish two new National Recreation Areas on forest lands in Western Oregon, protect over 280 miles of Oregon rivers under the Wild and Scenic Rivers Act and establish new conservation designations in Western Oregon. The Department shares the goals to protect, conserve and enhance the unique recreational and natural resources of the proposed recreational areas and support the bill's conservation designations. We would like to work with Senator Wyden and the Subcommittee on clarifying the impact of the management language for the proposed recreational areas on existing commercial, recreation and timber production activities and to provide updated maps that are more closely tailored and aligned to the various designations in the bill.

Senate bill 2018, relating to Glennallen, Alaska and Senate bill 2379 relating to Utah Park in Tucson, Arizona would require the Department to convey without consideration reversionary interest in two parcels pending under the Recreation of Public Persons Act. The Department supports the goal of conveying the reversionary interest in both of these bills and could support them if they were amended to ensure the payment of fair market value for the conveyance of the reversionary interest.

Senate bill 2223 would transfer approximately 200 acres of public land to the Secretary of Veterans Affairs to be incorporated into the Black Hills National Cemetery in South Dakota. The Department supports this bill and we look forward to working with the state's congressional delegation and the Subcommittee to meet the needs of the Black Hills National Cemetery.

Senate bill 2383. As introduced Senate bill 2383 provides for the limited use and short-term closure of approximately 700,000 acres of public lands surrounding Utah Test and Training Range by the United States Air Force. The bill would also direct a large land exchange between the BLM and the State of Utah and recognizes the existence and validity of unsubstantiated rights of way claims, RS2477. The Department supports the military's periodic limited use of the lands surrounding the UTTR and we support the concept of major land exchanges like this one that further the public interest, consolidate ownership of scattered tracks of land to make them more manageable and enhance resource protection. We do not, however, support the withdrawal for the proposed share use area. We also strongly oppose the resolution of unsubstantiated rogue claims in the manner laid out in the bill. We appreciate the efforts of Senator Hatch and the Subcommittee to begin addressing the concerns we raised in our testimony on the House version of the bill, and we look forward to continuing our discussion.

Finally, the National Park Service also submitted a statement for the record in support of Senate bill 1510, the Wild Olympic Wilderness and Wild and Scenic Rivers Act.

Thank you for the opportunity to testify today, and I'll be glad to answer any questions.

[The prepared statement of Mr. Pool follows:]



**Statement of  
Mike Pool  
Acting Deputy Director for Operations  
Bureau of Land Management  
U.S. Department of the Interior  
Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests, and Mining  
S. 1167, Owyhee Wilderness Areas Boundary Modifications Act  
April 21, 2016**

Thank you for inviting the Department of the Interior to testify on S. 1167, the Owyhee Wilderness Areas Boundary Modifications Act. This bill would modify the boundaries of the Pole Creek, Owyhee River, and North Fork Owyhee Wilderness Areas; authorize the use of motorized vehicles for livestock monitoring, herding, and gathering in six wilderness areas in Idaho; and require the Secretary of the Interior to submit a report describing livestock grazing management activities that were authorized in these six areas prior to their designation as wilderness in 2009.

The BLM acknowledges the dedicated efforts of stakeholders to collaborate on issues concerning wilderness management in this region of Idaho. Generally, the BLM supports stakeholder-driven efforts to refine management boundaries, provided those solutions further the purposes of the original enabling legislation and represent a balanced approach to enhancing manageability. The Administration, however, strongly opposes S. 1167, because of broad management changes that would lift essential protections from wilderness areas. In particular, we oppose provisions for the use of motorized vehicles in wilderness areas because the language undermines the longstanding definition and spirit of wilderness as established in the Wilderness Act of 1964. We would like the opportunity to work with the sponsor and Subcommittee on other concerns detailed below.

**Background**

The Omnibus Public Land Management Act of 2009 (OPLMA; Public Law 111-11, Subtitle F) designated six wilderness areas in southwest Idaho – the Big Jacks Creek Wilderness (approximately 52,826 acres), the Bruneau-Jarbridge Rivers Wilderness (approximately 89,996 acres), the Little Jacks Creek Wilderness (approximately 50,929 acres), the North Fork Owyhee Wilderness (approximately 43,413 acres), the Owyhee River Wilderness (approximately 267,328 acres), and the Pole Creek Wilderness (approximately 12,533 acres), in accordance with the provisions of the Wilderness Act (16 U.S.C. 1131 et seq.). These six wilderness areas lie within the Northern Basin and Range, an elevated plateau with mountains separated by canyons draining into the Pacific Ocean via the Snake and Columbia rivers. These provisions were derived in part from legislation introduced by Senator Crapo and developed based on the recommendations of the Owyhee Initiative, a collaborative stakeholder group. In April 2015, the BLM finalized the Owyhee Canyonlands Wilderness and Wild and Scenic Rivers Management Plan. This plan establishes the management framework for the BLM's management of these six Idaho wilderness areas.

Under section 1503(b)(3) of OPLMA, livestock grazing in these six wilderness areas is “allowed to continue, subject to such reasonable regulations, policies, and practices as the Secretary considers necessary, consistent with section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines described in Appendix A of House Report 101-405.” Since passage of OPLMA, however, the Owyhee Initiative and certain other stakeholders have expressed concerns with the BLM’s implementation of OPLMA, specifically related to cross-country, motorized herding in wilderness areas, which the BLM has determined to be inconsistent with the Wilderness Act of 1964, OPLMA, and Appendix A of House Report 101-405.

#### **S. 1167**

S. 1167 would modify the boundaries of the Pole Creek, Owyhee River, and North Fork Owyhee Wilderness Areas; authorize the use of motorized vehicles for livestock monitoring, herding, and gathering in six wilderness areas in the State of Idaho; and require the Secretary of the Interior to submit a report describing livestock grazing management activities that were authorized in these six areas prior to their designation as wilderness in 2009.

#### ***Owyhee Wilderness Areas Boundary Modifications (Section 2)***

Section 2 of the bill would adjust the designated boundaries of the Pole Creek, Owyhee River, and North Fork Owyhee Wilderness Areas. The BLM supports some, but opposes other adjustments identified in this section, as described in detail below.

Under Section 2, the Noon Creek Cherrystem of the North Fork Owyhee Wilderness Area would be extended an additional 0.84 miles to the historically used corrals at Big Springs Camp. The BLM opposes this boundary modification because public motorized access to this site could result in negative impacts to wilderness characteristics and vandalism or damage to existing range improvements at the Big Springs Camp. The BLM currently has discretionary authority to allow motorized administrative access to this site for livestock grazing permittees.

In addition, Section 2 of the bill would shift the northeastern boundary of the Owyhee River Wilderness from a section line to the existing Dickshooter Road, removing about one section of land from the wilderness area and opening about one mile of the road to motorized travel. While the proposed change may improve certain aspects of the manageability of the area, the BLM would like to work with the sponsor to assess whether the cherrystem to the Kincaid Reservoir is necessary. The BLM already has discretionary authority to allow motorized administrative access to the Kincaid Reservoir for livestock grazing permittees. We also encourage the sponsor and Subcommittee to consider balancing the removal of the protected status of this general area with possible new protections elsewhere in the Owyhee region in order to maintain the careful balance established in the original legislation.

Section 2 of the bill also proposes one modification to the boundary of the Pole Creek Wilderness along the Mud Flat Road. The BLM supports this modification, which would allow for legal use of a historic and popular motorized vehicle pullout and car camping site from the wilderness, thereby allowing the BLM to concentrate vehicle use in an already disturbed area and reducing impacts to other areas with wilderness characteristics.

Finally, the BLM has identified some minor technical errors in the maps referenced in this legislation and would like to provide the sponsor and Subcommittee with updated maps that reflect the latest data.

***Use of Motorized Vehicles for Livestock Monitoring, Herding & Grazing (Section 3)***

Section 3 of the bill would authorize the use of motorized vehicles for livestock monitoring, herding, and gathering in the six wilderness areas in the State of Idaho that were designated in OPLMA. While the BLM acknowledges the collaborative work of stakeholders in this region, the BLM opposes this section of the bill because the language undermines the longstanding definition and spirit of wilderness as established in the Wilderness Act of 1964.

***Report on Livestock Grazing Management Activities (Section 4)***

Section 4 of the bill would require the Secretary of the Interior to submit a report to Congress describing all livestock grazing management activities that were authorized in the six wilderness areas in the State of Idaho designated by OPLMA. The BLM notes that an extensive list of wilderness range improvement projects and the operations associated with those facilities has already been developed as mandated by Congress in Section 1503(b)(3)(B) of OPLMA and this inventory was included as Appendix D of the 2015 Owyhee Canyonlands Wilderness and Wild and Scenic Rivers Management Plan. Therefore, the BLM recommends deleting this section of the bill.

**Conclusion**

Thank you again for the opportunity to testify on S. 1167, the Owyhee Wilderness Areas Boundary Modifications Act. While we appreciate the sponsor's work on this legislation, the Administration strongly opposes the bill as it is currently written. We look forward to working with the sponsor and the Subcommittee on these management issues.

**Statement of**  
**Mike Pool**  
**Acting Deputy Director for Operations**  
**Bureau of Land Management**  
**U.S. Department of the Interior**  
**Senate Energy and Natural Resources Committee**  
**Subcommittee on Public Lands, Forests, and Mining**  
**S. 1423, Central Coast Heritage Protection Act**  
**April 21, 2016**

Thank you for inviting the Department of the Interior to testify on S. 1423, the Central Coast Heritage Protection Act. This bill would designate three wilderness areas within the Carrizo Plain National Monument managed by the Bureau of Land Management (BLM). S. 1423 would also establish the Black Mountain Scenic Area on lands managed by the BLM and the U.S. Forest Service (USFS), and designate or expand nine wilderness areas within the Los Padres National Forest, two of which would include some BLM-managed public lands. The BLM supports S. 1423 and would welcome the opportunity to work with Senator Boxer and the Subcommittee to address various technical concerns discussed below.

**Background**

The Carrizo Plain National Monument (Monument), which includes over 206,000 acres of public lands, was designated by President Bill Clinton on January 17, 2001. The Monument, located only a few hours from Los Angeles, in San Luis Obispo and Kern Counties, California, is home to diverse communities of wildlife and plant species, including the critically endangered San Joaquin kit fox, giant kangaroo rat, and blunt-nosed leopard lizard. The Chumash, Salinian, and Yokuts Tribes have called this area home for at least the last 10,000 years. The Monument provides many recreational opportunities, such as hiking, camping, and hunting and – due to its remoteness – provides visitors outstanding opportunities to be alone with nature. Lands within the Monument boundary are cooperatively managed by the BLM, the California Department of Fish and Wildlife (CDFW) and The Nature Conservancy (TNC) through a Memorandum of Understanding established to ensure that the three entities manage their respective lands in a complementary fashion.

Under the Monument's 2010 Resource Management Plan (RMP), the BLM currently manages approximately 62,455 acres of public lands for the protection of wilderness characteristics. The decision to manage these public lands for wilderness characteristics under the RMP occurred as part of a 10-year collaborative planning effort with strong public support. Within the Monument, the BLM also manages the approximately 17,984-acre Caliente Wilderness Study Area (WSA) in a manner that does not impair its suitability for potential future preservation by Congress as wilderness, as provided for under the Federal Land Policy and Management Act or the Wilderness Act.

**S. 1423**

***Wilderness (Sections 3-5, 7)***

S. 1423 would designate three new wilderness areas within the Carrizo Plain National Monument – the Caliente Mountain Wilderness (approximately 35,600 acres), the Soda Lake Wilderness

(approximately 13,300 acres), and the Temblor Range Wilderness (approximately 12,500 acres). These proposed additions to the National Wilderness Preservation System will protect fragile ecosystems and provide important habitat for a diversity of plant and animal life. These proposed wilderness areas also serve as unique and irreplaceable outdoor research laboratories. For example, the proposed Soda Lake Wilderness is the largest remaining natural alkali wetland in southern California and is the only closed basin within the coastal mountains. These lands have retained their primeval character and have been influenced primarily by the forces of nature, and provide outstanding opportunities for solitude as well as primitive and unconfined recreation experiences.

The BLM supports the designation of these wilderness areas but would like the opportunity to work with the sponsor and Subcommittee on minor boundary adjustments to ensure that the boundaries are consistent with existing WSAs and areas managed for wilderness characteristics under the 2010 Carrizo Plain RMP. Finally, the BLM understands that the sponsor intends to amend the map references in the bill and reference the maps entitled “Proposed Caliente Mountain Wilderness”, “Proposed Soda Lake Wilderness”, and “Proposed Temblor Range Wilderness”, dated June 3, 2014. The June 3, 2014, maps inform the position of the BLM on this legislation.

The bill would also designate or expand nine additional wilderness areas within the Los Padres National Forest. We defer to the U.S. Department of Agriculture regarding provisions in the bill concerning lands and interests managed by the USFS; however, the proposed addition to the Garcia Wilderness Area would include approximately 120 acres of BLM-managed public lands, and the proposed addition to the Machesna Mountain Wilderness Area would include approximately 530 acres of BLM-managed public lands. The BLM supports the proposed wilderness designations of BLM-managed lands in the Garcia and Machesna Mountain Wildernesses. The BLM notes that the BLM-managed Machesna WSA does not appear to be included in the proposed wilderness additions. Incorporating this WSA into the designations may enhance manageability of the area.

***Wild & Scenic Rivers (Section 6)***

Section 6 of S. 1423 pertains to lands managed by the USFS. The BLM defers to the U.S. Department of Agriculture regarding these provisions.

***Scenic Areas (Section 8)***

Section 8 of the bill would designate two scenic areas – the Condor Ridge Scenic Area (approximately 18,600 acres) in the Los Padres National Forest and the Black Mountain Scenic Area (approximately 15,800 acres) on lands administered by the USFS and the BLM, including the approximately 160-acre Black Mountain WSA. The BLM supports this section of the bill, but would like the opportunity to work with the sponsor to address some technical concerns, including the addition of a reference to the Secretary of the Interior.

***National Trails (Section 9)***

Section 9 of the bill would establish the Condor National Recreation Trail. The BLM has not reviewed a detailed map for the trail, but we understand that the majority of the trail traverses the Los Padres National Forest with a small segment that traverses BLM-managed public lands. The

BLM generally supports the designation of this trail, but we would like the opportunity to more closely review the proposed route and work with the sponsor and Subcommittee to address other technical concerns, including correction of a citation to the National Trails System Act.

***Miscellaneous Provisions (Sections 10-12)***

Sections 10 and 11 of the bill pertain to lands managed by the USFS. The BLM defers to the U.S. Department of Agriculture regarding these provisions. The BLM supports Section 12, which addresses use by members of Native American tribes.

**Conclusion**

Thank you again for the opportunity to testify on S. 1423, the Central Coast Heritage Protection Act. The BLM supports the conservation goals of the bill. We look forward to continuing to work with the sponsor and the Subcommittee to address the technical concerns outlined above as this bill moves through the legislative process.

**Statement of**  
**Mike Pool**  
**Acting Deputy Director for Operations**  
**Bureau of Land Management**  
**U.S. Department of the Interior**  
**Senate Committee on Energy and Natural Resources**  
**Subcommittee on Public Lands, Forests, & Mining**  
**S. 1699, Oregon Wildlands Act**  
**April 21, 2016**

Thank you for inviting the Department of the Interior to testify on S. 1699, the Oregon Wildlands Act. S. 1699 would establish two new national recreation areas on forest lands in western Oregon (Title I), protect over 280 miles of Oregon rivers on lands administered by the BLM and Forest Service with new designation as recreational, scenic, or wild rivers under the Wild and Scenic Rivers Act (Title II), and establish new conservation designations in western Oregon (Title III).

The Department has previously testified on many of the concepts contained in the provisions of this bill and believes this legislation is a continuation of the ongoing discussion about the management of western Oregon lands. The Department appreciates Senator Wyden's longstanding work on these issues. Overall, the Department supports many of the goals of the bill, and supports Titles II and III. We would like to work with Senator Wyden and the Subcommittee on substantive, clarifying, and technical amendments to Title I to resolve our outstanding concerns and would also like the opportunity to provide updated maps that are more closely tailored to the designations in this bill.

**Background**

***Current BLM Management of Lands in Western Oregon***

The O&C Lands Act of 1937 placed 2.2 million checkerboard acres of Oregon and California Railroad and Coos Bay Wagon Road grant lands (the O&C Lands) under the jurisdiction of the Department of the Interior. Under the O&C Lands Act, the Department of the Interior manages the O&C lands for "the purpose of providing a permanent source of timber supply, protecting watersheds, regulating stream flow, and contributing to the economic stability of local communities and industries, and providing recreational facilities." The Act also provides that the 18 O&C counties receive yearly payments equal to 50 or 75 percent of receipts from timber harvests on O&C lands in these counties.

Timber harvests and the associated payments to counties decreased significantly in the mid-1990s, after the historic highs experienced in the late 1980s. The decrease was caused, in part, by the need for management measures to address the conservation and recovery of threatened and endangered species such as the northern spotted owl, coho salmon, and marbled murrelet. The 1994 Northwest Forest Plan was developed by Federal agencies and scientists in consultation with the public and industry to be a balanced, long-term management plan striving

for a predictable and sustainable supply of timber along with protection of fish and wildlife habitat for 24.5 million acres of Federal forest in western Oregon, western Washington, and northern California, most of which is managed by the U.S. Forest Service. The BLM's western Oregon Resource Management Plans were amended in 1995 (1995 RMPs) to incorporate the Northwest Forest Plan management guidelines and land use allocations.

In addition to the O&C lands in western Oregon, the BLM manages 212,000 acres of public domain forests and other acquired lands within the boundary of the Northwest Forest Plan. The Department of the Interior continues to manage the O&C lands under the 1995 RMPs and the guidance of the Northwest Forest Plan, along with management recommendations derived from the 2011 Northern Spotted Owl recovery plan and 2012 Final Critical Habitat Rule, as well as a number of court decisions. These and other BLM-managed lands in western Oregon also provide outstanding recreational opportunities, with over 5 million people visiting each year to enjoy hiking, camping, hunting, and fishing.

#### ***Resource Management Plan Revision***

In March of 2012, the BLM began the planning process to revise the 1995 RMPs that govern management of the O&C lands. The BLM has spent over four years engaging the public, key stakeholders, cooperators, and tribes conducting extensive public scoping and providing numerous opportunities for all parties to provide public input through design workshops, public meetings, and other venues as part of the National Environmental Policy Act (NEPA) process. The BLM has used this input, along with lessons learned from 20 years of experience implementing the Northwest Forest Plan, as well as threatened and endangered species recovery plans and critical habitat designations from both the U.S. Fish and Wildlife Service (FWS) and National Marine Fisheries Service (NMFS), to craft the recently published Proposed RMP/Final Environmental Impact Statement. A final Record of Decision is expected in the coming months.

#### **Oregon National Recreation Areas (Title I)**

Title I of S. 1699 establishes the Rogue Canyon and Molalla National Recreation Areas on nearly 119,000 acres of intermixed O&C lands and public domain forests in western Oregon and provides guidance for the management of each area. Although the Department shares S. 1699's goals to protect, conserve, and enhance the unique recreational and natural resources of these areas, we have concerns with the language of Title I and the impacts if it were to be implemented as written.

As discussed briefly above, the BLM's management of O&C lands and public domain forests is currently governed by a number of statutory requirements, including the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the Clean Water Act, the O&C Lands Act of 1937, the Federal Land Policy and Management Act (FLPMA), and the relevant implementing regulations and plans. Under this framework, the BLM manages these lands for forest production in conformance with the principles of sustained yield and for other multiple uses.



The Department notes that it is unclear how this title would affect the timber sale program that is proposed in conjunction with the recently published Proposed RMP/Final Environmental Impact Statement for the O&C lands. We would like the opportunity to work with Senator Wyden and the Subcommittee on clarifying this aspect of the bill.

We also believe that the management language for the proposed recreation areas is unclear and may impact existing commercial timber production activity that relies on rights-of-way held by adjacent private forest landowners and existing commercial recreational activity. Because of the size of the proposed areas, some of the bill's language may also limit access to existing trailheads and scenic opportunities. We would like to work with the sponsor and Subcommittee on language to clarify the use of existing permanent roads and the bill's effect on ongoing commercial activity.

Finally, we note that the maps for each of the proposed recreation areas were created for previous iterations of the legislation and may contain designations or other features unrelated to this bill. Consequently, the Department would like the opportunity to provide updated maps that display the proposed areas in greater detail using the latest data. We would also like the opportunity to discuss boundary modifications for manageability.

#### **Additional Wild & Scenic River Designations & Technical Corrections (Title II)**

Title II of S. 1699 would protect over 280 miles of Oregon rivers on lands managed by the BLM and Forest Service with designation as recreational, scenic, or wild rivers under the Wild and Scenic Rivers Act. As we have previously testified, the Department strongly supports the provisions of this title, which would conserve these unique places for future generations.

#### ***Additions to Rogue Wild & Scenic River***

Section 201 of S. 1699 would extend the existing Rogue Wild and Scenic River by adding approximately 120 miles of 37 tributaries to the National Wild and Scenic Rivers System. In addition, this section withdraws 16 miles of 6 other Rogue River tributaries from 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 Department supports these designations but recommends a minor technical correction to the amended language for the original Rogue River designation.

#### ***Corrections to the Wild and Scenic Rivers Act***

Section 202 of the bill pertains to lands managed by the Forest Service, and the Department defers to the Department of Agriculture on this provision.

#### ***Wasson Creek & Franklin Creek Designations***

Section 203 of S. 1699 would designate portions of both Franklin Creek and Wasson Creek as components of the Wild and Scenic Rivers System. In previous testimonies, the Department of Agriculture has supported legislation to designate Franklin and Wasson Creeks as components to

the Wild and Scenic River System. Our understanding is that USDA continues to support these designations.

Additionally, the Department supports the designations that would be managed by the BLM, including approximately 4.2 miles of Wasson Creek.

***Molalla Wild & Scenic River***

At an elevation of 4,800 feet, the Molalla River flows undammed for 49 miles west and north until it joins the Willamette River, providing drinking water for local communities and important spawning habitat for several fish species. Within an hour's drive of the metropolitan areas of Portland and Salem, 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.

Section 204 of the bill 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.

***Additional Wild & Scenic River Designations***

The Department of the Interior defers to the Department of Agriculture on the Elk River provisions (section 205[a]) which affect lands administered by the Forest Service.

Section 205(b) of the bill would protect over 50 miles of Oregon rivers with new designation as either recreational or scenic rivers under the Wild and Scenic Rivers Act. The Department supports these designations.

**Wilderness Areas (Title III)**

The BLM also manages many extraordinary lands in western Oregon that are proposed for conservation designation under this legislation. Title III of S. 1699 would expand the Wild Rogue Wilderness Area in southwestern Oregon and designate the Devil's Staircase Wilderness Area in southwestern Oregon. As we have previously testified, the Department supports this title, which would conserve and protect these special places that are treasured both locally and nationally. The Department notes that the maps for each of the proposed wilderness areas were created for previous legislation and may not reflect current land status data. For clarity, we would like the opportunity to provide updated maps of the proposed designations.

***Wild Rogue Wilderness***

Over millions of years, the Rogue River, one of the initial eight rivers recognized in the 1968 Wild and Scenic Rivers Act, has carved its way through western Oregon's mountains. Dense, old-growth forests flank the Rogue, providing habitat for forest-dependent species. The cold, clear waters of the river provide a home for Pacific salmon, steelhead trout, and green sturgeon. Recreationists drawn to the Rogue River watershed are a critical economic engine for local economies and include fishing, rafting and boat tours, and hiking and backpacking.

The bill (Section 301) proposes to enlarge the existing Wild Rogue Wilderness by adding nearly 60,000 acres of land administered by the BLM.

The BLM supports this section of the bill. This wild and rugged area is largely untrammeled and has been influenced primarily by the forces of nature with outstanding opportunities for primitive recreation or solitude. The BLM would like to work with the sponsor to ensure that the bill language is consistent with how BLM manages other congressionally-designated Wilderness Areas.

#### ***Devil's Staircase Wilderness***

The proposed Devil's Staircase Wilderness near the coast of southwestern Oregon is an example of what much of this land looked like hundreds of years ago. This area is a multi-storied forest of Douglas fir and western hemlock that towers over underbrush of giant ferns and provides critical habitat for the threatened northern spotted owl and marbled murrelet. The remote and rugged nature of this area provides a truly wild experience for any hiker.

Section 302 of Title III proposes to designate over 30,000 acres as wilderness. In previous testimonies, the Department of Agriculture has supported legislation to designate Devil's Staircase as Wilderness. Our understanding is that the Department of Agriculture continues to support this designation. The Department supports the transfer of administrative jurisdiction of 49 acres to the Forest Service. Additionally, the Department supports the designations that would be managed by the BLM, including approximately 6,830 acres of the proposed Devil's Staircase Wilderness. The BLM would like to work with the sponsor to ensure that the bill language is consistent with how BLM manages other congressionally-designated Wilderness Areas.

#### **Conclusion**

S. 1699 would establish two new national recreation areas on forest lands in western Oregon, protect over 280 miles of Oregon rivers with new designation as recreational, scenic, or wild rivers under the Wild and Scenic Rivers Act, and establish new conservation designations in western Oregon. The Department supports the goals of protecting, conserving, and enhancing the unique recreational and natural resources of the proposed national recreation areas, and also fully supports the conservation designations that would be made under Titles II and III. The Department looks forward to continuing to work with the sponsor, the Subcommittee, and stakeholders to address the specific concerns noted in our testimony with regard to the bill as drafted, to reconcile differences, and to accomplish our shared stewardship goals for BLM-managed lands in western Oregon.

**Statement of  
Mike Pool  
Acting Deputy Director  
Bureau of Land Management  
Department of the Interior  
Senate Energy & Natural Resources Committee  
Subcommittee on Public Lands, Forests & Mining  
S. 2018, Conveyance of Reversionary Interest, Glennallen, Alaska  
April 21, 2016**

Thank you for inviting the Department of the Interior to testify on S. 2018, which provides for the conveyance of the Federal government's reversionary interest in certain land located in the City of Glennallen, Alaska, to SEND North, a not-for-profit organization located in Anchorage, Alaska. While the Department supports the goal of conveying the reversionary interest to SEND North, we cannot support S. 2018 in its current form. The Department could support S. 2018 if it were amended to ensure the payment of fair market value for the conveyance of the reversionary interest.

**Background**

The Bureau of Land Management (BLM) regularly transfers public land to local governments and nonprofits for a variety of public purposes. These transfers are typically accomplished under the provisions of the Recreation and Public Purposes Act (R&PP) or through direction supplied through specific Acts of Congress. The R&PP Act is a statute frequently used by the BLM to help states, local communities, and nonprofit organizations obtain lands at no or low cost for important public purposes. Examples include parks, schools, hospitals and other health facilities, fire and law enforcement facilities, courthouses, social services facilities, and public works. Because these lands are transferred at far below market value, R&PP conveyances and many similarly legislated conveyances include a reversionary clause requiring that lands be used for public purposes or revert to the Federal government. Over the years, the BLM has addressed many requests to release the Federal government's reversionary interest in such lands and has consistently required the payment of fair market value for the reversionary interest.

In 1961, a 210-acre parcel of Federal land was patented to the Central Alaska Mission under the authority of the R&PP Act. The Mission came to Glennallen, Alaska, to assist the Glennallen community and the surrounding area with not-for-profit educational, medical, and religious services. The patent was subsequently transferred under the provisions of the R&PP Act to the non-profit organization SEND North.

The BLM is currently considering a request by SEND North to purchase at fair market value the Federal government's reversionary interest in the 210 acres patented in 1961. On April 7, 2016, the BLM published a Notice of Realty Action in the *Federal Register* providing an opportunity to comment on the proposed sale. The public comment period for this action will remain open until May 9, 2016. The proposed non-competitive direct sale is consistent with the BLM's East Alaska Resource Management Plan approved in September 2007. The BLM understands that

after acquiring the reversionary interest, SEND North would like to sell or transfer the parcels for commercial development without threat of reversion for breach of patent conditions.

**S. 2018**

S. 2018 would convey, without consideration, the reversionary interest of the United States in the land identified in the bill to SEND North, and requires the organization to pay all costs associated with the conveyance.

The BLM supports the goal of conveying the reversionary interest in this land to SEND North, but cannot support S. 2018 as currently written. The BLM recommends amending the legislation to ensure the payment of fair market value for the reversionary interest.

**Conclusion**

Thank you for the opportunity to testify. We look forward to working with the sponsor and the Committee to address the needs of the landowner and the city of Glennallen.

**Statement of**  
**Mike Pool**  
**Acting Deputy Director**  
**Bureau of Land Management**  
**Department of the Interior**  
**Senate Energy and Natural Resources Committee**  
**Subcommittee on Public Lands and Forests**  
**S. 2223, Black Hills National Cemetery Boundary Expansion Act**  
**April 21, 2016**

Thank you for inviting the Department of the Interior to testify on S. 2223, the Black Hills National Cemetery Boundary Expansion Act, which transfers administrative jurisdiction of approximately 200 acres of public land currently managed by the Department's Bureau of Land Management (BLM) to the Department of Veterans Affairs' (VA) National Cemetery Administration (NCA) for inclusion in the Black Hills National Cemetery in Meade County, South Dakota. The Department of the Interior supports S. 2223.

**Background**

The Black Hills National Cemetery is located three miles southeast of Sturgis, South Dakota, near the Black Hills. Established in 1948, the cemetery currently encompasses 106 acres and has had over 20,000 interments. The BLM understands that the NCA would use the additional land provided under S. 2223 to expand the Black Hills National Cemetery to provide burial space for future needs. The BLM and the NCA have discussed such a transfer for several years, but the BLM has determined that no general authority exists for the agency to grant a perpetual transfer of jurisdiction as required by the NCA for a cemetery.

**S. 2223**

S. 2223 directs the Secretary of the Interior to transfer administrative jurisdiction of approximately 200 acres of public land to the Secretary of Veterans Affairs to be incorporated into the existing Black Hills National Cemetery, subject to valid existing rights. The Secretary of Veterans Affairs would be required to pay all survey costs and other reasonable costs associated with the transfer. The Federal land to be transferred would be withdrawn from all forms of appropriation under the public land laws, including the mining, mineral leasing, and geothermal leasing laws. Under the bill, should the NCA ever determine that it no longer needs any portion of the additional land, the Secretary of the Interior could restore the unneeded land to the public domain. The Secretary of Veterans Affairs would be responsible for costs of any decontamination necessary for restoration to public land status.

The Department of the Interior supports S. 2223 and the transfer of administrative jurisdiction. We note that the expansion area is currently part of the Fort Meade Recreation Area / Area of Critical Environmental Concern (ACEC) and that the Centennial Trail runs along the northern boundary of the expansion area. We suggest adding bill language to provide a 100-foot setback boundary from the centerline of the trail. The Administration would also like to work with the sponsor and the Committee to clarify the provisions related to decontamination and restoration of the land to public land status.

**Conclusion**

Thank you again for the opportunity to testify in support of S. 2223, the Black Hills National Cemetery Boundary Expansion Act. We appreciate the work of the South Dakota congressional delegation on this legislation, and we look forward to collaborating with them and the Committee to meet the needs of the Black Hills National Cemetery.

**Statement of  
Mike Pool  
Acting Deputy Director  
Bureau of Land Management  
Department of the Interior  
Senate Energy & Natural Resources Committee  
Subcommittee on Public Lands, Forests & Mining  
S. 2379, Udall Park Land Exchange Completion Act  
April 21, 2016**

Thank you for inviting the Department of the Interior to testify on S. 2379, the Udall Park Land Exchange Completion Act. The bill provides for the conveyance of the Federal government's reversionary interest in a 173-acre parcel of land known as Udall Park located in the city of Tucson, Arizona. While the Department supports the goal of conveying the reversionary interest to the City of Tucson, we cannot support S. 2379 in its current form. The Department could support S. 2379 if it were amended to ensure the payment of fair market value for the conveyance of the reversionary interest in this parcel to the City of Tucson.

**Background**

The Bureau of Land Management (BLM) regularly transfers public land to local governments and nonprofits for a variety of public purposes. These transfers are typically accomplished under the provisions of the Recreation and Public Purposes Act (R&PP) or through direction supplied through specific Acts of Congress. The R&PP Act is a statute frequently used by the BLM to help states, local communities, and nonprofit organizations obtain lands – at no or low cost – for important public purposes. Examples include parks, schools, hospitals and other health facilities, fire and law enforcement facilities, courthouses, social services facilities and public works. Because these lands are transferred at far below market value, R&PP conveyances and many similar legislated conveyances include a reversionary clause requiring that lands be used for public purposes or revert to the Federal government. Over the years, the BLM has addressed many requests to release the Federal government's reversionary interest in such lands, and has consistently required the payment of fair market value for the reversionary interest.

Udall Park is a popular, heavily used urban recreation park located in the eastern part of the City of Tucson (City). The 173-acre park was established in 1980, when the City entered into an R&PP Act lease with the BLM. Udall Park then was transferred to the City in 1989, under an R&PP Act patent. Both the lease and patent transferring title to the City included a reversionary clause prohibiting certain commercial uses of the property.

The BLM has authority to convey a reversionary interest retained by the Federal government under the R&PP Act at fair market value in accordance with uniform appraisal standards, under Sec. 203 of the Federal Land Policy and Management Act (FLPMA). In this case, the BLM has been exploring the possible conveyance of the reversionary interest in Udall Park to the City,



thus enabling the City to allow commercial uses of the land such as the installation of a cellular tower.

**S. 2379**

S. 2379 requires the Department of the Interior to convey to the City the reversionary interest of the United States in the Udall Park parcel for the purpose of enabling economic development of the parcel. Under the bill, the City is to pay the costs associated with the conveyance, but is not required to pay the fair market value of the reversionary interest.

The BLM supports the goal of conveying to the City the United States' reversionary interest in the Udall Park parcel, but cannot support S. 2379 as currently written. We recommend amending the legislation to ensure the payment of fair market value for the reversionary interest. The value of the reversionary interest in Udall Park would be established through an appraisal by the Department of the Interior's Office of Valuation Services, in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice. Upon receiving that appraisal, the City could make a decision on purchasing the reversionary interest on the parcel, thus owning the land outright.

**Conclusion**

Thank you for the opportunity to testify. We look forward to working with the sponsor and the Committee to address the needs of the City of Tucson.

**Statement of**  
**Mike Pool**  
**Acting Deputy Director for Operations**  
**Department of the Interior, Bureau of Land Management**  
**Senate Energy and Natural Resources Committee**  
**Subcommittee on Public Lands, Forests, & Mining**  
**S. 2383, Utah Test and Training Range Encroachment Prevention and**  
**Temporary Closure Act**  
**April 21, 2016**

Thank you for the opportunity to present testimony on S. 2383, the Utah Test and Training Range Encroachment Prevention and Temporary Closure Act, which would allow the U.S. Air Force (USAF) to periodically use and close to public access approximately 703,621 acres of public lands ("shared use area") surrounding the Utah Test and Training Range (UTTR) in Box Elder, Juab, and Tooele Counties, Utah. The Administration supports the appropriate and responsible use of public lands for military purposes, and appreciates the efforts of Senator Hatch and the Subcommittee to begin addressing the concerns we raised in testimony on the House version of this bill. We look forward to continuing that discussion, but our testimony today is based on the currently introduced version of the bill. While we believe that the bill's concept of short, periodic closures would serve the public interest better than the alternative of complete withdrawal, reservation, and closure of the lands at issue, the Administration opposes several provisions in the bill that would prevent the effective management of these lands. We would like the opportunity to work with the Subcommittee and Senator Hatch to address these significant concerns.

S. 2383 would also direct the exchange of approximately 70,650 acres of State-owned school trust land and approximately 13,886 acres of State-owned school trust mineral estate in Box Elder, Juab, and Tooele Counties, Utah, for approximately 98,253 acres of public lands in Beaver, Box Elder, Millard, Juab, and Tooele Counties, Utah. The Administration supports the completion of major land exchanges that further the public interest, consolidate ownership of scattered tracts of land to make them more manageable, and enhance resource protection. The Administration also supports the concept of this particular exchange, which would make management of the proposed shared use area more efficient during periodic closures. We have several concerns with the land exchange provisions in this bill, however. For example, some of the public lands proposed for exchange with the State contain a number of important resources and uses, including general habitat for the Greater Sage-Grouse, a historic mining district with several sites eligible for inclusion on the National Register of Historic Places, and lands withdrawn for public water reserves. We would like to work with the Subcommittee and the sponsor to resolve these concerns.

Finally, S. 2383 would recognize the existence and validity of certain unsubstantiated claims of road rights-of-way in Box Elder, Juab, and Tooele Counties, Utah, and require the conveyance of easements across Federal lands for the current disturbed widths of these purported roads plus any additional acreage the respective counties determine is necessary. The resolution of these disputed claims is not necessary for the management of the periodic closures around the UTTR.

For this and many other reasons, the Administration strongly opposes the resolution of these right-of-way claims in the manner laid out in this bill.

### **Background**

#### ***Public Land Withdrawals***

Public lands are managed by the Department of the Interior (DOI) through the Bureau of Land Management (BLM). Public land withdrawals are formal lands actions that set aside, withhold, or reserve public land by statute or administrative order for public purposes. Withdrawals are established for a wide variety of purposes, e.g., power site reserves, military reservations, administrative facilities, recreation sites, national parks, reclamation projects, and wilderness areas. Withdrawals are most often used to preserve sensitive environmental values and major Federal investments in facilities or other improvements, to support national security, and to provide for public health and safety. Withdrawals of public lands for military use require joint actions by DOI and the Department of Defense (DoD). DoD has a number of installations, training areas, and ranges that are located partially or wholly on temporarily or permanently withdrawn public lands. Many of these withdrawals support installations that are critical to the readiness of our country's Armed Forces. Nationwide, approximately 16 million acres of public lands are currently withdrawn for military purposes.

#### ***Utah Test & Training Range***

The UTTR is a military testing and training area located in Utah's West Desert, approximately 80 miles west of Salt Lake City, Utah. The lands in this area are principally salt desert shrub lands located within the valley bottoms of the Great Basin. Prominent features surrounding the UTTR include the Bonneville Salt Flats, the Great Salt Lake, and the Pony Express and Emigrant Trails. The Fish Springs National Wildlife Refuge, located south of the UTTR and adjacent to Dugway Proving Ground, is an example of the springs and wetlands that sporadically occur in this desert landscape.

Most of the lands that comprise the UTTR – 1,690,695 acres – are public lands withdrawn between 1940 and 1959 for use by the Armed Forces. According to the USAF, the range contains the largest block of overland contiguous special use airspace (approximately 12,574 square nautical miles measured from surface or near surface) within the continental United States. It is divided into North and South ranges, with Interstate 80 dividing the two sections. The UTTR's large airspace, exceptionally long supersonic corridors, extensive shoot box, large safety footprint area, varying terrain, and remote location make it an important asset for both training and test mission capabilities.

#### ***Utah School and Institutional Trust Lands Administration***

The Utah School and Institutional Trust Lands Administration (SITLA) manages approximately 3.4 million acres of land and 4.5 million acres of mineral estate within the State of Utah. Many of these parcels are interspersed with public lands managed by the BLM, including in the areas under consideration in this bill. Although State trust lands support select public institutions, trust lands are not public lands. State trust lands generate revenue to support designated State institutions, including public schools, hospitals, teaching colleges, and universities.

### ***Public Land Exchanges***

Under FLPMA, the BLM's mission is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. FLPMA provides the BLM with a clear multiple-use and sustained yield mandate that the agency implements through its land use planning process.

Among other purposes, land exchanges allow the BLM to acquire environmentally-sensitive lands while transferring public lands into non-Federal ownership for local needs and the consolidation of scattered tracts. The BLM conducts land exchanges pursuant to Section 206 of FLPMA, which provides the agency with the authority to undertake such exchanges, or when given specific direction by Congress. To be eligible for exchange under Section 206 of FLPMA, BLM-managed lands must have been identified as potentially available for disposal through the land use planning process. Extensive public involvement is critically important for such exchanges to be successful. The Administration notes that the process of identifying lands as potentially available for exchange does not include the clearance of impediments to disposal or exchange, such as the presence of threatened and endangered species, cultural or historic resources, mining claims, oil and gas leases, rights-of-way, and grazing permits. Under FLPMA, this clearance must occur before the exchange can be completed.

The BLM manages 22.8 million acres of public lands within the State of Utah for a wide range of uses, including energy production, recreation, livestock grazing, and conservation. In the recent past, the BLM has completed three large-scale exchanges with the State of Utah at the direction of Congress through the Utah Recreational Land Exchange Act of 2009 (P.L. 111-53), the Utah West Desert Land Exchange Act of 2000 (P.L. 106-301), and the Utah Schools and Land Exchange Act of 1998 (P.L. 105-335). Through these exchanges, over 296,000 acres of Federal land were conveyed to the State of Utah, and the United States acquired over 596,000 acres from the State.

### ***Revised Statute 2477***

Revised Statute (R.S.) 2477 was enacted as part of the Mining Law of 1866 to promote the settlement and development of the West. R.S. 2477 was the primary authority under which many existing State and county highways were constructed and operated over Federal lands and did not require notification to the United States because the roads were automatically conveyed as a matter of law once certain conditions were met. In 1976, Congress repealed R.S. 2477 through the passage of FLPMA as part of a national policy shift to retain public lands in Federal ownership unless disposal "will serve the national interest." The repeal of R.S. 2477 did not affect valid rights in existence when Congress passed FLPMA.

Between 2005 and 2012, the State of Utah and 22 counties in Utah filed 31 lawsuits under the Quiet Title Act, alleging title to over 12,000 claimed R.S. 2477 rights-of-way. All of the cases are in Federal district court in Utah, and all but two are currently pending. Included in the pending lawsuits are two filed by Juab County, involving 671 claimed R.S. 2477 rights-of-way, one filed by Box Elder County involving 191 claimed rights-of-way, and one filed by Tooele County involving 692 claimed rights-of-way.

**S. 2383, Utah Test and Training Range Encroachment Prevention and Temporary Closure Act**

***Utah Test & Training Range (Title I)***

Title I of S. 2383 would authorize the USAF to periodically use and close to public access approximately 703,621 acres of public lands (“shared use area”) surrounding the UTTR in Box Elder, Juab, and Tooele Counties, Utah. (Note, the text of the bill mentions 625,643 acres of BLM-managed land, but the BLM calculates that the legislative map’s “Proposed Exchange Expansion Areas” actually total 703,621 acres.) Specifically, the bill directs the Secretary of the Interior and the Secretary of the Air Force to enter into a Memorandum of Agreement (MOA) that provides for continued management of the shared use area by the BLM and for limited use by the USAF.

Under the legislation, a draft MOA would be required within 90 days of enactment of the bill, followed by a 30-day public comment period. Also under the bill, the MOA would have to be finalized within 180 days of enactment. The lands in the shared use area would remain eligible for county payments under the DOI Payments in Lieu of Taxes (PILT) program, but would be subject to use by the USAF. These federal payments to local governments that help offset losses in property taxes due to non-taxable Federal lands within their boundaries are not generally made for military installations. With respect to civilian land uses, the BLM Resource Management Plans in existence on the date of enactment would continue to apply to the shared use area, and the BLM would be required to take over administration of existing grazing leases and permits on lands currently owned by the State of Utah that would become Federal land under the land exchange provisions of the bill.

The bill would allow any BLM-issued grazing leases or permits in effect on the date of enactment and covering the shared use area to continue at current stocking levels, subject to reasonable increases or decreases and reasonable regulations, policies, and practices. In addition, the legislation would withdraw the shared use area from all forms of appropriation under the public land, mining, mineral leasing, and geothermal leasing laws. Valid existing rights would be preserved. S. 2383 would also allow the Secretary of the Air Force to prevent the Secretary of the Interior from issuing any new use permits or rights-of-way in the shared use area if the Secretary of the Air Force were to find such uses to be incompatible with current or projected military requirements. The USAF would be responsible to take action if any USAF activity causes a safety hazard on the public lands.

Under Title I, the Secretary of the Air Force could close the shared use area to the public for up to 100 hours annually, subject to various time and seasonal limitations, public notification requirements, and consultation with a community resource group to be established within 60 days of enactment of the bill. The community resource group, which would be exempt from the provisions of the Federal Advisory Committee Act (FACA), would include representatives of the USAF, Indian Tribes in the vicinity of the lands at issue, local county commissioners, recreational groups, livestock grazers, and the Utah Department of Agriculture and Food. The bill would also release the United States from liability for any injury or damage suffered in the course of any authorized nondefense-related activity on the specified public lands.

### *Analysis*

The Administration believes that the bill's concept of short, periodic closures would serve the public interest better than the alternative of complete withdrawal, reservation, and closure of the shared use area, but we oppose several provisions in the bill because they would prevent the effective management of these lands. These provisions include the grant of USAF authority to prevent the issuance of new use permits and rights-of-way in the shared use area; limitations on resource management planning; treatment of current land uses; timeframes for completing actions required under the bill; permanent withdrawal of the shared use area from appropriation under various laws; and more technical matters.

The Administration opposes the provision that would allow the USAF to preclude the approval of any new use authorizations or rights-of-way in the shared use area because we believe that current processes sufficiently protect USAF interests. This is particularly true with respect to future rights-of-way that may be needed for electricity transmission projects through this area. In the past, consultation and cooperation between the BLM and the USAF have resulted in conditions and stipulations on new uses. For example, as part of the approval process for the Kiewit Mine Project in Tooele County, the BLM placed height restrictions on tailings piles and required intermittent shutdowns of mining and blasting to accommodate USAF testing events approximately eight times per year. The Administration believes that the USAF and DOI could continue to resolve any resource use conflicts through consultation and interdepartmental cooperation.

The Administration also opposes any limits on the BLM's ability to amend or revise its Resource Management Plans (RMPs) with respect to lands in the shared use area. Since BLM RMPs form the basis for every action and approved use on the public lands, they are periodically revised as changing conditions and resource demands require. Any limits on the planning process would undermine the collaborative process by which local, state, and tribal governments, the public, user groups, and industry work with the BLM to identify appropriate multiple uses of the public lands. Furthermore, the shared use area contains major recreational sites that are enjoyed by the public and have been developed at significant expense. At a minimum, access to these sites would be discontinued when the shared use area is closed. In addition, the Administration notes that many of the timeframes outlined in the bill are not feasible, especially given the detailed coordination that would be necessary to draft and finalize the MOA.

The withdrawal under the bill would prohibit many uses that may not be incompatible with military requirements. Currently, the BLM has discretion on whether and under what conditions to authorize these activities. The BLM and USAF currently work together to ensure compatibility between these types of resource use activities and national defense requirements. The Administration believes that this cooperative arrangement should continue.

Finally, the Administration believes that there should be an opportunity for periodic review of the withdrawal and shared use arrangement established under the bill, and provisions related to termination of the withdrawal and the shared use arrangement if they were to become unnecessary. Furthermore, while the USAF would be responsible for implementing the closures, it is unclear how the 703,621-acre shared use area could be reliably closed for only hours at a

time. We look forward to working with the Subcommittee and the sponsor to address these concerns.

***Land Exchange (Title II)***

Title II of the bill would require the exchange of approximately 70,650 acres of State-owned land and 13,886 acres of State-owned mineral estate in Box Elder, Juab, and Tooele Counties, Utah, for 98,253 acres of public lands in Beaver, Box Elder, Millard, Juab, and Tooele Counties, Utah. The purpose of many of these exchanges would be to consolidate ownership of scattered State parcels within the shared use area discussed above, to transfer a number of public lands to the State for economic development, and – in the event that the public lands are of greater value than the State parcels – to equalize the exchange by acquiring additional environmentally sensitive State lands.

The land exchanges would be completed subject to valid existing rights, and appraisals would be conducted. The Secretary of the Interior would be required to reimburse the State of Utah for 50 percent of the appraisal costs. If the value of the public lands proposed for exchange exceeds the value of the State lands, the State must convey additional parcels of trust land in Washington County, Utah. One parcel of this State land, located near the Arizona-Utah border, contains critical habitat for the Federally-endangered Holmgren milk-vetch and is within the West-15 Preserve established by the U.S. Fish and Wildlife Service in 2006 for preservation of the plant species.

The remainder of the potential State parcels are located within the wilderness areas or National Conservation Areas in Washington County, Utah, established by the Omnibus Public Land Management Act of 2009 (P.L. 111-11). These additional parcels must be conveyed in a specific order until their appraised value matches that of the public lands proposed for exchange. If the value of the State lands proposed for exchange exceeds the value of the public lands, however, the Secretary of the Interior must make a cash equalization payment to the State, in accordance with the land exchange provisions of FLPMA.

***Analysis***

The Administration supports the completion of major land exchanges that consolidate ownership of scattered tracts of land, thereby easing BLM and State land management tasks and enhancing resource protection. We have several concerns with the land exchange provisions in this bill, however, and we would like the opportunity to work with the Subcommittee and the sponsor on amendments and other technical modifications to address these issues.

First, the public lands proposed for exchange with the State contain a number of important resources and uses, which include general habitat for the Greater Sage-Grouse, a historic mining district with several sites eligible for the National Register of Historic Places, wildlife guzzlers, portions of active BLM grazing allotments, off-highway vehicle recreational trails and access points, various utility and railroad rights-of-way, withdrawals for public water reserves, and lands withdrawn for a Solar Energy Zone. The Administration would like the opportunity to work with the Subcommittee and the sponsor on language and boundary modifications to ensure the protection of these resources and uses.

Furthermore, the Administration notes that the public lands proposed for exchange have not yet been analyzed under the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA), or the FLPMA public interest determination. The Administration strongly supports these important review requirements because they provide for public engagement, opportunities to consider environmental and cultural impacts, and mitigation opportunities, and they help to ensure that unknown or unforeseen issues are not overlooked. As a result, the Administration would like the opportunity to work with the Subcommittee and the sponsor on language clarifying that these exchanges are subject to all parts of the FLPMA Section 206 land exchange process and other important environmental laws.

In addition, the public lands proposed for exchange exceed the State lands by more than 12,000 acres, and more than 14,000 of the State's acreage is mineral estate that will likely be nominal in value. This leads to an apparent value difference from the onset of the exchange. The addition of State land to equalize values would require the completion of additional appraisals near the end of the exchange, making it nearly impossible to meet the 1-year time frame directed under the bill. This would cause the prior appraisals to become outdated.

On the other hand, the Administration notes that if the public lands are of lower value than the State lands, any cash equalization payment made by the Secretary of the Interior to the State would be capped at 25 percent of the total value of the lands transferred out of Federal ownership, as required by the bill's reference to Section 206(b) of FLPMA. Even with this limitation, however, such a payment could significantly affect the BLM's other resource priorities. It is typical in administrative exchanges between governmental entities that all costs of the exchange, including but not limited to surveys and clearances, are split equally between the two parties. We trust that is the intention of S. 2383, but it is not specified and we recommend that this be made clear.

The Administration would like the opportunity to work with the Subcommittee and the sponsor on language ensuring adequate time for conducting appraisals, boundary modifications to reduce the need for a potential cash equalization payment, and amendments to provide consistency with FLPMA and other laws and to address other minor and technical concerns. Furthermore, the bill and its provisions are open-ended with no sunset date. To avoid unexchanged lands being held indefinitely without any certainty as to their status, we believe a 10-year sunset provision would be reasonable.

Additionally, the Administration opposes an appraisal taking into account the encumbrance created by mining claims for purposes of determining the value of the parcel of Federal land. It is BLM policy that in instances in which Federal land would be conveyed subject to mining claims, the appraisal would disregard the presence of the claims. Finally, the Administration is committed to continuing its adherence to the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice and recommends the appraisal process be managed within DOI by the Office of Valuation Services.



***Highway Rights-of-Way (Title III)***

Title III of S. 2383 would recognize the existence and validity of certain claims of road rights-of-way in Box Elder, Juab, and Tooele Counties, Utah. It would also require conveyance to the respective county and the State of Utah as joint tenants with undivided interests of easements across Federal lands for the current disturbed widths of the purported roads plus any additional acreage the respective county determines is necessary for maintenance, repair, signage, administration, and use.

***Analysis***

The Administration strongly opposes Title III for the following reasons. First, it is difficult for the BLM to evaluate the potential impacts of Title III's validation of claimed roads on the public lands based only on the official transportation maps for Box Elder, Tooele, and Juab counties referenced in the bill, which we have not yet received for review. It is unclear whether purported roads included on these maps coincide with the State and county claims included in the pending Quiet Title Act lawsuits, but other maps provided to the BLM show that they do. It is also unclear whether the official maps include additional purported roads that would be recognized under this bill. In order to fully evaluate the impacts of S. 2383 on the public lands, copies of these maps should be made available for analysis.

Second, regardless of whether the purported roads included on the official maps referenced in S. 2383 fully coincide with the State's and counties' pending R.S. 2477 claims, the Administration does not believe that R.S. 2477 rights-of-way asserted by State and county governments should be automatically recognized as valid and existing rights-of-way. In establishing the validity of an R.S. 2477 claim through the judicial process, the burden of proof is on the claimant to demonstrate that they have satisfied the applicable legal standard.

In contrast, S. 2383 would recognize all county assertions as valid and establish perpetual rights over public lands without applying that legal test. We are also troubled that the bill would give the counties complete discretion to decide whether additional Federal land outside of the current disturbed width is necessary for maintenance or other purposes. S. 2383 would not limit the widths or acreages that could be claimed as easements, and it is ambiguous as to whether the Secretary of the Interior would retain the authority to impose reasonable stipulations and conditions on these easements.

Such reasonable stipulations and conditions, which the BLM can impose under its current right-of-way authority under Title V of FLPMA, may be appropriate, for example, to ensure the continued management and protection of sensitive and critical resources within the area of these claimed highways. Courts have determined that BLM can similarly reasonably regulate R.S. 2477 rights-of-way. Therefore, while we support the identification of reasonable alternatives to Federal court adjudication of claimed R.S. 2477 rights-of-way, the Administration strongly opposes this bill's approach to these claims.

Third, Title III would likely validate many claimed rights-of-way that cross areas of environmental significance. For example, the BLM is aware of approximately 35 claimed rights-of-way located in the Deep Creeks, North Stansbury, Fish Springs, and Rockwell Wilderness Study Areas (WSAs), and eight claimed rights-of-way located in the Cedar Mountain Wilderness

Area, which was designated in 2006 (P.L. 109-163). Furthermore, recognizing the validity of claimed rights-of-way that have not yet been litigated would limit the BLM's ability to manage travel and transportation in an approximately 814,000-acre area designated as priority sage-grouse habitat.

**Conclusion**

Thank you for the opportunity to provide testimony on S. 2383, the Utah Test and Training Range Encroachment Prevention and Temporary Closure Act. The Administration is committed to supporting military missions and training needs, while protecting natural resources and other traditional uses of the public lands. I would be happy to answer your questions.

**STATEMENT FOR THE RECORD, NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, CONCERNING S. 1510, A BILL TO DESIGNATE AND EXPAND WILDERNESS AREAS IN OLYMPIC NATIONAL FOREST IN THE STATE OF WASHINGTON, AND TO DESIGNATE CERTAIN RIVERS IN OLYMPIC NATIONAL FOREST AND OLYMPIC NATIONAL PARK AS WILD AND SCENIC RIVERS, AND FOR OTHER PURPOSES.**

**APRIL 21, 2016**

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Thank you for the opportunity to present the views of the Department of the Interior on S. 1510, a bill to designate and expand wilderness areas in Olympic National Forest in the State of Washington, and to designate certain rivers in Olympic National Forest and Olympic National Park as wild and scenic rivers, and for other purposes.

Because all of the wilderness additions and some of the wild and scenic river designations are on National Forest lands, our comments are limited to the proposed wild and scenic river designations under the jurisdiction of the National Park Service. With respect to those proposed designations, the Department supports S. 1510 with amendments.

S. 1510, as it pertains to the National Park Service, amends the Wild and Scenic Rivers Act to designate as wild, scenic, or recreational rivers, segments of various rivers within Olympic National Park. The following rivers addressed in the act fall fully or partially within the national park: Elwha, Dungeness, Dosewallips, Duckabush, Wynoochee, Quinault, Queets, Hoh, Bogachiel, South Fork Calawah, Sol Duc, and Lyre Rivers.

According to the Wild and Scenic Rivers Act, free-flowing rivers that contain remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values merit preservation as part of the national wild and scenic rivers system. The rivers within Olympic National Park meet these criteria. Olympic National Park contains 3,500 miles of river that are home to 29 species of native freshwater fish, and support 70 unique stocks of Pacific salmon and steelhead, including the federally threatened bull trout. The rivers trace their paths through magnificent stands of old growth forest against the backdrop of the glacier-clad Olympic Mountains. They are accessible by miles of hiking trails, and provide recreational enjoyment for legions of visitors and residents each year. Although the park's rivers are already well-protected by their inclusion in both Olympic National Park and the Olympic Wilderness, their designation as wild and scenic rivers would further recognize and protect their outstanding values.

S. 1510 is consistent with the park's 2008 General Management Plan, which states that park rivers eligible for designation as part of the national wild and scenic rivers system will be managed to prevent any degradation to the resources and values that merit eligibility. An eligibility study of rivers in the park was done in 1989, and some conditions have changed since then. The NPS would like to review and update that study before final classifications are given to river segments.

Accordingly, we recommend that S. 1510 be amended to do the following:

- Designate and preliminarily classify the Elwha River as “recreational” from Cat Creek to the Olympic National Park boundary. Dam removal and river restoration work have resulted in a free-flowing river along this segment.
- Authorize, under Section 5(a) of the Wild and Scenic Rivers Act, the Secretary of the Interior to conduct eligibility and suitability studies for the following rivers: Cameron Creek, Silt Creek, West Fork Dosewallips, North Fork Skokomish, North Fork Quinault, Tshtetshy Creek.
- Designate all other Olympic National Park river segments mentioned in S. 1510 – Elwha, Dungeness, Dosewallips, Duckabush, Wynoochee, Quinault, Queets, Hoh, Bogachiel, South Fork Calawah, Sol Duc, and Lyre – with preliminary classifications of “wild”, “scenic”, or “recreational”, as currently noted in the bill.
- Authorize the Secretary of the Interior to determine classifications for all designated river segments upon completion of a Comprehensive River Management Plan by the National Park Service.

We would be happy to work with the committee to develop these amendments.

Thank you for the opportunity to provide this statement.

Senator BARRASSO. Thank you very much.  
General.

**STATEMENT OF MAJOR GENERAL MARTIN WHELAN, DIRECTOR OF FUTURE OPERATIONS, DEPUTY CHIEF OF STAFF FOR OPERATIONS, HEADQUARTERS, U.S. AIR FORCE; ACCOMPANIED BY JENNIFER L. MILLER, DEPUTY ASSISTANT SECRETARY FOR INSTALLATIONS, U.S. AIR FORCE**

General WHELAN. Chairman Barrasso, Ranking Member, distinguished members of the Committee, thank you for the opportunity to come before you to discuss this important issue, specifically the need to balance responsible land management with evolving military requirements at the Utah Test and Training Range.

If enacted, S. 2383, would provide the Air Force the capability to employ larger weapons safety buffers at the Utah Test and Training Range or UTTR, through the temporary closure and use of some current BLM land and any state land transferred to BLM. This would be accomplished at little additional cost and with no disruption to the historically responsible environmental management of these prized lands.

The Air Force believes the bill's concept of short periodic closures is the best way to serve the public's interest while addressing both the Air Force's emerging operational requirements and the Department of Interior's effective stewardship of these lands.

The Air Force's operational capabilities are advancing at a rate that challenges the geographic boundaries of the ranges. These constraints compromise effective tests and evaluation and our ability to conduct realistic and relevant live training. One important aspect driving the need for larger geographic containment is the increasing size of weapon safety footprints.

For safety reasons it is vital that the Air Force control for the duration of a mission. Access to the areas oppose even a remote risk to the public from debris or components should the weapons event fail. The Air Force's enviable test safety record is testimony to this extraordinary level of caution.

In the last 20 months the Air Force expended over 27,000 munitions in support of Operation Inherent Resolve which is more than we expended during all of Operation Iraqi Freedom. The Air Force's involvement in such combat operations is not expected to decrease in the near future. A well-trained force and continued testing and training of our improved combat capabilities are critical to our continued success supporting these operations.

Technological advances incorporated in both our legacy and newest combat aircraft and the weapons associated with those systems represent an unprecedented leap in combat capability. These advances enable crews to identify and engage multiple targets from greater distances with improved accuracy. This technology that enables the greater employment distances and increases precision drives the need for larger segments of range and buffer lands.

Safely containing large footprint weapons testing historically accomplished at the UTTR is especially challenging. Some standoff weapons footprints soon exceed the capability of our existing range enterprise configuration to provide the superior live weapons testing and tactics techniques and procedure validation that have long

been a U.S. strategic advantage in combat capability and readiness.

We are working diligently and creatively to overcome these limitations. In some cases, we've relied on modeling and simulation to accomplish the specific events. In other cases, we simply accept certain levels of artificiality that degrade the training quality for live events at the local and regional levels.

Given these gradual drifts from realistic training and realistic reliance on simulation it is absolutely imperative we sustain certain irreplaceable live environments, like the UTTR, to accomplish these unique and uncompromising tests and training events.

In the past and under select circumstances the Department of Defense components have assumed administrative jurisdiction over buffer lands with full responsibility for land management. Generally however, it is neither efficient nor cost effective for the services to expend resources on full time land management when all that is required is brief periods of restricted access.

This bill is similar to legislation allowing the overlap of weapons safety footprints on the Cabeza Prieta in Arizona. That example, commonly decided by the Air Force in how to successfully enable military missions while minimizing the impact on other agencies and the public. If enacted, S. 2383 would likewise provide the Air Force a much needed capability through brief closures to BLM land and any state land transferred to the BLM.

We believe this bill's concept of short periodic closures would serve the public interest better than the alternative of complete withdrawal. We recognize the Administration continues to have concerns with several provisions of S. 2383 that we may create challenges for effective management of these lands. We welcome the opportunity to continue working with the sponsors and the Department of the Interior to address these concerns.

I thank you for the opportunity to come before you and I welcome any questions.

[The prepared statement of General Whelan follows:]

DEPARTMENT OF THE AIR FORCE  
PRESENTATION TO THE COMMITTEE ON  
ENERGY AND NATURAL RESOURCES  
UNITED STATES SENATE

SUBJECT: UTAH TEST AND TRAINING RANGE ENCROACHMENT  
PREVENTION AND TEMPORARY CLOSURE ACT

STATEMENT OF: MAJOR GENERAL MARTIN WHELAN  
DIRECTOR OF FUTURE OPERATIONS,  
DEPUTY CHIEF OF STAFF FOR OPERATIONS  
HEADQUARTERS, U.S. AIR FORCE

MS JENNIFER L. MILLER  
DEPUTY ASSISTANT  
SECRETARY OF THE AIR FORCE FOR  
INSTALLATIONS

APRIL 21, 2016

NOT FOR PUBLICATION UNTIL RELEASED  
BY THE COMMITTEE ON NATURAL RESOURCES  
UNITED STATES SENATE

The Air Force's operational capabilities are advancing at a rate that challenges the geographic boundaries of our ranges; these constraints compromise effective test and evaluation and our ability to conduct realistic and relevant live training. One important aspect driving the need for larger geographic containment is the increasing size of weapon safety footprints. Paradoxically, as precision guided munitions become more accurate and reliable, the safety footprints become larger in part due to design but also due to greater employment distances. For safety reasons, the Air Force must control, for the duration of a mission, access by non-mission related personnel and the public to areas where there is even a very remote chance that debris or components could land if the weapon employment went catastrophically wrong. The Air Force's enviable test safety record is testimony to this extraordinary level of caution.

In the last 20 months, the Air Force expended over 27,000 munitions in support of OPERATION INHERENT RESOLVE, which is more than we expended during all of OPERATION IRAQI FREEDOM. The Air Force's involvement in such combat operations is not expected to decrease in the future. A well-trained force and continued testing and training of our improved combat capabilities are critical to our continued success supporting these operations. Technological advances incorporated in both our legacy and newest combat aircraft, and the weapons associated with those systems, represent an unprecedented leap in combat capability. These advances enable crews to identify and engage multiple targets from greater distances with improved accuracy. The technology that enables the greater employment distances and the ever increasing precision in weapons require larger segments of range and airspace to maintain the historically excellent record of weapons test and training safety. Safely containing large footprint weapons testing, like that historically accomplished at the Utah Test and Training Range (UTTR), is especially challenging. Some standoff weapon footprints will soon exceed the capability of our existing range enterprise configuration to provide the superior live-weapons testing, tactics, and techniques and the procedures validation environment that has long been a US strategic advantage in capability and readiness. We are working diligently and creatively to overcome these limitations. In some cases, we have relied on modeling and simulation to accomplish specific events. In other cases, we simply accept certain levels of artificiality that degrade training quality for live events at the local and regional level. Given this gradual drift from realistic local training, it is imperative that we maintain certain irreplaceable live environments, like the UTTR, to accomplish those unique and uncompromising test and training events that require a highly relevant and realistic environment.

In the past and under select circumstances, the Department of Defense (DOD) components have assumed administrative jurisdiction over buffer lands, with full responsibility for land management. Generally, however, it is not efficient for the components to expend resources on full-time land management when all that is required is restricted access for short periods. Most military missions affecting extended buffer areas will only last a matter of hours; DOD component jurisdiction would result in significant additional restrictions on other government agencies and on compatible public uses such as recreation, hunting, and grazing.



As I previously stated, the Utah Test and Training Range provides a singular capability to test our advanced systems and to improve warfighting capabilities. Additional with the first operational basing of the F-35 Lightning at Hill AFB, the current safety buffers will be insufficient to meet future test and training requirements. If enacted, S. 2383 would provide the Air Force the capability to employ larger safety buffers at the UTTR through the temporary closure and use of current Bureau of Land Management (BLM) land and any State land transferred to BLM. This capability would only be exercised when needed, thus resulting in fewer impacts on other Federal, State, and local agencies and the public. The Air Force and the Department of the Interior (DOI) would enter into a Memorandum of Agreement (MOA) to address the management of the affected lands, and no land would be transferred to the Air Force. Exercise of the new measures provided in the legislation would be limited to a maximum of 100 hours per year in increments of no more than three hours.

This bill is similar to legislation allowing the overlap of weapon safety footprints on the Cabeza Prieta wilderness in Arizona. The use of the Cabeza Prieta is an example commonly cited by the Air Force on how to successfully enable the military mission while minimizing the impact on other agencies and the public. We believe that the bill's concept of short, periodic closures would serve the public interest better than the alternative of a complete withdrawal, reservation, and closure of the lands at issue. The Air Force believes that this bill as it pertains to Air Force mission matters would achieve the needed capabilities; however, the Air Force acknowledges the Administration continues to have concerns about several provisions in S. 2383 (as introduced) that may create challenges for the effective management of these lands. We welcome the opportunity to continue working with the sponsor and the Department of the Interior to address these concerns.

Senator BARRASSO. Thank you so very much.

Ms. Miller, do you have anything to offer in addition? I know you are here primarily in a support role.

Ms. MILLER. Supporting role, Chairman.

Senator BARRASSO. Thank you very much.

We will turn to the questioning now with Senator Lee.

Senator LEE. Thank you very much, Mr. Chairman. I appreciate your willingness to accommodate my schedule.

General Whelan, can you tell us why it is important from an Air Force readiness standpoint to have the UTTR expanded and enhanced as soon as possible, especially given that both the 388th and the 419th fighter wings are already out there this year trying to achieve F35 Iowa City this year?

General WHELAN. Thank you, Senator, and I appreciate the opportunity to explain the importance of the Utah Test and Training Range in this particular legislation to help us with our training, our tactics, techniques and procedures development and effectively the readiness of the force.

As our new generation fighters, the F35 and F22, have longer ranges and the weapons with them have longer ranges, we effectively can engage weapons at a distance that preserves the capabilities that we have and the people that fly our weapons. So by employing those weapons at longer distances the probability of something going wrong covers a greater land mass. And through this legislation by increasing these buffer areas we're able to do realistic testing without any of the artificialities that we currently have to put in place to enable the live testing, realistic testing, that we do to enhance our capability.

We also support the fact that we don't need this access 24/7, 365 days a year. And so by allowing these buffer lands with the periodic shortages, not to exceed three hours, not to exceed 100 hours a year, allow us to do our effective training while also maintaining the access to the lands and the programs that are effectively run by the Department of Interior.

Senator LEE. So this plan really does minimize the impact on surrounding communities, the inconvenience anybody else might suffer?

Tell us what it would do though if we do not get this done in a timely manner? What kind of impact would that have on the Air Force? What would be the consequence of that?

General WHELAN. Sir, if we don't get the opportunity to make the changes that are brought forth in this legislation we'll continue to have to work on a case by case basis for each of the tests that we do. Our process is set up that we program testing and training long in advance. We program through Congress for the funding to do all the testing, development and then the training of our crews and without this legislation we'll have to continue to de-conflict on a more manpower intensive basis than through the procedures that are being allowed for under this legislation.

Senator LEE. Thus limiting the ability that we would otherwise have to take full advantage of this new technology, this new platform, this new weapons system?

General WHELAN. Yes, sir. It would limit our ability to test.

For instance, today, to make sure that the footprint stays sufficiently small, we either reduce the speed of the aircraft that we would normally use to engage the weapon which is an artificiality because in combat we won't do that or we come down in altitude and actually dispense the weapon at a lower altitude to bring down that area which we wouldn't normally do in a contested environment.

So by allowing the buffer zone we're able to maintain the range space and the buffer zones that we need to do this training and effectively train our crews to go into combat, should that become necessary.

Senator LEE. Okay. In that case we need to get this done, don't we?

General WHELAN. Yes, sir.

Senator LEE. Thank you very much, General.

General WHELAN. Thank you, sir.

Senator LEE. Thank you, Mr. Chairman.

Senator BARRASSO. Thank you, Senator Lee.

Senator Heinrich.

Senator HEINRICH. Mr. Chairman, first let me ask unanimous consent to put into the record statements from Senator Patty Murray on S. 1610 and Senator Barbara Boxer on S. 1423.

Senator BARRASSO. Without objection.

[The information referred to follows:]

**Testimony by U.S. Senator Patty Murray on S. 1610, the Wild Olympics Wilderness and Wild and Scenic Rivers Act of 2015**  
**April 21, 2016**

Thank you, Chairman Barrasso. I want to thank you and Ranking Member Wyden for including the Wild Olympics Wilderness and Wild and Scenic Rivers Act as part of today's hearing, as well as Chairman Murkowski and Ranking Member Cantwell.

The natural treasures of the Olympic Peninsula in my home state of Washington are a national crown jewel. The Olympic National Forest and the Olympic National Park are an important part of our nation's heritage, and provide world class recreation for today's public and for future generations.

For three successive Congresses I have introduced legislation to extend wilderness protections to key forested areas of the Olympic National Forest and designate the first wild and scenic rivers on the Olympic Peninsula. I am so pleased that this bill is receiving a hearing today in front of the Energy and Natural Resources Committee Subcommittee on Public Lands, Forests, and Mining.

I wish to acknowledge my colleague and partner on this bill, Congressman Derek Kilmer, as well as former Congressman Norm Dicks. Throughout this process, both Congressman Kilmer and former Congressman Dicks have been champions of this effort, and have been tireless partners in the effort to communicate with local communities and stakeholders in order to develop the proposal and understand local priorities.

The Wild Olympics legislation reflects years of consensus-building to protect remarkable areas of the Olympic National Park and Olympic National Forest. The designation of wild and scenic rivers helps protect clean drinking water for thousands of residents in downstream communities, while simultaneously preserving critical salmon and steelhead habitat and the significant federal investments already made to help restore salmon runs. Healthy and clean rivers and streams on the Olympic Peninsula are important to Washington state's robust shellfish industry and to the recovery and restoration of Puget Sound, our nation's largest estuary. The 126,554 acres of wilderness included in the legislation permanently protects existing federal land, primarily high-quality habitat, including lower elevation habitat. Designation as wilderness would protect landscapes and habitats essential to many native plants and animals.

Like many Washington state wilderness proposals, the Wild Olympics legislation came together at the local level, the product of community members rallying around a vision of protecting the world-class resources of the Olympic Peninsula, famous for their outdoor recreation opportunities and habitat and wildlife. After learning about the proposal, Congressman Dicks and

I and our staffs met with an extensive list of stakeholders, including tribes, conservation groups, timber interests, business leaders, shellfish growers, farmers, local elected officials, recreation groups including hunters and anglers, federal and state land managers, and other members of the public. We worked to develop legislation that will protect the Olympic Peninsula's ancient forests, free-flowing rivers, and stunning scenery without impacting timber jobs.

Since he came to Congress, Congressman Kilmer has taken a leadership role on this proposal in the House and continued the tradition of robust outreach and consultation with the community. My colleagues and I have worked hard to address issues and concerns that have been brought to us. Together we have discussed issues such as timber harvest, the state of the local economy, and conservation of our public lands. I am grateful to everyone who reached out to us and worked with us and, because of our hard work, the bill has garnered broad support.

The Wild Olympics Wilderness and Wild and Scenic Rivers Act will benefit the local environment and the economy of the Olympic Peninsula, which is why the list of supporters continues to grow. Today, more than 12,000 of my constituents support the legislation. Over 550 local businesses, farms, conservation and recreation groups, local elected officials, and religious leaders have endorsed the legislation. Companies who have located to the Olympic Peninsula because of the region's quality of life and vicinity to wild places have joined businesses who depend upon the clean water and recreation opportunities of the region in support.

The Wild Olympics will create new economic opportunities for the region. This proposal was carefully designed to grow the local and state outdoor recreation industry, which is a vital economic driver in Washington state, and is why groups like the Outdoor Industry Alliance and The Conservation Alliance support these designations. It will help attract new residents, entrepreneurs and investments that create local jobs in the region.

I appreciate that Deputy Chief Casamassa from the Forest Service is here today to testify. I look forward to working with him on this legislation.

Conserving and preserving our most special places reflects the values I grew up with in Washington state and I want to leave the same kind of legacy for my grandchildren and for future generations. And this legislation will ensure that we protect this unique landscape while investing in the local economy of the Olympic Peninsula. I appreciate your time today and I look forward to working with you and the Committee to move forward on this legislation.

**Statement for the Record by Senator Barbara Boxer  
Before the Senate Committee on Energy and Natural Resources  
S.1423, the Central Coast Heritage Protection Act  
Thursday, April 21, 2016**

I would like to thank Chairman Murkowski, Ranking Member Cantwell, and the members of the Energy and Natural Resources Committee for holding today's hearing and for including my bill, S. 1423, *the Central Coast Heritage Protection Act*, on today's agenda. This bill, which I introduced along with Congresswoman Lois Capps in the House, would create more than 245,000 acres of wilderness in the Carrizo Plain National Monument, managed by the Bureau of Land Management, and the adjacent Los Padres National Forest, which is managed by the United States Forest Service. All of the land included in S. 1423 is federally owned and managed land within San Luis Obispo, Santa Barbara, and Ventura Counties.

Since 2002, I have authored laws protecting more than 1,031,000 acres of federal lands, including 19 newly-created wilderness areas and additions to 17 existing wilderness areas. The Central Coast Heritage Protection Act would build on this important progress. This bill is the product of years of discussion, negotiation, and hard work by a variety of stakeholders who care deeply about these iconic California lands. This legislation has been endorsed by more than 500 local businesses, farmers and ranchers, neighboring landowners and inholders, civic organizations, recreation groups, and elected leaders, including the Board of Supervisors from all three counties with lands included in this bill.

S. 1423 is truly a product of a grassroots effort supported and driven by local constituents in my state asking the federal government to manage the land in a manner they feel is best for their communities. My constituents are asking for wilderness protections because they understand the

benefits that such protections would bring to these wonderful lands, and I am asking you to help me to support their efforts.

The proposed wilderness lands within California's Central Coast region provide habitat for an incredible array of plant and animal life, more than 460 species, including several threatened and endangered species such as the endangered California condor and the southern steelhead trout.

These public lands also provide invaluable resources for their communities, providing watershed protection, clean drinking water for residents, water for agriculture, protection for Native American cultural resources, and phenomenal recreation opportunities. California's Central Coast is a world-class destination for visitors due to its scenic landscapes, the growing wine industry, and popular recreation activities that help grow the local economy – and local residents have taken these factors into account in their support and endorsement to designate these lands as wilderness.

We know that safeguarding land and ensuring public access to them is critical to California's economy. Visitors to California's National Parks contributed \$2.4 billion to the State's economy in 2014 alone. Outdoor recreation accounts for \$85 billion in state-wide economic activity each year, and supports more than 732,000 jobs.

In addition to the wilderness area designations, the Central Coast Heritage Protection Act would preserve 159 miles of unobstructed rivers and creeks throughout the Los Padres National Forest with "Wild and Scenic River" designations, create a "National Recreation Trail" for existing trail

segments of the popular Condor Trail, and create two “Scenic Areas” within the Los Padres National Forest. These two “Scenic Areas,” which would encompass about 34,500 acres, would be managed as wilderness, while allowing mountain biking. This is an example of the many negotiations that took place to create a product that reflects the voices of concerned citizens taking the initiative to care for their communities and the future of their public lands.

I urge my colleagues to support their efforts to provide greater protections and wilderness designation to California’s Central Coast region. Your support for this bill will ensure communities have sustainable sources of clean water for drinking; that we safeguard the numerous species of animals and plant life that utilize the rolling hills and watershed areas as habitat; that future generations can continue to camp, hike, hunt, fish, backpack, and enjoy other forms of recreation in these unique and beautiful spaces; and that the region’s tourism industry will be able to attract visitors from around the globe. I ask that you join me in protecting these pristine lands for this generation and every generation to come.

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Senator HEINRICH. Mr. Casamassa, let me start with you.

There seems to be a little bit of confusion around S. 1777. You heard my colleague at the beginning, Senator Risch of Idaho, state that this commercial lodge is on private land. My understanding is that it is on Forest Service titled land. Who actually owns the title to this property?

Mr. CASAMASSA. Senator, the National Forest. It's on National Forest System lands.

Senator HEINRICH. So it is actually on public land not on private land?

Mr. CASAMASSA. On public land and it is permitted on as it relates to the public land.

Senator HEINRICH. Okay, that is very helpful to clear that up.

Major General Whelan, it is great to see you again. I want to ask you a couple of questions about the Utah Test and Training Range legislation.

First, let me say that I support the intent of this legislation, and I think we will get there on this because it is quite important. But I wanted to ask you, in particular, about Title III which seems to be somewhat incongruent with the rest of this legislation.

This section of the bill grants nearly 6,000 miles of rights-of-way across three Utah counties. Is Title III of H.R. 4579 in any way driven by military necessity?

General WHELAN. Thank you for the question, sir.

From an Air Force operational perspective, we're looking for the contiguous support but if I may have Ms. Miller, see if—

Senator HEINRICH. Sure.

General WHELAN. She's more the detail for our specific land use part of the mission area.

Senator HEINRICH. That would be fine.

Ms. MILLER. Yes, Senator.

The Air Force doesn't have any particular equity in Title III. We understand that there may be some concerns with Department of Interior and BLM, but there's no operational requirement for that provision from the Air Force perspective.

Senator HEINRICH. And it was not drafted in response to any request from the Air Force?

Ms. MILLER. Correct, Senator.

Senator HEINRICH. Great, that is very helpful.

Director Pool, is the land exchange in S. 2383 a result of a negotiation between the BLM and the state and have you gone through the typical exchange decision-making process in this case?

Mr. POOL. Senator, I think there's been some informal discussions regarding both respective sets of properties. But I think we're still on the front end in that this would be a, at least under our authority, it would come under FLPMA.

Senator HEINRICH. Right.

Mr. POOL. And that we would have to proceed with an inventory process of values associated with public lands. And we're going to have to address the suitability and public interest determinations through the NEPA analysis process. So that's, kind of, where we're at at this stage.

Senator HEINRICH. Having not done NEPA or gotten that far down the road yet on this, are you aware of any sensitive public resources in this area?

Mr. POOL. I think there's some cultural resources. There's some historic mining districts. There's some greater sage grouse habitat associated with some of these parcels.

So I think we're just going to have to do a more intensive evaluation of all parcels and make a determination of whether or not they should be transferred out of federal ownership.

Senator HEINRICH. What about tribal consultation? Is any tribal consultation—

Mr. POOL. That would occur as part of the exchange NEPA process.

Senator HEINRICH. Okay.

Mr. POOL. We would indeed do that.

Senator HEINRICH. I also wanted to switch gears to Owyhee country.

I am wondering if you can help us better understand the lay of the land with the grazing guidelines that govern grazing in national wilderness areas.

I am going to read a short section from the motorized vehicle use section. "Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. The use of motorized equipment should be based on a rule of practical necessity and reasonableness. Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment."

The way that I understand that is typically interpreted is, for example, if you have to do an activity like taking silt out of a silted in stock tank, something where the only practical way to do that in many cases is to go in once every 10–15 years with a backhoe, dig that out under permit, and then you are done. Whereas, if say you are just mending a fence and you can take your T bars and your fence post pounders and things on horseback, then that would be required as the least impactful tool in that case. Can you talk a little bit about those guidelines and what they mean for areas like this?

Mr. POOL. I can.

Your scenarios are good analogies of what we can authorize by basically going through what we call a minimum effects analysis. We address those on a case by case depending on the type of access the permittee needed prior to wilderness designation, and it varies.

But we go through, first of all, we have to determine if it's even necessary. And if so, then we go through a range of alternatives including motorized, non-motorized and it's on a case by case.

So, I think we try to be fair and practical in working with our permittees to provide the needed access they need to have to get into some of these improvements.

Senator HEINRICH. Thank you very much.

Senator BARRASSO. I have just a couple of questions for Mr. Casamassa and Mr. Pool.

Today we are considering several pieces of legislation. When you combine it all it would designate almost a half a million acres, 458,194 acres, of new wilderness. That number does not include another 625,000 acres of BLM lands withdrawn for national security purposes or the additional 118,000 acres of BLM lands recommended for withdrawal and repurposing as national recreation areas even though these areas would not allow the use of motorized vehicles on permanent or temporary roads.

I would like to talk about one specific category of land withdrawal that I mentioned in the opening statement. This is the idea of potential wilderness. Between S. 1423, S. 1510 and S. 1699, there are almost 50,000 acres, about 48,900 acres, of land recommended for this designation as potential wilderness. So, it is a lot of land.

The 1964 Wilderness Act did not really provide for a category called potential wilderness. It had other categories, but not a category for potential wilderness. So while the National Park Service Act of 1976 established a category for potential wilderness, it did so for National Park System units only.

So both the BLM and the Forest Service have lands in these bills that would be designated as this new category, this potential wilderness land, which are currently lands used as multiple use.

Could you explain a little bit about how your agencies plan to use a potential wilderness designation to convert land from multiple use to designated wilderness? How does this all work?

Mr. CASAMASSA. Senator, one of the things that we'd have to do is assess what the non-conforming uses are within the potential wilderness areas, determine the impacts of those and then consider how we would then mitigate those uses in those areas and eventually reduce those non-conforming uses in order to then phase that into designated wilderness.

Senator BARRASSO. Mr. Pool, would you like to add additional comments?

Mr. POOL. Yes.

We have two methods by which the wilderness designations could result within BLM.

The first authority was 603 under the Federal Land Policy and Management Act (FLPMA). It directed the agencies to inventory public lands for wilderness characteristics, determine the suitability for wilderness management and produce wilderness suitability reports and report to Congress. Those currently exist throughout the Western range lands, and only Congress can either release or designate those areas wilderness.

The other authority that we use as part of our planning is under FLPMA 201. That requires us to maintain an ongoing inventory of resource values associated with public lands and that does include wilderness characteristics. So if we're going through a planning process or if we acquire new lands, just like we inventory all other natural resources, we do inventory for wilderness characteristics and we maintain those values in their current form. That's what we do today.

So there's two different authorities that help us manage the wilderness program.

Senator BARRASSO. Mr. Casamassa, back with you looking at this wild Olympics bill, S. 1510.

In 2012 the Port of Port Angeles released an economic impact analysis. They detailed the implications of S. 1510. The study concluded that the wilderness designation would result in reduced timber yields, and they said that there were more than 400 jobs, intersector jobs, in terms of job losses in the region. This legislation is going to add over 125,000 acres of Olympic National Forest to the wilderness tally.

Could you just explain a little bit of how the Forest Service plan to reduce allowable acreage available for timber harvest on the peninsula would work without impacting yields and how would that work and the implications are consistent with that study from 2012?

Mr. CASAMASSA. Yes, Mr. Chairman, the—we estimate that it is approximately eight percent of that total, 123,000 acres that are currently in suitable timber management areas. That certainly would be, you know, those 10,000 acres would be collectively reduced from the overall timber base and the lands that we would manage as forest management. There would be some level of impact, but given that it's 10,000 acres, it would be somewhat minimal based on the significance of it all.

Senator BARRASSO. Senator Heinrich.

Senator HEINRICH. Thank you, Mr. Chair.

Mr. Casamassa, I understand that the goal of S. 1777 is to allow the installation of solar panels on the cabins at Smith Gulch. But I have to admit I was a little confused to see lawn mowers, weed trimmers and hydroelectric generation and transmission facilities listed as equipment that would be allowed under the legislation as they do not seem to be related to the installation of solar panels.

Can you shed any light on why that equipment is included in that legislation?

Mr. CASAMASSA. Senator, as far as the way that the terms and conditions of the existing permit for that facility reads there are limitations as to what, if anything, would be permitted in addition to what is presently being permitted. These are requests that are being made, and we don't necessarily believe that they're in conformance with the terms and conditions of the permit authorized to not only this outfitting and guide camp but adjacent outfitting and guide camps along the river corridor as well.

Senator HEINRICH. Great. That's very helpful. As a former outfitter guide, I see where you're coming from.

I want to say just a word about S. 1510. I support Senator Murray's Wild Olympics bill which was carefully designed, frankly, to protect and grow the local outdoor recreation economy on Washington's Olympic peninsula. The bill provides permanent protections to important wildlife habitat and recreation land. It protects the health of rivers and streams that provide drinking water to thousands of Washingtonians. I hope there are at least a few salmon in those. It supports the robust shellfish industry as well and seeks to improve the health of Puget Sound.

I have heard from Senator Murray that her bill is supported by thousands of Washington residents including many on the Olympic peninsula, local and national recreation and conservation organiza-

tions, outdoor recreation companies and local elected leaders. I just wanted to put on the table my support for that legislation, and I look forward to working with her to accomplish that.

Finally, before we wrap up, I will just leave one last commentary and then turn it back over to the Chair.

We have heard a little bit today about multiple use versus wilderness. That is a little bit, to me, as a former outfitter guide, of an apples and oranges comparison simply because wilderness is multiple use. Grazing is allowed in wilderness. Hunting is allowed in wilderness. Fishing is allowed in wilderness. I was a guide in wilderness areas, so obviously, recreation as well.

So while it does come with certain limitations, it also comes with a multiple use mindset that is not completely incongruous with the overall multiple use mandate that our public land agencies have.

Thank you all.

Senator BARRASSO. Thank you, Senator Heinrich.

Mr. Pool, when the original Owyhee initiative began in 2000 it was a collaborative effort between diverse stakeholders including the Shoshone-Paiute tribe, ranchers and locals, state governments, environmental groups, people working together. The collaboration resulted in the Owyhee Public Land Management Act of 2008. It was signed into law as part of the Omnibus Lands bill of 2009.

At the time the legislation was negotiated, the BLM left the stakeholders with the impression that current permittees would be able to continue reasonable grazing activities on new wilderness land, including the use of motorized vehicles for herding and for routine inspections. That was the impression that was left. So can you tell us what led the BLM to revise that policy to now disallow the use of motorized equipment for herding and routine inspections in livestock management in this area where it had previously been allowed?

Mr. POOL. Yeah, Mr. Chairman, I think that we've, our criteria, we feel like using motorized equipment, ATV-type applications, is not consistent with the purpose of the Wilderness Act or the values that are associated with that designation.

We have worked with our permittees, continue to provide them as needed authorizations to use motorized vehicles to get to their improvements, and I think we've been very reasonable. But when you start using ATVs or motorcycles to herd cattle, we believe that is inconsistent with the purpose of the Wilderness Act.

Senator BARRASSO. I am going back to the impression that was left with the current permittees when all this collaborative effort came through.

Does this decision then impact only the Owyhee Wilderness Area or will it also impact other wilderness areas with grazing permits? And if so, how many acres are we talking about and how many AUMs have been impacted by this decision or have all the permittees been given an opportunity to comment on this policy and this decision?

Mr. POOL. Well, I don't know to what extent there are other wilderness areas that BLM manages where we would allow motorized vehicles for herding or gathering. I know of none. But many of our wilderness areas that we manage in BLM we do provide a continuation of livestock use in the designated wilderness areas. That's

clearly afforded in the act itself. And then we continue to work with them, case-by-case basis, you know, on the minimal effects tools to determine if we can permit the permittee to use motorized vehicles, including in some cases heavy equipment, to maintain their grazing and permits.

Senator BARRASSO. Thank you.

Senator Heinrich, do you have any additional questions?

Senator HEINRICH. No.

Senator BARRASSO. If not, I want to thank all of you for taking time to be with us today and for your testimony.

Other members of the Committee may submit written questions to you. If they do, I hope that you will respond quickly in writing. The hearing record will be open for two weeks.

Senator BARRASSO. I want to thank all the witnesses for your time and testimony today.

The hearing is adjourned.

[Whereupon, at 3:24 p.m. the hearing was adjourned.]

## **APPENDIX MATERIAL SUBMITTED**

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**U.S. Senate Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests and Mining  
Hearing on April 21, 2016 regarding S.1423 and S.1510  
Questions for the Record Submitted to Mr. Glenn Casamassa**

**Questions from Senator John Barrasso**

**Question 1:** Unless specifically authorized, mechanized and motorized travel is prohibited in wilderness areas. S. 1423 adds about 23,000 acres of wilderness to the Chumash Wilderness in the Los Padres National Forest. The Chumash, which covers a large area, is also well known for recreational activities like car camping, off-road vehicles, and mountain bike trails. How does this legislation address the needs of outdoor enthusiasts who enjoy activities that would not be permissible under wilderness designations?

**Response 1:**

Hiking, fishing, birdwatching, photography, picnicking, camping and horseback riding are some of the many popular recreational activities that may continue in wilderness areas. The Chumash Wilderness and the two proposed wilderness areas for addition to the Chumash are located in the Mt. Pinos Ranger District includes over 200 miles of OHV routes. Although the wilderness boundaries in the legislation need clarification, they appear intended to exclude most existing OHV routes and roads. The legislation also provides direction for feasibility studies for developing additional mountain biking and other non-motorized trail and OHV opportunities.

Pending clarification of the map associated with the bill, the following OHV routes and roads are within the proposed wilderness area and would be excluded from areas designated as wilderness:

- Apache Canyon road 8N06 and Nettle Spring Campground. OHV routes 24W05; 24W06.
- Sulphur Spring Canyon road 8N43 as well OHV route 23W29.
- Dry Canyon OHV road 8N40, 8N40A, as well as OHV routes 22W11; 22W13; 22W10; and also Dome Springs Campground.
- Wagon Road Springs road 8N39.

Section 10 of the legislation directs the Forest Service to conduct an OHV study as follows:

Not later than 3 years after the date of enactment the Forest Service shall study the feasibility of opening a new trail for vehicles measuring 50 inches or less, connecting Forest Service Highway 95 to the existing off-highway vehicle trail system in the Ballinger Canyon off-highway vehicle area.

This connector route used to exist but was eventually gated off and closed where the trail crossed private land. The Forest has already studied the potential for reestablishing this connector and has not found a suitable option given issues with intermingled private lands, endangered species concerns, steep topography, and lack of a suitable site to use as an OHV staging area and trailhead. These issues were examined in light of the rising cost of fighting fire and the correlated reduction in capacity to maintain existing trails. For these reasons, the Forest has not pursued this trail addition to date.



Section 11 of the legislation directs a study of non-motorized recreation opportunities as follows:

No later than 2 years after the date of enactment of this Act, the Secretary of Agriculture, in consultation with interested parties, shall conduct a study to improve non-motorized trail opportunities (including mountain bicycling) on land not designated as wilderness with the Santa Barbara, Ojai, and Mt. Pinos ranger districts.

While there are no details on where new trails could be constructed, we will work with the local biking community groups to try to locate additional opportunities.

**Question 2:** Some areas of the Central Coast of California have not shown support for the wilderness designation, particularly Kern County. In response, portions of this county were eliminated from wilderness designation in the current draft of S. 1423. However, additional areas of "potential wilderness" were added to S. 1423 after the Forest Service limited access by closing a road to vehicular traffic in 2002. Why did the Forest Service limit access to vehicular traffic? How will the Forest Service under the "potential wilderness" designations in the bill convert these lands to full designated wilderness?

**Response 2:**

Your question notes that areas of potential wilderness were added to the bill after the Forest Service limited access by closing a road to vehicular traffic in 2002. The Los Padres National Forest has reviewed maps and prior decisions affecting roads within the potential wilderness areas, and it is unclear which road you are referring to. To address your concern, the Forest will need to know the specific road name or number.

To convert these lands to designated wilderness, the Forest Service will follow Congressional direction to complete the trail work and convert at time of completion, or at the 20 year mark whichever happens soonest. An amendment to the Forest Plan, including public notice and comment, to add programmatic level guidance for the two potential wilderness areas would be required.

**Question 3:** The Forest Service estimated that approximately 8 percent of the total acreage included in S. 1510 would involve lands that are productive areas. Please outline the types of timber available on these available acres, the potential number of sales, potential board feet, potential sale value, and potential cut value of the acreage of this proposed wilderness area.

**Response 3:**

The potentially available timber on the Olympic National Forest (ONF) on lands that would be designated for wilderness by S. 1510 consists primarily of Douglas fir and western hemlock stands for a total of 10,219 acres.

An accurate estimate of the sale and cut value of the proposed wilderness timber stands cannot be made at this time.

Several management and topographic constraints need to be taken into consideration. These constraints include overlap with of the designated lands with Inventoried Roadless Areas, roads to the areas that have been decommissioned, and the spatial arrangement of the stands. About half of the stands are currently within Inventoried Roadless Areas. These areas are unlikely to be treated due to regulatory limitations to timber activities in IRAs and planning complexities,

public controversy, and limited agency capacity. The remaining stands are primarily accessed with roads that have been decommissioned within the last 20 years. In many cases, rebuilding these roads would be cost prohibitive due to the level of work required (deep fills, bridges, full bench construction, etc.) or the acreage of potential commercial thinning accessed by a given road segment. In many cases, the number of acres available for commercial thinning on a particular road segment would not generate the necessary funding for the road reconstruction.

The current age of the timber in the potential wilderness stands also needs to be considered and are as follows:

| Age Class 2015 | Acre  |
|----------------|-------|
| 1-20           | 39    |
| 21-40          | 2,367 |
| 41-60          | 4,318 |
| 61-80          | 3,495 |

Commercial thinning is accomplished at approximately age 60, so any potential harvest would occur roughly over the next 30 years. Roughly a third is old enough to be thinned now (61-80 age class), a third in 10 to 15 years (41 -60 age class), and the final third in about 20 to 30 years (those currently under 40 years old).

It is not possible to estimate a precise number of sales or timber volume as it would depend on how stands are laid out and packaged given the constraints discussed above.

**Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests and Mining  
April 21, 2016  
Questions Submitted to Mike Pool**

**Questions from Senator Murkowski**

**Question 1: During your testimony, in response to a question from Senator Barrasso, about ‘potential wilderness’ designations and converting land from potential wilderness to designated wilderness, you cited FLPMA 201 and 603, essentially citing Wilderness Study Areas. FLPMA, however, did not specifically authorize a category of “potential wilderness” for BLM lands. Please explain how BLM would manage “potential wilderness” lands if designated. How would BLM convert “potential wilderness” designated lands in S. 1423, S.1510 and S. 1699 that have non-conforming uses to full designated wilderness?**

**Response:** Congress established the category of "potential wilderness" in 1976 when designating wilderness at several National Parks. Potential wilderness is Federal land that Congress designates as such and that may become wilderness after the elimination of uses prohibited by the Wilderness Act, such as roads and pipelines. Potential wilderness is a conditional, interim status, identified by Congress, for lands that would otherwise merit wilderness designation were it not for temporary, non-conforming conditions. Congress has also identified Federal lands as potential wilderness in areas where otherwise qualified Federal lands are interspersed with private parcels. If the private parcels were purchased or donated, the newly acquired Federal lands would be deemed designated as wilderness.

S. 1699, the Oregon Wildlands Act, is the only one of the three bills that identifies BLM-managed land as potential wilderness. (The areas referred to in S. 1423 and S. 1510 are located on National Forest System lands.) Under S. 1699, the “potential wilderness area” would be deemed designated as wilderness only after all uses incompatible with the Wilderness Act of 1964 have been removed. If the area were designated as wilderness, it would be an addition to the Wild Rogue Wilderness and managed as a unit of the National Wilderness Preservation System under the authority of S. 1699; the Wilderness Act; Public Law 95-237, the statute that established the Wild Rogue Wilderness; and BLM wilderness regulations and policy.

**Question 2: Have the areas proposed for wilderness designation or potential wilderness in S. 1423, S.1510 and S. 1699 been assessed for mineral resource potential? If yes, please provide the assessments.**

**Response:** With respect to S. 1423, the Central Coast Heritage Protection Act, the BLM inventoried the Caliente Mountain Wilderness Study Area (WSA) for its mineral potential in the Central California Study Areas Final Environmental Impact Statement. This area has a low to moderate potential for the occurrence of gypsite, phosphate, and uranium; however, there is no indication in current data that large, extractable deposits are present. Much more practical sources of gypsite in the region have lain idle since the mid-1950s. The lack of industry interest is further evidenced by

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the absence of mining claim locations. All of the deposits of phosphate and uranium are too small and low grade to be of economic significance. Salable minerals are mined in bulk and sold at low unit prices, which makes transportation a major cost of development. Markets are rarely more than ten miles from deposits of this type, and no such market exists near the WSA.

Overall, the other proposed wilderness areas have low to moderate potential for minerals, including Black Mountain, Machesna Mountain, and Garcia. The only exception to the low to moderate potential for minerals is the Soda Lake Wilderness, which is a salt flat with high potential for solid leasable minerals, namely salt/potassium.

With respect to S. 1699, the Oregon Wildlands Act, the BLM analyzed the proposed areas for a range of multiple uses as part of the Final Environmental Impact Statement and Resource Management Plan (RMP) for Western Oregon, released on August 5, 2016. These areas are not specifically assessed as “potential wilderness areas,” but they were either evaluated for wilderness characteristics or were studied for suitability to be included in the Wild and Scenic River System. Under the RMP, a significant portion of the lands proposed for designation by S. 1699 will be managed for the protection of wilderness characteristics, Wild and Scenic River classifications, threatened and endangered species, and water resources, among others. The BLM has not completed a mineral potential report for this area.

**Question 3: How does the BLM determine the fair market value of a reversionary interest? Does the BLM include any structures or improvements that have been made to the property in determining the value? Please explain.**

**Response:** The Department of the Interior’s Office of Valuation Services performs an appraisal to determine the fair market value of the property subject to the reversionary interest following the Uniform Appraisal Standards for Federal Land Acquisition. BLM makes administrative adjustments to the fair market value as appropriate, such as for improvements or other allowable deductions. According to the Code of Federal Regulations, the appraisal only includes structures or improvements if they were present when the parcel was initially leased or patented.

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Questions from Sen. Barrasso

**Question 1: Department of Defense lands are not typically considered eligible for purposes of Payment in Lieu of Taxes (PILT) allocations, while BLM lands are eligible for PILT. Do you anticipate that the enactment of S. 2383, and any proposed withdrawals, would impact county PILT payments in the State of Utah?**

**Response:** While S. 2383, the Utah Test and Training Range Encroachment Prevention and Temporary Closure Act, withdraws lands within the area proposed for temporary use and closure from appropriation under the public land, mining, and mineral leasing laws, the bill does not transfer jurisdiction of the lands to the Department of Defense. Therefore, the withdrawal itself should not impact Payment in Lieu of Taxes (PILT) payments.

Concerning the lands proposed for exchange, section 105(f)(1) of the bill notes that the BLM-managed land and the State land to be exchanged to the BLM shall remain eligible as entitlement land under 31 U.S.C. § 6901, which indicates that the legislation is not intended to impact PILT payments.

Section 105(f)(2) of the bill states that the legislation will not diminish, enhance, or otherwise affect any other right or entitlement of the counties in which the BLM land is situated to payments in lieu of taxes based on the BLM land under 31 U.S.C. § 6901.

**Question 2: Please explain how management practices for grazing in wilderness areas, that are the subject of S. 1167, changed following the 2012 BLM wilderness management manual revision. Were impacted stakeholders allowed to comment on the manual revisions? What grazing activities would now be considered reasonable for the use of motorized vehicles?**

**Response:** Management practices regarding grazing in wilderness areas did not change substantially following revision of the wilderness management manual in 2012. Before and after the 2012 manual revision, grazing in BLM wilderness areas derived its authority from Section 4(d)(4)(2) of the Wilderness Act of 1964, which states that “the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the [administering agency].”

As with the BLM’s other manuals, the revised wilderness management manual did not go through the public notice and comment process. Since the manuals only interpret law and guide wilderness management by employees, the Administrative Procedure Act (5 U.S.C. § 551 *et seq.*) does not require such notification.

The wilderness management manual allows for the occasional use of motorized equipment in order to maintain structures and installations existing at the time of

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Questions Submitted to Mike Pool**

wilderness designation. Specifically, maintenance may be done in cases where practical non-motorized alternatives do not exist; the motorized use is expressly authorized in the grazing permit and advanced written permission for each maintenance activity is granted by the BLM; and the motorized use was allowed prior to wilderness designation.

CHARRTS No.: SENRCPLF-01-001

Hearing Date: April 21, 2016

Committee: SENRCPLF

Member: Senator Barrasso

Witness: Maj Gen Whelan

Question: #1

Utah Test and Training Range

Question: Each year, the Department of Defense sends a Sustainable Ranges Report to Congress that summarizes ongoing actions the DOD is taking to ensure the long-term sustainability of its training ranges. What deficiencies has the DoD identified in the Report that require Congressional action for a solution unique to the Utah Test and Training Range?

Answer: The 2016 Sustainable Ranges Report to Congress was coordinated as a streamlined version, so the Air Force did not discuss individual range limitations. We did highlight our enterprise-wide capability issues which included “Enhancing the Capability to Support 5<sup>th</sup> Generation Aircraft and Associated Weapon Systems.” The discussion of this critical issue articulated how the greater employment distances of these systems require larger portions of the range and airspace to train safely and effectively.

The last full report was published in 2015. That report also highlighted the broader challenge of geographic limitations and specifically referenced the deficiency at UTTR stating, “5<sup>th</sup> Generation aircraft with large weapons footprints require more air and land space to meet their training requirements.”

CHARRTS No.: SENRCPLF-01-002

Hearing Date: April 21, 2016

Committee: SENRCPLF

Member: Senator Barrasso

Witness: Maj Gen Whelan

Question: #2

Closure Notifications

Question: How will the Air Force work with the BLM to notify recreational users in buffer zones of upcoming closures on BLM lands?

Answer: As required by the proposed language, the Air Force will develop a Memorandum of Agreement (MOA) with BLM to address the management of the lands in a manner that will allow limited Air Force use. This MOA will address the specific methods for notifying the public of upcoming closures on BLM lands. The bill also provides very specific public notification requirements and dates in which the closures cannot occur.

Hill AFB already has a good outreach program in place with the community surrounding the UTTR. Building on this relationship and through the establishment of the required Community Resource Group, the Air Force, BLM and the community will together determine the best methods to keep everyone informed of scheduled closures. During mission events, AF personnel will also assure non-mission personnel are clear of the safety buffer areas. In accordance with AF practice, if we find a person in the area at the planned mission time in spite of our efforts, we will delay or cancel the mission to ensure safety for all parties.



CHARRTS No.: SENRCPLF-01-003

Hearing Date: April 21, 2016

Committee: SENRCPLF

Member: Senator Warren

Witness: Maj Gen Whelan

Question: #3

Utah Test and Training Range

Question: Your testimony states that "S. 2383 would provide the Air Force the capability to employ larger safety buffers at the UTTR through the temporary closure and use of current Bureau of Land Management (BLM) land and any State land transferred to BLM." Did the Air Force recommend the specific public lands that would be transferred to Utah as part of the proposed land exchange in S. 2383? Does it matter to the Air Force which specific public lands are transferred to Utah as part of the proposed land exchange in S. 2383? Would alternative proposals that would allow the Air Force to employ the same safety buffers at the UTTR be acceptable to the Air Force?

Answer: The Air Force did not recommend the specific lands that would be transferred to Utah as part of the proposed land exchange in S. 2383 and does not have any equity in the determination of the specific lands. The Air Force would be agreeable to alternative proposals that would allow the employment of the same safety buffers at the UTTR.

**Statement of  
David Ley  
President  
Alaska Bible College  
Palmer, Alaska  
To:  
Senate Energy & Natural Resources Committee  
Subcommittee on Public Lands, Forests & Mining  
S. 2018, Conveyance of Reversionary Interest, Glennallen,  
Alaska  
April 21, 2016**

Thank you for allowing Alaska Bible College to testify on Senate Bill 2018, which allows a release of burdensome permission requests, and fair market value payment for federal patented land that has been well used for 50 years to help Alaskans. We note the Department of Interior's concurrence with the need for the release of the property, but not the method. Please accept the following brief thoughts to suggest why a no-cost release of federal oversight is in everyone's best interest.

Alaska Bible College/SEND North, Crossroads Medical Clinic, and KCAM Radio (all created by Central Alaska Missions to serve the people of interior Alaska) have all steadfastly provided public interest services to citizens of Glennallen and interior Alaska for 50 years. These non-profit services, including regional health care, jobs, and delivering emergency communications have undoubtedly saved the federal government social and support costs to the region.

Additionally, the college has built almost all of its campus buildings on this patented parcel for over 50 years. The college must re-purpose these buildings to put them back in service. This is neither easy, nor probable in this frontier area without relief from

BLM's restrictive regulations, 'definitions', and permission requests, and the requirement to pay fair market value for the land.<sup>1</sup> These campus buildings represent a large percentage, if not the majority, of institutional space in the region. They need to be re-purposed somehow both for local benefit as well as for keeping the college financially viable. (by reducing the annual operating cost of heating and maintaining a near-empty campus at sub-zero temperatures.)

Additionally, if passed, the federal government transfers ownership of a hazardous parcel, out of the federal inventory (a former waste area) - to the college/SEND North. We believe that these are not small benefits to the federal government and should be considered when deciding this legislation.

May we humbly suggest that the college/SEND North has completely met federal use expectations and, for the good of the region (in re-purposing a substantial percentage of the region's public building space), and for the good of the federal government (in reducing its inventory of hazardous parcels), deserves to have its campus/clinic/broadcast antenna – freely released from federal oversight, limitations and control.

Thank you for reading our case. We ask for your approval for a no-cost release of R&PP requirements of land patented to Central Alaska Missions in 1961.

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<sup>1</sup> BLM's restrictive R&PP monitoring process, as much as the requirement to pay fair market value for R&PP removal – diminishes practical consideration of the few possible ways that the college can re-purpose its vacant buildings. Very few endeavors actually make economic sense to pursue in this frontier-Alaska community. Paying for the land to release our buildings reduces our chance of making these buildings useful for the region.

**Ripchensky, Darla (Energy)**

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**From:** George Alderson <george7096@verizon.net>  
**Sent:** Monday, May 02, 2016 4:28 PM  
**To:** fortherecord (Energy)  
**Subject:** Wild Olympics Wilderness and Wild and Scenic Rivers Act

To the Senate Committee on Energy and Natural Resources:

Please consider this message as our comment on the Wild Olympics Wilderness and Wild and Scenic Rivers Act for the April 21 hearing record. We heartily support this proposal, and we compliment Senator Murray and Representative Kilmer for their thoughtful work in developing this bill.

I am a native of Washington State, and I spent one summer during my college years working on the Olympic peninsula. I saw the great diversity of wild lands and wild rivers that exists in the national forest and the national park. More of the wild lands should be designated by Congress for permanent protection. The laws now in effect reflect the political compromises of their time. They do not reflect the increased public use and the growth in public appreciation of the wild Olympics in the 21<sup>st</sup> century.

The bill wisely designates more than 126,000 acres of new wilderness in Olympic National Forest. It designates 19 new Wild and Scenic Rivers plus their tributaries. In essence, it makes the existing Forest Service safeguards for these sensitive public lands permanent, without causing any impact against logging jobs. It protects trail access and expands world-class outdoor recreation opportunities like hiking, camping, paddling, hunting and fishing without closing any roads. It protects critical salmon and steelhead habitat.

We have been glad to see that this proposal has been endorsed by more than 550 local businesses, organizations, elected officials, and sportsmen's clubs.

Please give this bill a favorable report and send it to the Senate floor for approval. We thank you for considering our thoughts.

Sincerely,

George and Frances Alderson

112 Hilton Ave.

Catonsville MD 21228

Testimony on S1510

I am a member of NOTAC and have been since its beginnings in 1989. I worked for a timber company for twenty five years before my retirement and I saw the loss of jobs, and watched small mills struggle and finally close. I have watched our town economy fade and our family living wages jobs get less and less. I am against #1510 for the reasons that I listed above and because I see the continuing decline of our economy due to forest management decisions made based on political decisions rather than scientific data.

Alice L. Alexander

204. W. 4<sup>th</sup> Street, Apt 14

Port Angeles, WA 98362



April 15, 2016

Senator Lisa Murkowski, Chairman  
Senate Energy & Natural Resources  
Committee  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator Maria Cantwell, Ranking Member  
Senate Energy & Natural Resources  
Committee  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator John Barrasso, Chairman  
Senate Energy & Natural Resources  
Subcommittee on Public Lands, Forests, and  
Mining  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator Ron Wyden, Ranking Member  
Senate Energy & Natural Resources  
Subcommittee on Public Lands, Forests, and  
Mining  
304 Dirksen Senate Office Building  
Washington, DC 20510

Chairman Murkowski and Barrasso and Ranking Member Cantwell and Wyden:

On behalf of the American Forest Resource Council (AFRC) and its members, I appreciate the opportunity to comment on S. 1510, the "Wild Olympics Wilderness and Wild and Scenic Rivers Act."

AFRC and its members care deeply about the health and sustainability of public forestlands. In fact, the business model and future success of AFRC members is *dependent* upon the responsible management, ecological health, and long-term sustainability of our nation's national forests and Washington Department of Natural Resources lands.

AFRC and its members also care deeply about the vitality of rural communities in which they work, live, and recreate. Our members employ thousands of rural Washingtonians, generating tens of millions of dollars in economic benefits to communities and the State – to say nothing of the charitable contributions, volunteer hours, scholarships, sponsorships, and investments our members make in their communities.

In addition to specific concerns about some of the areas proposed for Wilderness and Wild and Scenic designations and likely impacts to future access of the forest, our overarching concern is that S. 1510 does not address the real challenges facing these local communities.

**The Olympic National Forest needs a comprehensive solution for the long-term economic, social, and conservation needs of the Olympic Peninsula.** Over the past two decades, timber harvests on the Olympic National Forest have fallen over 90 percent due to litigation, analysis paralysis, and well-intentioned but disastrously implemented federal policies. Today, we are harvesting just three percent of annual growth on the Olympic National Forest and only 13

percent of the timber volume that dies each year. Meanwhile, essential community services across the Peninsula like law enforcement, mental health, education, and road maintenance have been devastated by a reduction in economic activity and timber receipt revenue. Local community residents are suffering from high levels of unemployment, poverty, and the resulting social ills.

While King County (Seattle) has an unemployment rate under five percent, Grays Harbor County has an unemployment rate of nearly 10 percent and every other Peninsula county is near or above eight percent. These communities are experiencing an economic crisis. Our industry has the capacity and expertise to manufacture local, carbon friendly, sustainable forest products and is poised to create more family-wage jobs and economic activity in these hard-hit communities – but only if AFRC members can reliably access additional raw material. Restoring a more sustainable level of harvest to the Olympic National Forest is critical to achieving economic, social, and conservation goals.

Prohibiting responsible forest management and other multi-use activities on an additional 125,000 acres of the Olympic National Forest will not address the pressing social and economic needs of rural, forested communities on the Peninsula. It also won't address huge acres of public forestland in need of proactive management. In fact, it would be reasonable to assume the administrative costs of wilderness designation will divert limited agency resources away from areas in need of restoration. As you know, the Olympic National Forest already includes 100,000 acres of Wilderness that is off-limits to responsible, multiple-use management, as is nearly 1,000,000 acres within the Olympic National Park.

**Stand-alone wilderness legislation will harm ongoing collaboration to find balanced, comprehensive solutions.** Since it was first introduced in 2012, the Wild Olympics proposal has generated tremendous controversy in communities across the Peninsula. Instead of bringing people together, it has driven people apart. AFRC and its members have instead invested significant time and effort into a new collaborative effort initiated by Congressman Derek Kilmer (D-WA) to find areas of agreement and compromise.

The Olympic Forest Collaborative is bringing together stakeholders from the environmental community, the timber industry, and representatives from federal and local government around shared goals of increasing timber harvest from the Olympic National Forest while contributing to forest and watershed health. The group is making slow, but determined, progress to identify a more sustainable approach to managing the Olympic National Forest – including discussions about the most appropriate areas for ongoing, scientifically sound, sustainable timber management.

You should be aware that moving stand-alone Wild Olympic legislation will polarize the community, erode the trust that has built within the collaborative, and undermine the progress that is being made to find a balanced approach to meeting the economic, social, and conservation needs of the Olympic Peninsula.

AFRC has been, and will continue to be, a proactive and constructive partner in helping find balanced, comprehensive solutions to the challenges facing our forests and rural communities. We believe in compromise and finding realistic and implementable solutions. Unfortunately, S. 1510 is neither balanced nor comprehensive – that is why AFRC cannot support it.

We look forward to working with members of the Washington Congressional delegation and the Senate Energy & Natural Resources Committee on legislation that will address the needs of our rural, forested communities.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Joseph". The signature is stylized with a large, bold "T" and a cursive "Joseph".

Travis Joseph  
President  
American Forest Resource Council

cc: Senator Patty Murray





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April 15, 2016

Senator Lisa Murkowski, Chairman  
Senate Energy & Natural Resources  
Committee  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator Maria Cantwell, Ranking Member  
Senate Energy & Natural Resources  
Committee  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator John Barrasso, Chairman  
Senate Energy & Natural Resources  
Subcommittee on Public Lands, Forests, and  
Mining  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator Ron Wyden, Ranking Member  
Senate Energy & Natural Resources  
Subcommittee on Public Lands, Forests, and  
Mining  
304 Dirksen Senate Office Building  
Washington, DC 20510

Chairman Murkowski and Barrasso and Ranking Member Cantwell and Wyden:

On behalf of the American Forest Resource Council (AFRC) and its members, thank you for the opportunity to comment on S. 1699, the "Oregon Wildlands Act."

AFRC and its members care deeply about the health and sustainability of public forestlands. In fact, the business model and future success of AFRC members is *dependent* upon the responsible management, ecological health, and long-term sustainability of our national forests and BLM lands.

AFRC and its members also care deeply about the vitality of rural communities in which they work, live, and recreate. Our members employ thousands of rural Oregonians and generate tens of millions of dollars in economic benefits to communities and the State – to say nothing of the charitable contributions, volunteer hours, scholarships, sponsorships, and investments our members make in their communities.

**But rural Oregonians faces serious challenges, including an economic crisis.** Consider, for example, that earlier this year Josephine County's last sawmill, Rough & Ready Lumber, announced it will close its doors, despite having retooled in an effort to run its mill on smaller logs more readily available under current forest management regimes. The closure of the 90-year-old company means the loss of employment for 85 Oregonians in Cave Junction, which is equivalent to the loss of tens of thousands of jobs in Portland. Unemployment, poverty levels, and the lack of economic opportunities in rural Oregon would simply not be tolerated if the same conditions existed in Oregon's urban areas.

**Rural Oregonians face a social crisis.** Secure Rural Schools payments to rural Oregon that support essential services such as sheriff patrols, jails, road maintenance, mental health, and education have declined significantly and have now expired with little hope that future support payments will be renewed by Congress. Property tax constraints imposed by the Oregon Constitution and the Federal Government's control over a huge percentage of Oregon's forestland (as high as 70 percent in some counties), severely restricts Oregon counties' ability to meet the most basic government functions. Unless there is a change in revenue generations, these responsibilities will eventually be assumed by the State of Oregon and Oregon taxpayers.

**Rural Oregonians face an ecological crisis.** Unlike a majority of Oregonians who live in or near a metropolitan area, rural Oregonians suffer disproportionately from our national forest health crisis. Overstocked, unnatural, and fire prone public forestlands expose private property, private forestlands, homes and schools, drinking water supplies and watersheds, and wildlife habitat to unacceptable economic and public safety risks.

Oregonians are working in good faith to find balanced, comprehensive solutions to all of these crises. Just over the last few years, representatives from the forest products community, environmental advocates, elected officials and local leaders, and other interested stakeholders have reinvigorated efforts to come to the table in order to craft solutions with the goal of increasing economic, social, and ecological health in rural Oregon.

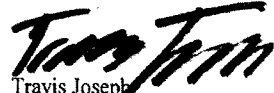
In fact, Oregonians' willingness to engage in challenging conversations to resolve our state's crises culminated in two legislative efforts. Senator Wyden and Senator Merkley introduced legislation (S.132) intended to double BLM timber harvests in Western Oregon, create jobs, generate receipts to rural counties, and to protect some of Oregon's most iconic places (including some of the places proposed for designation in S. 1699). Three members of Oregon's House Delegation worked during the 113<sup>th</sup> Congress to pass bipartisan legislation (Title III, H.R. 1526) to achieve similar economic, social, and ecological outcomes for Oregon's BLM O&C Lands. These efforts clearly demonstrate that Oregon's Congressional Delegation understands that in order to find a durable solution, the solution must be balanced and comprehensive.

AFRC has been, and will continue to be, a proactive and constructive partner in helping find a balanced, comprehensive solution to rural Oregon's crises. Unfortunately, S. 1699 is neither balanced nor comprehensive. It would not sustain or create additional family-wage jobs in rural Oregon (tourism, recreation, and scenic values would continue under the status quo without S. 1699's designations). It would not address the plight of rural communities nor generate substantial county revenues to provide basic services. It would not address the forest health crisis in western Oregon or reduce the risk of catastrophic wildfires (it would arguably increase the risk of wildfires due to the lack of proactive management).

In fact, AFRC strongly believes the best way to *undermine* the hard work of diverse Oregon stakeholders to make progress on a durable solution to Oregon's rural crises is to pass S. 1699. Passage of this bill would weaken relationships, undercut trust between stakeholders, and tip the scales in favor of a single priority.

Again, AFRC and its members care deeply about our public lands and our rural communities. We believe in compromise and finding realistic and implementable solutions. That is exactly why AFRC cannot support S. 1699 and strongly urges the Senate Committee on Energy and Natural Resources to return its attention and focus to comprehensive forestry legislation that will address rural Oregon's economic, social, and ecological crises.

Sincerely,

A handwritten signature in black ink, appearing to read "Travis Joseph".

Travis Joseph  
President  
American Forest Resource Council



**American Rivers**  
Rivers Connect Us®

April 21, 2016

Chairman John Barrasso of Wyoming  
Ranking Member Ron Wyden of Oregon  
U.S. Senate Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests, and Mining  
Dirksen Senate Office Building, Room 304  
Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Wyden,

On behalf of American Rivers' more than 200,000 members across the United States, I am writing to express our strong support for S. 1423, the *Central Coast Heritage Protection Act*. This legislation will strengthen protections for the Los Padres National Forest and the Carrizo Plain National Monument, designate a new national historical trail, and preserve river miles known locally for their valuable wild, scenic, and recreation natures. We urge S. 1423's passage by the full Committee and the Senate.

This legislation, supported by over 300 business, conservation organizations, outdoor recreation groups, and local officials, would designate almost 245,665 acres of new Wilderness and almost 231 river miles to the Wild and Scenic River system. It would also establish the Condor National Recreation Trail, connecting the hikers of Los Angeles County over 400 miles to the northernmost point of the Los Padres National Forest.

The federal Wild and Scenic Rivers Act of 1968 is the United States' strongest tool to protect rivers and the values they provide local communities. Some of the nation's premier rivers are protected for the benefit of future generations through their Wild and Scenic designations. Just as the United States has National Park designations to protect the nation's most special lands, Wild and Scenic River designations protect our highest quality rivers.

Motorized use of trails near and along Wild and Scenic Rivers is not uncommon and can be consistent with protecting the values of designated Wild and Scenic Rivers. However, we have concerns that §6(f) will limit the ability of the U.S. Forest Service to protect and enhance the values that warrant Piru Creek's protection as a Wild and Scenic River. The Forest Service has the ability and experience to make management decisions that provide access and motorized recreation while protecting water quality and other river values. Altering the bill to allow the Forest Service to utilize its expertise is recommended.

Enactment of S. 1423 will benefit wildlife, water, and the California economy. American Rivers urges its passage by the full Committee and by the Senate.

Sincerely,

A handwritten signature in black ink, appearing to read "David Moryc", with a long horizontal flourish extending to the right.

David Moryc  
Senior Director, River Protection



April 21, 2016

Chairman John Barrasso of Wyoming  
 Ranking Member Ron Wyden of Oregon  
 U.S. Senate Committee on Energy and Natural Resources  
 Subcommittee on Public Lands, Forests, and Mining  
 Dirksen Senate Office Building, Room 304  
 Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Wyden,

On behalf of American Rivers' more than 200,000 members across the United States, I am writing to express our strong support for S. 1510, the *Wild Olympics Wilderness and Wild and Scenic Rivers Act of 2015*. The Olympic Peninsula of Washington State is unique within the physical boundaries of our nation both for its beauty and for the persisting old growth forests and free-flowing river systems that tie the modern ecology to that existing on the peninsula two thousand years ago. We urge S. 1510's passage by the full Committee and the Senate.

This legislation would designate over 126,500 acres of the Olympic National Forest as Wilderness and designate 464 river miles (19 rivers and their major tributaries) as Wild and Scenic Rivers. By preserving the ancient forest habitat still present on the peninsula, this bill will also protect sources of clean drinking water for local communities and critical habitat for salmon and steelhead trout. S. 1510 will also bolster outdoor recreation opportunities in the area, including hiking, camping, boating, hunting and fishing.

Broad support on the Olympic Peninsula and in the Hood Canal Region has brought S. 1510 to this Subcommittee today. The Wild Olympics Wilderness and Wild and Scenic Rivers Act has been endorsed by over 550 local businesses—farmers, faith leaders, local officials, and outdoor groups devoted to hunting, fishing, recreation, and conservation have all joined together over years of on-the-ground efforts to support this legislation.

The federal Wild and Scenic Rivers Act of 1968 is the United States' strongest tool to protect rivers and the values they provide local communities. Some of the nation's premier rivers are protected for the benefit of future generations through their Wild and Scenic designations. Just as the United States has National Park designations to protect the nation's most special lands, Wild and Scenic River designations protect our highest quality rivers. Under the Wilderness Act of 1964, the "ecological, geological...scientific, scenic, or historical value" value of public lands is granted strong protections without placing those same restrictions on privately held in-holdings.

Preserving these lands and rivers will not simply benefit those committed to outdoor recreation and conservation. By protecting the salmon and steelhead runs, this bill will

further fulfil the United States' obligations under treaties with the eight federally recognized Native American tribes on the peninsula.

Enactment of S. 1510 will benefit water, wildlife, and people. American Rivers urges its passage by the full Committee and by the Senate.

Sincerely,

A handwritten signature in black ink, appearing to read "David Moryc", with a stylized flourish at the end.

David Moryc  
Senior Director, River Protection



April 21, 2016

Chairman John Barrasso of Wyoming  
 Ranking Member Ron Wyden of Oregon  
 U.S. Senate Committee on Energy and Natural Resources  
 Subcommittee on Public Lands, Forests, and Mining  
 Dirksen Senate Office Building, Room 304  
 Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Wyden,

On behalf of American Rivers' more than 200,000 members across the United States, I am writing to express our strong support for the *Oregon Wildlands Act*, S. 1699. This legislation would protect some of the most pristine rivers and public lands in Oregon and preserve them for generations to come. The Oregon Wildlands Act preserves clean water, sustainable recreation, and economic activity on these lands to provide communities in Oregon and we urge its passage by the full Committee and the Senate.

The federal Wild and Scenic Rivers Act of 1968 is the United States' strongest tool to protect rivers and the values they provide local communities. Some of the nation's premier rivers are protected for the benefit of future generations through their Wild and Scenic designations. Just as the United States has National Park designations to protect the nation's most special lands, Wild and Scenic River designations protect our highest quality rivers.

This bill represents the culmination of several years' worth of on-the-ground efforts to include more than 250 miles in the Wild and Scenic River system and 200,000 acres of land as Wilderness or national recreation area. Protection of this kind is necessary for these lands due to their unique ecological and recreational value. Both the Devil's Staircase Wilderness and the additional Wild Rogue Wilderness lands have been the subject of a decade of coordinated conservation efforts, and have been targeted for protection by bills in previous Congresses.

The Rogue River and its river miles protected as Wild and Scenic are among the best examples of a healthy watershed in the United States. Oregon's Wild and Scenic Rogue River is one of the most productive salmon and steelhead trout producers on the West Coast with an average of 100,000 fish returning each year. Its largest tributary, the Illinois River, is the wild salmon and steelhead refuge for the Rogue Basin and home to globally significant concentrations of rare plants.

With the addition of around 250 river miles to the Wild and Scenic System, and approximately 56,100 acres to the Wild Rogue Wilderness, S. 1699 will safeguard the natural beauty that makes this place one of America's wild lands without parallel. The



inclusion of some 600 acres for potential future Wilderness designation and the withdrawal of much of these lands from mining will protect a vital ecosystem as well as preserve in southern Oregon and northern California abundant salmon runs important for sport and commercial fisheries, sustainable recreational activities, and clean water.

The Wild and Scenic designation for 21 miles and 7,000 acres of the Molalla River and surrounding riverside lands will preserve the clean drinking water for the cities of Molalla and Canby as well as their year-round recreational opportunities. From its headwaters beyond Table Rock Wilderness in the Cascade Range, the crystal-clear and biologically diverse Molalla River tumbles through private and public forests to its confluence with the Willamette River. It is a true remnant of the historical Oregon landscape – a river corridor filled with cedar, hemlock, old-growth Douglas fir, and basalt rock canyons. It is home to native winter steelhead and salmon runs, an abundance of wildlife, geological wonders and a profusion of recreational opportunities. This designation is supported locally by the Molalla River Alliance. The Alliance is truly a broad-based coalition of over 45 community groups and supporters, including: the City of Molalla, Clackamas County, Molalla Police Department, Molalla River Anglers, numerous neighborhood associations and private landowners, and several State agencies.

The Wild and Scenic designations for the Elk River and its tributaries will protect essential salmon and steelhead habitat for this outstanding coastal, southwest Oregon river. Because of the river's conditions on National Forest lands, the habitat of the Elk River and its tributaries support some of the highest densities of steelhead and salmon production in the Pacific Northwest. Of note are two tributaries: the Panther Creek and Bald Mountain Creek. These sub-watersheds have been found by the U.S. Forest Service's watershed analysis to be exceptionally important for the production of Coho salmon and steelhead within the Elk River watershed. The Wild and Scenic River designation will provide these streams with additional protections specific to the production of wild fish as the fisheries are one of the River's outstanding values.

Finally, by recognizing 30,540 acres of Forest Service and Bureau of Land Management land as the Devil's Staircase Wilderness, this bill will prevent the compromise of one of the Bureau's special places. The clock has been stopped on the Devil's Staircase, spared from exploitation due to its relative inaccessibility. The delicate ecological balance in the Devil's Staircase is the same today as it has been for thousands of years. As human threats begin to close in around it, establishing it as Wilderness will preserve its harmony for some time more.

Sincerely,



David Moryc  
Senior Director, River Protection

**Ripchensky, Darla (Energy)**

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**From:** wilmarc83 . <wilmarc83@gmail.com>  
**Sent:** Tuesday, April 19, 2016 10:52 AM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

I oppose the use of motor vehicles in the Owyhee Wilderness for livestock grazing purposes. This is supposed to be a wilderness area, and introducing motor vehicles into common use will markedly change the character of the area. It will also set a precedent so that ranchers in other wilderness areas will want to use motor vehicles, and then others areas of wilderness will be markedly changed.

It is good for our country to keep some areas as wilderness. It allows people who need to find peace in nature to still have areas where they can go. Once we take away our quiet places, it is almost impossible to restore them.

Please vote to preserve this area of wilderness.

Marcia Bailey  
3301 Alt 19 lot 338  
Dunedin FL 34698-1533

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*Cumulatively small decisions, choices, actions, make a very big difference. - Jane Goodall*

**Ripchensky, Darla (Energy)**

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**From:** Norman Baker <ntbakerphd@gmail.com>  
**Sent:** Wednesday, May 04, 2016 2:06 PM  
**To:** fortherecord (Energy)  
**Subject:** Wild Olympics Legislation

Dear Sirs;

The Wild Olympics legislation will do several things;

Creates more than 126,000 acres of new Wilderness in Olympic National Forest.  
 Creates 19 new Wild and Scenic Rivers plus their tributaries on the Olympic Peninsula  
 Essentially makes current Forest Service safeguards for these sensitive public lands permanent, ensuring no impact to timber jobs.  
 Permanently protects the Olympic Peninsula's ancient forests, free-flowing rivers and stunning scenery for future generations.  
 Has been carefully crafted by Senator Murray and Rep. Kilmer to create new economic opportunities without costing any timber jobs.  
 Protects trail access and expands world-class outdoor recreation opportunities like hiking, camping, paddling, hunting and fishing without closing any roads  
 Protects sources of clean drinking water for local communities.  
 Protects critical salmon and steelhead habitat.  
 Protects rivers and streams vital to the shellfish industry and the health and restoration of Puget Sound.  
 Strongly supported by more than 10,000 Olympic Peninsula and 6th congressional district residents  
 Is endorsed by over 550 local Olympic Peninsula & Hood Canal region businesses and farms, conservation and recreation organizations, local elected officials, sportsmen groups and religious leaders.

However, here is why I personally support this legislation. I am an activist on fisheries issues for Sierra Club. The condition of our fisheries in the state of Washington is deplorable. Historically, Puget Sound had the most productive fisheries in the entire world. Now, our fisheries are down to 1.8% of what they were historically. Almost 1/3 of Marine fish species of commercial and recreational interest are on this list of species of concern. The state of Washington has more endangered marine species than any other state or province in North America. The state of Washington is also in last place in terms of protected habitat for marine and anadromous species of fish when compared to any other state or province in North America. All of these statements can be documented with scientific citations.

The key to preserving natural runs in populations of fish is always habitat protection and modern management protocols. As one of the participants to the Puget Sound hatchery reform advisory group, the Olympic Peninsula is the home of the majority of the best preserved natural wild runs of fish. They deserve more protection if we are to have a sustainable fisheries for the future. This is an incredibly important issue not only for the fishing community but to the citizens of the state of Washington.

Please pass this legislation. We owe it to our children and our grandchildren to have a complete ecosystem with appropriate biodiversity and a sustainable fisheries.

Norman T Baker, PhD  
 3789 Lost Mountain Rd.  
 Sequim, WA 98382

**From:** [Katie Bilodeau](#)  
**To:** [Riichensky, Darla \(Energy\)](#)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee  
**Date:** Thursday, April 21, 2016 12:08:30 AM

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Dear Committee on Energy and Natural Resources and Public Lands Subcommittee:

Please make this statement a part of the hearing record for S. 1167. We oppose this bill for the reasons below. We have also tried to attach to this email some legislative history from a 1980 Colorado wilderness bill that has addressed similar issues with vehicle use and ranchers, but this address would not accept the email with the attachments because it was too large. Even though we are unable to send the documents, we would like for the Congressional history cited to be incorporated by reference, with our comments, into the hearing record for S. 1167.

This bill erodes protection for designated wilderness for everyone by allowing prohibited actions for only a few people who value convenience and their bottom line over wilderness. We are incredibly disappointed in our own Idaho senators for proposing this bill, as they do not appear to understand the purpose underlying the 1964 Wilderness Act or they cater to the private ranching interests in our state, or both. Because this bill degrades wilderness character, is unnecessary, is contrary to legislative predecessors who have already declined to grant ranchers unfettered motor-vehicle use, sets dangerous precedent, and is not in the public interest, the Subcommittee on Public Lands, Forests and Mining, and likewise the Committee on Energy and Natural Resources absolutely should not recommend this bill.

**This bill degrades wilderness character.**

Allowing ranchers to drive around on ATVs or in other vehicles will destroy wilderness character. The Wilderness Act defines this character: It is a place that is "untrammeled by man" and "where man himself is a visitor who does not remain." Wilderness is a place "retaining its primeval character and influence" and "is protected and managed so as to preserve its natural conditions...." Wilderness also has the quality of a place that has been "affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable" and "has outstanding opportunities for solitude or a primitive or unconfined recreation." 16 U.S.C. section 1131(c). Allowing the regular, unexceptional use of motor vehicles by one group of people would destroy many of these wilderness qualities. Motor-vehicle use would leave the tracks of man with the tread of his tire, and regular use would likely create or add permanency to *de facto* roads through the Owyhee Wilderness Areas, or minimally crush vegetation on these lands. In addition to adversely impacting wilderness for its own sake, it would affect people who recreate there, too. Many visitors who recreate in wilderness do so to get away from the hubbub of the world where we now live, a world that often treats our natural environment with callousness and as a resource from which something can be extracted and sold. If this bill were to pass, ranchers on ATVs would buzz by visitors who are seeking out wilderness on

foot and on horse for its primitiveness, destroying what is sacred in the wilderness experience.

**This bill is unnecessary.**

This bill is unnecessary because ranchers already have vehicle access to their herds in cases of emergency and for exceptional circumstances. These exceptions are laid out in the Congressional Grazing Guidelines. The Grazing Guidelines were first published in House Report 96-617, pp. 10-13 (attached below), which recommended passage of a Colorado wilderness bill. These Guidelines were introduced to House and Senate floors as a set of rules designed to provide a consistent policy for implementing grazing activities in compliance with the Wilderness Act (16 U.S.C. section 1133(d)(4)). See Cong. Record House 35134-35 (Dec. 10, 1979)(attached below); Cong. Record Senate 27291-94 (Sept. 25, 1980)(attached below). The bill you now consider, S. 1167, would override thoughtfully considered exceptions with a thoughtless rule. The Grazing Guidelines were issued by a congressional committee that has considered ranchers' arguments for a blanket exception for motor-vehicle use to support grazing in designated wildernesses. Your predecessors considered and declined to adopt such far-reaching vehicle use because ranchers do not need vehicles in designated wilderness areas. Likewise, those who graze livestock in the Owyhee Canyonlands Wildernesses do not need vehicles for regular, unrestricted access to designated wilderness.

**The bill is contrary to legislative predecessors who have already considered and denied granting ranchers the unfettered use of motorized equipment.**

When Colorado Representatives originally proposed some Colorado wilderness legislation in 1979-80, they drafted a provision, section 5(b), that proposed to grandfather into these new wilderness areas permission for ranchers to continue to use the motorized equipment that they had traditionally used. See "Additions to the National Wilderness Preservation System, Hearings Before the Subcommittee on Public Lands of the Committee on Interior and Insular Affairs," Ninety-sixth Congress, first and second sessions, on H.R. 5487 at p. 8 (Oct. 18-19, 1979)(attached below and cited as "Hearings on H.R. 5487" for the rest of this letter). Colorado cattlemen had argued for continued use of their motorized access. The Colorado Cattlemen's Association argued that it would be more expensive: "If the employees were to commute by horseback from ranch headquarters to the wilderness area, it would require in many cases, a 4 to 6 hour horseback ride each day to reach the area of work, thus allowing an employee only 1 to 4 hours in which to do a day's work." Hearings on H.R. 5487 at pp. 60, 62. A sheep rancher testified that he had customarily moved his sheep with pickup trucks and "it would be quite an inconvenience and an additional expense to do all of this by horseback." Hearings on H.R. 5487 p. 69. The subcommittee chairman, Rep. John Sieberling of Ohio, while sympathetic to the needs of motor vehicles for urgent cattlemen situations, was unswayed by economic and convenience arguments:

"I think maintenance of facilities is one thing, but the point was made some of the

areas are so remote that if you cannot go in by vehicle, you only have a couple hours to work on the site. Maybe so, but my reaction is that, you know, there have to be compromises and something has to give sometime. Otherwise, we might as well just say we are not really changing the classification of the area if we allow all the uses that continue to be part of the designated wilderness to continue afterwards.

"I am not suggesting that we should not allow some of these things that are absolutely essential to continuation of grazing, but there are limits it seems to me which are going to be more restrictive in wilderness areas than in nonwilderness even as to grazing practices, and the only question is where do we draw those lines?

"To simply say whatever you could do before you can continue to do, I think is a charade because we better not designate a wilderness if we are just going to have a completely unchanged activity."

Hearings on H.R. 5487 at pp. 73-74. Similar to the Colorado wilderness bill over three decades ago, Idaho ranchers, through the Idaho Senators, are again trying for the same exception: unfettered motorized access to designated wilderness areas. The substance of Senator Seiberling's comments is still relevant. When Congress has designated a wilderness to add to the Wilderness Preservation System, it imposes limits on activities to that land. To allow unfettered motorized access for ranchers renders a wilderness designation completely arbitrary and gives public land a nice title that, in practice, lacks any true regard or respect for the statute.

**This bill sets dangerous precedent.**

If Congress grants one special-interest group an exception to place them above a statute that governs everyone, there will be more special-interest groups—and absolutely more ranchers—to follow with requests in other federal wilderness areas. And if Congress keeps making special exceptions, the exceptions will become the rule and we will have no Wilderness Act to protect public lands with the qualities that inspired their federal wilderness designations in the first place.

**This bill is not in the public interest.**

This legislation is for a handful of families and companies that want economic efficiency and convenience as they conduct their grazing businesses on lands that belong to the American public. Keeping motor vehicles out of wilderness will preserve wilderness qualities of these lands for the American public now, who outnumber this handful of families, and future generations of the American public, who far outnumber this handful of families. The public interest lies with the many, and not the few.

We appreciate the Committee's consideration of our comments in addition to the Committee's review and consideration of the legislative history incorporated into this email by reference.

Best regards,

Katheryn Bilodeau and Jeremiah Busch

329 N. Grant St.

Moscow, ID 83843

**Kelley, Tarsha (Energy)**

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**From:** Sherry Blackshear <rbsb1@verizon.net>  
**Sent:** Tuesday, April 19, 2016 4:05 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21-Public Lands Subcommittee Hearing

*Dear Energy and Natural Resources Committee,*

*Please make this statement a part of the hearing record for S. 1167.*

*I am writing to oppose S. 1167 for the following reasons:*

*I oppose the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes.  
Motor vehicle use will degrade the wilderness character of these areas.*

*Coming from a ranching family, we heartily disagree with grazing on public lands, but if allowed the least these ranchers can do is follow the rules, instead of belly aching & try to skirt every guideline put in place to protect land that has been put aside for ALL Americans & wildlife, not just a few greedy ranchers. If they don't like the rules, let them join the rest of us & lease private land.*

*Ranchers in other Wildernesses don't need motor vehicles and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses. If the Owyhee grazers get special treatment, ranchers in other Wildernesses will demand the same.*

*S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.*

*Sincerely,*  
Sherry & Ronald Blackshear  
1312 Tipperary Dr.  
Grapevine, Tx 76051



**From:** [rowpbmj@gmail.com](mailto:rowpbmj@gmail.com) on behalf of Betsy Bowen  
**To:** [Ripchensky, Darla \(Energy\)](#)  
**Subject:** NO motorized vehicles in the Owyhee Wilderness  
**Date:** Tuesday, April 19, 2016 1:16:16 PM

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*April 19, 2016*

*Dear Energy and Natural Resources Committee, Senators Crapo and Risch*

*Please make this statement a part of the hearing record for S. 1167.*

*I am writing to oppose S. 1167 for the following reasons:*

I work in many of Idaho Wilderness Areas as a river guide through the permitting system. Our presence in these areas is permitted by rules and regulations which we follow diligently to protect these places for everyone's enjoyment. The use of motors or mechanical devices is forbidden and while there have been times when they may have been useful we have managed to figure out how to do without. I **oppose** the use of motorized vehicles in the Owyhee Wilderness as they will certainly damage the fragile desert terrain and the area is far too large to patrol and enforce any regulation placed on this allowance.

*If allowances are made for the use of motorized vehicles in the Owyhee Canyonlands Wilderness this will set precedence for other Wilderness areas. The Wilderness act was written to protect areas in their native and natural beauty this does not mean scarred by grazing and ATV tracks running all over its surface. S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.*

*Sincerely,*

*Betsy J Bowen*

*1394 S Kicking Horse Lane*

*Coeur d Alene, ID 83814*

**Ripchensky, Darla (Energy)**

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**From:** VICKY BRANDT <brandtv@me.com>  
**Sent:** Tuesday, April 19, 2016 10:45 AM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

Dear Energy and Natural Resources Committee:

I understand that this week, on April 21, the US Senate Subcommittee on Public Lands, Forest, and Mining will hold a hearing on Senate Bill 1167.

In my considered opinion, this bill, if passed, would seriously damage wilderness areas in Idaho and set a terrible precedent that would threaten all wilderness areas. S6617 (Crapo, R-ID) would allow ranchers virtually unlimited use of motor vehicles to herd livestock (and for other routine ranching needs) in the six Owyhee Canyonlands Wildernesses in Idaho, despite the fact that trucks and ATVs are prohibited inside wilderness areas under the 1964 Wilderness Act.

Motorized vehicles degrade wilderness, physically, and by creating horrific noise.

All wildlife is endangered now, thanks to human incursions on wildlife territories, as well as pollution (of air, land, water) and climate change. We should be doing everything we can to protect wildlife areas--not bring them into even more contact with modern industrialism.

Sincerely,  
V. Brandt  
28 W. 10th St.  
New York, NY 10011

**Ripchensky, Darla (Energy)**

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**From:** Karen Benzel <KarenBenzelPR@comcast.net>  
**Sent:** Wednesday, April 20, 2016 8:47 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

To: Energy and Natural Resources Committee

As a tax paying citizen of the United States I ask that my statement be part of the hearing record for S.1167 and that we are writing to oppose S.1167 because motor vehicles in the Owyhee Wildernesses degrade the wilderness and disrupt wildlife. Why should Owyhee ranchers get special treatment? The 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness need to be strictly followed.

Sincerely,

Mr. & Mrs. Daniel Brumlik  
PO Box 5334  
Carmel, CA 93921

April 18, 2016

To: Chairman, Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining

From: Harold Brunstad, Montesano, Washington

Subject: Comments Concerning "Wild Olympics" Component of SB1510

I am a lifelong resident of the Olympic Peninsula (78+ years) and an inholder property owner in the Olympic National Forest. As an individual and member of various coalitions, I have been involved for many years to sustain the "Multiple-Use Concept" in management of the Olympic National Forest.

There have been many initiatives over the years to minimize that concept through Wilderness and Roadless Area Land Designations and litigations to obstruct Forest Service management projects. In 1986, 86,000 acres (14%) of the Olympic Forest were designated as Wilderness and in 2008 approximately 125,000 acres (20%) were designated as Roadless Areas. The core of the Olympic Peninsula is the 1,000,000-acre Olympic National Park, 90% of which is designated Wilderness.

In early 2011, the "Wild Olympics Campaign" coalition commenced a "covert" initiative around the Olympic Peninsula, targeting mostly selected businesses, to garner support to promote additional Wilderness on the Olympic National Forest and Wild and Scenic River designations for most of the major rivers on the Olympic Peninsula. When this "covert" initiative was detected and made public, the Olympic National Forest's neighboring communities responded with overwhelming opposition to this Wilderness initiative. In the communities of Grays Harbor County alone, bordering the southwest area of the Olympic National Forest, over two hundred businesses and several hundred members of the general public have gone on record in opposition to this legislation. Observing the yard signs displayed in communities surrounding the Olympic National Forest depicts this opposition Peninsula wide.

Wilderness and Wild and Scenic River designations do nothing to improve the protection or condition of these lands and water beyond the protections offered by existing land and water laws and regulations associated with these resources.

The existing Wilderness and Roadless designated areas on the Olympic National Forest are restricted to backcountry recreation. However, the restrictive uses and activities that are allowed in Wilderness areas make them "people unfriendly". This includes forest trail development and existing road and trail maintenance activities.

The economies of the communities associated with the Olympic National Forest have been severely impacted under the Northwest Forest Plan to protect the Northern Spotted Owl. However, the Olympic Forest remains the primary area, and in many cases affordable, for recreation for many residents of the Olympic Communities. It needs to become more people-friendly, not less.

I respectfully and strongly request that the Wild Olympics legislation not be approved.

Thank you for the opportunity to provide these comments.

Harold Brunstad  
1178 U. S. Highway 12  
Montesano, Washington 98563  
(360) 249-5829

**Congress of the United States**  
**Washington, DC 20515**

April 21, 2016

Chairman John Barrasso  
Committee on Energy and  
Natural Resources  
Subcommittee on Public Lands,  
Forests, and Mining  
304 Dirksen Senate Building  
Washington, D.C. 20510

Ranking Member Ron Wyden  
Committee on Energy and  
Natural Resources  
Subcommittee on Public Lands,  
Forests, and Mining  
304 Dirksen Senate Building  
Washington, D.C. 20510

**RE: S. 1423, the Central Coast Heritage Protection Act**

Dear Chairman Barrasso and Ranking Member Wyden:

We write to thank you for considering the Central Coast Heritage Protection Act (S. 1423), which Senator Boxer introduced on May 21, 2015, as part of today's subcommittee hearing and to express our strong support for this bill. The legislation was also introduced in the House of Representatives (HR. 1865) in April of last year and referred to the House Natural Resources Committee.

The lands, waters, and trails included in this bill are located in our congressional districts throughout the Los Padres National Forest and in the Carrizo Plain National Monument. The protections included in this bill would preserve and enhance the diverse uses of the vital public lands of the Central Coast region of California. This legislation was developed in close collaboration with local stakeholders, and to date, over 500 individuals and groups have expressed support for this bill. This support spans all sectors, from local residents and elected officials to farmers, business owners, and school groups, and many have noted that this bill would both enhance recreational opportunities and be a boon to the local economy and small businesses.

The Central Coast contains some of the most beautiful landscapes found anywhere in North America. The Los Padres National Forest rises from the Pacific Ocean to more than 8,800 feet in elevation and provides habitat for 468 species of wildlife, including the endangered California condor and the southern steelhead. Similarly, the Carrizo Plain National Monument is home to incredible plant and animal life, such as the majestic Tule elk and Pronghorn antelope, as well as irreplaceable Native American cultural sites. Furthermore, these public lands provide clean drinking water for communities and agriculture and world-class recreational opportunities. This bill would expand protection for these lands and the streams and rivers within them by creating several new wilderness areas and expanding others. It would also enhance visitor experience by designating two new scenic areas and preserving 158 miles of rivers and creeks under the Wild and Scenic Rivers Act. Finally, it would also designate the Condor National Recreation Trail,

which would run more than 420 miles through the coastal range from Los Angeles County to the northernmost point of the Los Padres National Forest.

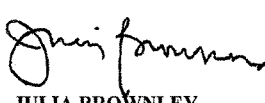
The bill would also protect many existing uses of these public lands and ensure that they remain a multiuse landscape. It would not close legally open roads or other motorized vehicle routes, nor would it affect access to or the use of private lands. The bill would close a short 2.8 mile trail currently open to mountain biking; however, with the addition of new trails in the Fox Mountain potential wilderness area there is no net loss of mountain biking opportunities. Importantly, it would also not eliminate the tools available to federal or state firefighters to keep people safe, prohibit existing livestock grazing, or change the state's authority to regulate water rights.

In closing, we would like to reiterate the enormous breadth of support behind the Central Coast Heritage Protection Act from individuals and groups across the Central Coast and thank you for considering S. 1423 in your subcommittee. We strongly support this legislation and request that you will consider having a markup on S. 1423 in the near future.

Sincerely,



LOIS CAPPS  
Member of Congress  
California 24<sup>th</sup> District



JULIA BROWNLEY  
Member of Congress  
California 26<sup>th</sup> District



SAM FARR  
Member of Congress  
California 20<sup>th</sup> District



April 20, 2016

Honorable Lisa Murkowski, Chairwoman  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Honorable Maria Cantwell, Ranking Member  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Re: Letter of Support for Devil's Staircase Wilderness and Wild Rogue Wilderness Areas  
and associated Wild and Scenic Rivers in Oregon

Dear Senators Murkowski and Cantwell:

Cascadia Wildlands enthusiastically encourages you to support the proposed Devil's Staircase and Wild Rogue Wilderness Areas and their associated proposed Wild and Scenic River designations in western Oregon. We are a non-profit conservation organization based in Eugene, Oregon, and represent approximately 10,000 members and supporters in the region. The creation of these two Wilderness Areas and Wild and Scenic Rivers are of critical importance to residents in Oregon and nationwide. Please use our office as a resource on either of these proposals as you move forward.

**Devil's Staircase Wilderness**

This 30,500-acre old-growth rainforest lies within the Siuslaw National Forest and the Coos Bay BLM District and is a stark reminder of what the Oregon Coast Range once looked like. Heavily logged and roaded in the 1900s, the Coast Range has few places remaining like Devil's Staircase. Named for the iconic cascading waterfall on Wasson Creek, which tumbles over ancient sandstone bedrock into the lower Smith River then the lower Umpqua River then the Pacific Ocean, Devil's Staircase's beauty is unrivaled.

This remarkable area, which houses centuries-old conifer forests and supports endangered salmon runs and imperiled wildlife, has been proposed for Wilderness since the 1980s, but has never received the protection it deserves. The area is also a haven for recreation enthusiasts across the state, who seek out the elusive Devil's Staircase and enjoy the challenge in finding (or not) this rugged landmark.

POB 10455 Eugene OR 97440 - ph 541.434.1463 - f 541.434.6494 - [info@cascwild.org](mailto:info@cascwild.org)  
[www.CascadiaWildlands.org](http://www.CascadiaWildlands.org)

The proposal was the focus of Oregon Public Broadcasting's far-reaching Oregon Field Guide television series, which continues to generate widespread public excitement, and has been the centerpiece of many newspaper stories over the years.

The designation of Devil's Staircase enjoys widespread public support. The Devil's Staircase Wilderness Committee, made up of local conservation organizations including Cascadia Wildlands, has been leading public hikes, hosting presentations and generating interest about this incredible place for years.

#### **Wild Rogue Wilderness**

Nothing defines outdoor recreation in Oregon more than the Rogue River in the northern Siskiyou Mountains. Visitors from around the world, and Americans alike, flock to the Rogue for its unparalleled rafting, hiking, biking and salmon fishing opportunities.

The Rogue River is not just a highly sought after recreation destination. It helps drive the economy in southwest Oregon. According to a recent study, Oregon enjoyed at least \$30 million in direct economic benefits from recreational activities on the Rogue River in 2007 alone. Of this total, approximately \$15.4 million was paid as wages to employees or earned as income by business owners. The study also found recreation on the Wild and Scenic Rogue supported 445 full- and part-time jobs statewide. With a growing demand for outdoor recreation opportunities, the creation of the Wild Rogue Wilderness and designation of its Wild and Scenic Rivers is critically necessary.

The importance of the lower Rogue to the business community compelled the 2008 formation of the Wild Rogue Alliance, a collection of over 100 business owners, conservation organizations and fishing groups, which advocates for Wilderness and Wild and Scenic Rivers on the Rogue.

The area has some unique history, too. It is this portion of the Rogue River in 1930 that famed American author built a cabin and wrote the legendary novel *Rogue River Feud*. His historic cabin stands today on the banks of the lower Rogue, and the proposed nearly 60,000-acre Wild Rogue Wilderness would forever protect the wild forests and waterways around this important landmark.

Thank you for your considering protecting these two Oregon Treasures for this and generations to come. Please do not hesitate to contact me with any thoughts or questions.

Sincerely,

A handwritten signature in black ink, reading "Josh Laughlin". The signature is fluid and cursive, with the first name "Josh" and last name "Laughlin" clearly distinguishable.

Josh Laughlin  
Executive Director



**From:** [Rose Chilcoat](#)  
**To:** [Ripchensky, Darla \(Energy\)](#)  
**Cc:** [shelley@greatoldbroads.org](mailto:shelley@greatoldbroads.org); [lionel@greatoldbroads.org](mailto:lionel@greatoldbroads.org)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Tuesday, April 19, 2016 7:10:28 PM

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Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167.

I write today both as a concerned citizen and as a representative of Great Old Broads for Wilderness, a national organization that engages and ignites the activism of elders to preserve and protect wilderness and wild lands. Conceived by older women who love wilderness, Broads gives voice to the millions of older Americans who want to protect their public lands as Wilderness for this and future generations. We bring knowledge, commitment, and humor to the movement to protect our last wild places on earth. With 36 chapters (Broadbands) in 15 states, including Oregon and Idaho, we bring the grassroots to many conservation efforts.

We oppose S. 1167 as it is an unnecessary and dangerously precedent setting piece of legislation that would weaken the protections and intent of the Wilderness Act of 1964. Existing livestock grazing was specifically authorized in Wilderness by this legislation and the associated Congressional Grazing Guidelines for Wilderness. Agencies can continue to manage that use while ensuring minimal disruption to the wilderness character of the areas so designated. S. 1167 would go far beyond this longstanding law and guidelines.

There is a long tradition of livestock ranching in the west that hangs its hat on "custom and culture" as part of the important reason for livestock grazing to continue on our public lands, regardless of the adverse impacts that use has on wildlife, water quality, native vegetation, recreation and more. The Wilderness Act already allows for some exceptions for ranchers to use motorized vehicles to maintain fences or water improvements. There is absolutely NO NEED for ranchers to be authorized the use of motor vehicles for the day to day management and movement of livestock within designated Wilderness. "Custom and culture" would dictate continued use of horses or foot access into these wild places.

For the past fifty-one years ranchers have continued their historic livestock operations in wilderness without the use of motor vehicles. There is no reason that the ranchers in the Owyhee Canyonlands Wildernesses need motor vehicles. We oppose this proposed use of motor vehicles in the Owyhee Wilderness, or in any wilderness or wilderness quality lands such as roadless areas or wilderness study areas.

While livestock grazing can and often does degrade natural processes and ecological function in wilderness, the use of motor vehicles would add to that degradation AND would degrade the wilderness character of these areas. The American people value our National Wilderness Preservation System. We expect it to be, and to remain, the "gold standard" of public land protection. These protected landscapes are for all people and for all native creatures, for all time and must not be allowed to be compromised for the convenience or profit of anyone, be they an

individual rancher or a major corporation.

Livestock grazing is not a guaranteed use of our public lands but is a permitted use subject to reasonable regulations and management that protect the myriad values and uses of these lands and waters in a sustainable way for future generations. To consider legislation that would weaken the very meaning of Wilderness is simply wrong. To legislate accommodations for a handful of ranchers is wrong.

We recognize that times change and business models from the past may no longer be viable into the future. When it comes to Wilderness, if livestock grazing is no longer possible to be economically viable without use of motor vehicles then perhaps it is time to get out of that business. Every day businesses across America cease operations for a variety of reasons as times change, technology changes, consumer desires change, supply and demand changes. Congress should not be in the business of legislating exceptions to conservation protections in order to reduce operational costs or for the convenience of a few ranchers. With all of our western public lands providing less than 3% of the nation's beef supply this issue is not nationally significant. Individual ranchers may choose to cease operations. Such is life. You can't have it both ways. Either custom and culture works financially or it doesn't and it may be time to find a new business model for the future.

I've just this past week driven across the vast open public lands of eastern Oregon and northern Nevada and witnessed the toll livestock grazing has taken on our public resources, especially our sagebrush communities. While the original destruction may have begun more than a century ago, not enough progress has been made to ensure the multiple use and sustained use of our public lands for purposes beyond consideration and use as "rangelands" - providing forage for cows. We have normalized the degradation and allowed this one use...livestock grazing...to dominate our land management.

Incredibly few places remain in the west where native vegetation and wildlife occur without livestock. Wilderness should be one of those places but sadly it is not. If Congress were truly serving the American people it would consider legislation that would allow for phasing out livestock grazing where conservation or recreation conflicts arise rather than creating more mechanisms for conflict and degradation which is what allowing ATVs or trucks to be used for herding and routine livestock operations in Wilderness would do.

The Senate should take up legislation such as H.R. 3410, the Rural Economic Vitalization Act (REVA) that would authorize voluntary grazing permit retirement on Federal lands managed by the Department of Agriculture or the Department of the Interior where livestock grazing is impractical. This would use private funds to allow for market based solutions and a graceful exit from ranching on our public lands for willing ranchers.

Please do not move S. 1167 forward.

Thank you for the opportunity for input on this important matter.

*Rose Chilcoat  
Conservation Advocate  
Great Old Broads for Wilderness  
PO Box 2924  
Durango, CO 81302*

**Ripchensky, Darla (Energy)**

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**From:** CClark <dr\_carolyn@yahoo.com>  
**Sent:** Monday, April 25, 2016 3:04 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

To the Energy and Natural Resources Committee,

Please record the following statement in the hearing record for S. 1167:

We want to go on record as opposing S. 1167 and we urge you to oppose S. 1167.

Do not allow motor vehicles to be used in the Owyhee Wildernesses, even for ranchers who graze livestock in the area. Motor vehicles are not necessary for grazing livestock!

Just think of the negative precedent this would set. Once the door is opened to some ranchers to use motor vehicles in a wilderness area, then ranchers in other areas will want the same. They will wonder why the Owyhee grazers have special privileges and will demand the same for themselves.

1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness do not set forth a need for grazers to use motor vehicles. The act of allowing motor vehicles to a certain class of users in the Owyhee Canyonlands Wilderness would contradict the spirit and intent of the Wilderness Act.

Motor vehicle use detracts greatly from the wilderness experience of we who cherish our wildernesses as places to retreat from the noise and fast pace of today's civilization. Motor vehicle use would degrade the wilderness character of Owyhee Canyonlands Wilderness.

Oppose S. 1167 in order to preserve what's left of our precious wilderness areas in the U.S. We need these places to remain quiet and non-motorized for our sanity and to offer our grandkids a place for wonderful wilderness experiences such as we have fortunate enough to enjoy!

Sincerely,

Carolyn and Rick Clark/Gamble  
573 E 12<sup>th</sup> Ave  
Salt Lake City UT 84103

**From:** [Kristin Combs](#)  
**To:** [Ripchensky, Daria \(Energy\)](#)  
**Subject:** I oppose Senate Bill 1167  
**Date:** Tuesday, April 19, 2016 1:38:38 PM

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*As a resident of the great state of Idaho, we are constantly worried about our public lands. The Wilderness Act was one of the great legislations of our time. It serves to allow wilderness to exist for the sole purpose of wilderness. No vehicles or motorized uses are allowed for a reason. The wilderness is supposed to be wild and free and allow the land and wildlife to heal from past uses. Catering to the livestock industry and allowing them a free pass to use vehicles on the land is NOT the intended purpose of the Wilderness Act. Livestock producers are already being allowed to graze their cattle, for their own monetary gain, on our public lands. That land belongs to us just as much as it does to them, and we oppose this bill. Don't allow this bill to go through just for the gain of a special interest group.*

*We oppose S. 1167 for the following reasons:*

- 1. I oppose the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes.*
- 2. Motor vehicle use will degrade the wilderness character of these areas.*
- 3. Ranchers in other Wildernesses don't need motor vehicles and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses.*
- 4. If the Owyhee grazers get special treatment, ranchers in other Wildernesses will demand the same.*
- 5. S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.*

*Sincerely,*

Tom and Kristin Combs  
7795 Mountain Shadows Way  
Victor, ID 83455

Statement  
U.S. Senator Mike Crapo  
Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests and Mining Legislative Hearing  
366 Dirksen Senate Office Building  
April 21, 2016  
2:30 PM

Thank you, Chairman Barrasso and Ranking Member Wyden, for holding this hearing on S. 1167, the Owyhee Wilderness Areas Boundary Modification Act, that I introduced to address issues related to the Owyhee Public Land Management Act, contained within the 2009 Omnibus Public Lands Management Act (P.L. 111-11). That successful legislation was the result of over a decade of collaborative efforts led by a group of county commissioners, the Shoshone-Paiute Tribes, ranchers, conservationists and other local stakeholders, called the Owyhee Initiative.

The Initiative started in 2001 when the Owyhee County Commissioners tackled the decades-old land management issues in their county. They pulled together a broad representation of interests and worked tirelessly toward passage of Owyhee Public Land Management Act. Since the enactment of the initiative into law, all of us who have worked on this effort are actively involved in implementing its many provisions. We are as committed now to its ultimate success as we were hopeful in its beginning, almost fifteen years ago.

S. 1167 is another step in the effort to make the Owyhee Initiative a success. The bill addresses two issues associated with the Act: 1) Necessary boundary adjustments in wilderness areas; and 2) a clarification for motorized livestock herding in certain wilderness areas.

Since enactment of P.L. 111-11, the Owyhee Initiative determined that the original wilderness boundary maps were incorrect in some instances. Several of these have been administratively fixed by the Bureau of Land Management (BLM), but four wilderness boundary corrections are beyond BLM's abilities to fix administratively and require legislation. Each of these boundary corrections that are included in the S. 1167 have been thoroughly reviewed and approved by the Owyhee Initiative, affected livestock permittees and others.

Additionally, the bill addresses livestock management in wilderness created by P.L. 111-11. Due to modifications of the BLM's wilderness management policy in 2012, the Owyhee Initiative felt that there is a need for Congress to reiterate the intention of the congressional livestock grazing guidelines from House Report 101-405 that all grazing of livestock activities and facilities established prior to wilderness designation shall be allowed to continue. A cornerstone of the Owyhee Initiative agreement to designate wilderness in Owyhee County was the assurance in the House Report 101-405 that all livestock grazing activities occurring prior to wilderness designation would be allowed to

continue. It is essential to the success of future collaborative efforts in Idaho that the intent of Congress in House Report 101-405 be fully executed.

S. 1167 was carefully drafted with the Owyhee Initiative Board and with the assistance of mapping experts in the BLM to implement these important provisions.

The Owyhee Initiative represents a broad consensus of interests that led to development of the Owyhee Public Land Management Act and supported its passage. Successful implementation of this act, consistent with the goals of the Owyhee Initiative Agreement, remains one of my highest priorities in this Congress. I look forward to working with the committee to enact this important bill that will help maintain the success of this collaborative effort that is resulting in improved management of our natural resources. Thank you, again, for holding this hearing.

**Ripchensky, Darla (Energy)**

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**From:** Dennis Crawford <dcrawford379@icloud.com>  
**Sent:** Wednesday, May 4, 2016 10:47 AM  
**To:** fortherecord (Energy)  
**Subject:** Wild Olympics

For more than 70 year I have enjoyed the Wild Olympics forests and mountains. All throughout the 2nd WW we hiked, camped and fished in the W O when other recreation was scarce and unaffordable and unattainable. I want this to continue to be here for my great grandchildren and all people! Please protect this great area.  
Dennis Crawford, 2580 Crest Ave. , Port Townsend WA, 98368

Sent from my iPhone



**From:** Richard Curtis  
**To:** [Ripchensky, Darla \(Energy\)](#)  
**Subject:** Comments on S. 1167  
**Date:** Thursday, April 21, 2016 3:46:26 PM

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Dear Energy and Natural Resources Committee Members,

Please include my comments as part of the hearing record for S. 1167.

I am opposed to S. 1167 for several reasons including the following:

Wilderness Areas were established specifically to preclude the incompatible use of machinery of any kind in the area to protect and benefit wildlife and human enjoyment and to preserve the wilderness values. Specifically - *"A wilderness, in contrast with those areas where man and his own works dominate the landscape, is hereby recognized as an area where the earth and its community of life are untrammelled by man, where man himself is a visitor who does not remain."*

There is absolutely no reason to open Wilderness Areas to motorized use simply for the convenience of commercial users of the area. Clearly doing so will completely debauch the area for all other users and wildlife. ATVs are particularly annoying for others using these popular areas for recreation and problematic from a control standpoint. In particular, who will track the use of the machines in the Wilderness and at what cost? How will other users know whether the use is legal or illegal? How will the use of ATV's be monitored and illegal use be controlled? What provisions and protections are available to preclude conflicts between users who are there to enjoy the wilderness values and those using the wilderness commercially?

Using motor vehicles in our Owyhee Wilderness Areas will open the door to other non-compatible uses and eventually completely destroy the wilderness values of these areas including the opportunity to experience the natural solitude. The

use of motor vehicles will destroy the wilderness character by creating roads, tearing up trails and disturbing other users with the irritating whine of small engines running willy-nilly across the landscape.. Why are motor vehicles suddenly required when other more effective methods have been and are still available?

The Wilderness Act is very clear in what activities are allowed within these areas and has been very beneficial in preserving the landscape, the wildlife habitat and human enjoyment of the areas. There is no reason whatsoever to change that just for the convenience of a few ranchers using our public lands for grazing at fire sale prices. Americans deserve better than to cave in to the commercial demands of a handful of ranchers.

As a farmer I don't expect to be given special privileges not available to all other users of our public lands and especially Wilderness Areas. Why are the individuals with current grazing privileges being considered for rights well beyond those of other users of these Wilderness areas?

Thank you for considering my comments. Please include them in the hearing record.

Sincerely,

Richard Curtis  
P. O box 451  
Ethel, WA 98542



This email has been checked for viruses by Avast antivirus software.

[www.avast.com](http://www.avast.com)

**From:** [Connor DeVane](#)  
**To:** [Ripchensky, Darla \(Energy\)](#)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Thursday, April 21, 2016 2:16:04 PM

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*Dear Energy and Natural Resources Committee,*

*Please make this statement a part of the hearing record for S. 1167*

I oppose the use of motor vehicles for livestock grazing in the Owyhee Wildernesses. I oppose the use of motor vehicles for any reason barring a rescue team. Such activity would be inherently contra to the idea of wilderness; likewise, it would contradict the 1964 Wilderness Act. To rely on cliché, this bill would present a slippery slope. Other wildernesses would demand similar exceptions. This ought not even be up for consideration. The Owyhee wildernesses are treasures to us, to be sure, but they are critical habitat for many organisms. If we continue to diminish wildernesses, though, the native species won't be the only ones suffering the consequences. We are running out of carbon sinks, climate change buffers or less. The "natural resources" need to be reevaluated by how they promote the wellbeing of the human species instead of whether they produce capital or uphold the status quo.

As a professional long distance hiker, I spend a great deal of my time in our country's fine wilderness areas. I speak as a neighbor, if not a resident of these bastions. Allowing the use of motor vehicles for livestock grazing would diminish the ecological integrity of the area as well as violate the very sanctity we have deemed such ecosystems to embody.

Edward Abbey said, "Wilderness is not a luxury but a necessity of the human spirit, and as vital to our lives as water and good bread. A civilization which destroys what little remains of the wild, the spare, the original, is cutting itself off from its origins and betraying the principle of civilization itself."

Sincerely,

Connor DeVane  
 145 NE Morgan Street  
 Portland, Oregon 97211

**Ripchensky, Darla (Energy)**

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**From:** CenturyLink Customer <dobkevich1@q.com>  
**Sent:** Tuesday, May 03, 2016 6:45 PM  
**To:** fortherecord (Energy)  
**Subject:** Wild Olympics

This is just a short note to express my support for the Wild Olympics as part of the official hearing record.

This legislation will create many acres of new Wilderness in Olympic National Forest, new wild and scenic rivers including their tributaries on the Olympic Peninsula, make Forest Service safeguards for public lands permanent, protect the ancient forests, rivers and beautiful scenery; and expand outdoor recreation opportunities. Importantly, it protects sources of clean water for local communities, salmon and steelhead habitat, rivers and streams, and other natural marvels that are important to the area's well being including its wild and human inhabitants. I strongly support all of this.

Thank you for considering this legislation.  
Judith A. Dobkevich  
1310 Rose Street  
Port Townsend, WA 98368

**From:** [Dubrosky, Douglas](#)  
**To:** [Rioschensky, Daria \(Energy\)](#)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Tuesday, April 19, 2016 1:33:34 PM

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*Dear Energy and Natural Resources Committee,*

*Please make this statement a part of the hearing record for S. 1167.*

*I am writing to oppose S. 1167 for the following reasons:*

*I oppose the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes. Motor vehicle use will degrade the wilderness character of these areas. Ranchers in other Wildernesses don't need motor vehicles so I think those who graze livestock in the Owyhee Canyonlands Wildernesses should have to abide by the same rules. If the Owyhee grazers get special treatment, ranchers in other Wildernesses will demand the same.*

*As a tourist who visits Idaho from time to time to "get away from it all", there is nothing worse than escaping to the wilderness only to encounter motorized vehicles. There is very little place for motorized vehicle use in designated wilderness areas. S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.*

*Sincerely,*

*Doug Dubrosky  
153 Jones Street  
Bala Cynwyd, PA 19004*

**Ripchensky, Darla (Energy)**

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**From:** Becky Durr <becky@durrweb.com>  
**Sent:** Wednesday, May 04, 2016 7:53 PM  
**To:** fortherecord (Energy)  
**Subject:** Wild Olympics Wilderness & Wild and Scenic Rivers Act

Dear Senate Energy & Natural Resources Committee,

I support the Wild Olympics Act along with more than 10,000 Olympic Peninsula and 6th congressional district residents.

In the past few years we have seen private timber companies close their lands to anyone who does not buy access. Many people who oppose Wild Olympics believe that this act would close off public land and abandon roads and trails we now have; however I understand that instead it would protect trail access and expand world-class outdoor recreation opportunities like hiking, camping, paddling, hunting, and fishing and without closing any roads. We know we can no longer expect private landowners to provide public access, nor can we depend on private landowners to protect sensitive habitats. They will be thinking about their own interests first, and that is why in the past we have seen almost all old growth timber cut, landslides, rivers diverted, streams degraded, wildlife harmed. We need federal stewardship of this land which is our national heritage and I hope you will act quickly to pass the Wild Olympics Wilderness & Wild and Scenic Rivers Act.

Very truly,  
 Greg Durr  
 2703 Riverview Dr.  
 Aberdeen, WA 98520

**Ripchensky, Darla (Energy)**

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**From:** Becky Durr <becky@durrweb.com>  
**Sent:** Wednesday, May 04, 2016 7:55 PM  
**To:** fortherecord (Energy)  
**Subject:** Fwd: Wild Olympics Wilderness & Wild and Scenic Rivers Act

Dear Senate Energy & Natural Resources Committee:

I live in Washington State and I support the Wild Olympics Act for many reasons, but mostly because it will permanently protect our ancient forests and rivers for future generations - not just people but also the plants and animals whose lives are connected and dependent on each other. It's vital that we protect our rivers and tributaries not only for ourselves but also for fish and shellfish, as well as the ocean they flow into. We cannot expect private interests to provide protection to this unique and beautiful land which is a national treasure. We need federal oversight, and we can't afford to wait. This act will provide protection while also ensuring access for recreation and not impacting timber jobs.

If you have not visited the Olympic Peninsula, now would be a good time for you to come and see for yourself why we have so many visitors from around the country and around the world.

Very truly,  
Rebecca Durr  
2703 Riverview Dr.  
Aberdeen, WA 98520



April 18<sup>th</sup>, 2016

Honorable Lisa Murkowski, Chairwoman  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Honorable Maria Cantwell, Ranking Member  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

RE: Letter of Support for Wilderness Designation for the Devil's Staircase Wilderness Area

Dear Chairwoman Murkowski & Cantwell,

Ecotrust Forest Management (EFM) would like to extend our strong support of Wilderness Designation for the Devil's Staircase Area in southern Oregon. We are a regional private forest management and investment company committed to providing ecological uplift while managing for sustainable timber production. EFM is the largest private forest land owner in the Wassen Creek watershed. EFM's Wassen Forest property is surrounded on three sides by the proposed Devil's Staircase Wilderness Area. Protection of upstream habitat in the proposed wilderness area will have a positive impact on the quality of instream and riparian habitats on our property, which we are working to restore. To this end we have developed a strong partnership with the Siuslaw National Forest and have been building a partnership with the Smith River Watershed Council, other private landowners, and the Confederated Tribes of the Coos, Lower Umpqua, Siuslaw Indians (CTCLUSI) who are all interested in enhanced Wassen Creek watershed conditions.

The Devil's Staircase is an excellent candidate for Wilderness Designation which will help protect outstanding old growth and wilderness values, provide quality recreational opportunities, and help connect landscape scale terrestrial and aquatic systems. It would also protect habitat for threatened and endangered species, fisheries, and water quality.

- **Wilderness and Old Growth Values** - The Devil's Staircase Wilderness Area contains rare, low elevation old growth and mature forest. The area also has high scenic and



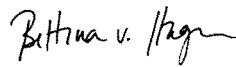
recreational importance, in part due to the iconic Devil's Staircase, a series of waterfalls and bath tub sized plunge pools carved into the bedrock of Wassen Creek. The designation will help ensure permanent protection of outstanding old growth and wilderness values.

- **Threatened, Endangered, and Sensitive Species** - This designation will further protect existing habitat in the proposed Devil's Staircase Wilderness Area for the northern spotted owl, marbled Murrelet, and Oregon coastal coho salmon. Ten ESA listed, proposed, and candidate species currently utilize or potentially utilize the proposed wilderness area. Another three dozen plus species of USFWS concern utilize or potentially utilize this habitat along with a similar number of sensitive species. Some of the highest densities of northern spotted owl in the Coast Range are found in the proposed Devil's Staircase Wilderness Area. There is also critical habitat for Oregon coastal coho salmon on Wassen Creek within the wilderness area.
- **Fisheries and Water Quality** – In addition to ESA listed Oregon coastal coho salmon, Oregon coast summer and winter steelhead trout, spring and fall Chinook salmon, Western brook lamprey and Pacific lamprey, and coastal and resident cutthroat trout utilize aquatic habitat in the wilderness area.

The Devil's Staircase Wilderness Area currently contains important spawning habitat for ESA listed coastal coho salmon and other salmonid species. Streams located in the lower part of the drainage, on EFM property, contain spawning habitat and also provide rearing habitat with considerable potential for restoration. Protection of the upland streams through wilderness area designation in tandem with planned restoration efforts by EFM would result in enhance spawning and rearing habitat and create refugia for salmon and trout. Wassen Creek is a major tributary to the Smith River and near the Smith's confluence with the Umpqua River expanding the importance of Wassen Creek for fisheries. Designation of the upstream areas of Wassen Creek as a wilderness area creates the opportunity to manage the entire Wassen Creek watershed for the protection of ESA listed salmonid species and to maintain and enhance aquatic and riparian habitat with attendant water quality benefits.

Designation of the Devil's Staircase as a Wilderness Area will have ecological benefits that extend far beyond the property to the watershed and landscape scale. We strongly urge the prioritization of this important designation.

Very truly yours,



Bettina von Hagen, CEO  
Ecotrust Forest Management

**Ripchensky, Darla (Energy)**

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**From:** Wendy Feltham <wfeltham9@gmail.com>  
**Sent:** Tuesday, May 03, 2016 8:29 PM  
**To:** fortherecord (Energy)  
**Subject:** Input about Wild Olympics legislation

Dear Senate Energy and Natural Resources Committee,

I am writing to express my strong support for the Wild Olympics legislation. After working in schools for 32 years, I retired and moved to the Olympic Peninsula to hike in the Olympic Mountains. Since arriving here five years ago, I have studied the natural history of this area and have become deeply committed as a volunteer to help preserve the beauty of the Olympic Peninsula.

One reason I support the Wild Olympics legislation is the potential creation of more than 126,000 acres of new Wilderness in Olympic National Forest. I am delighted that this legislation would create 19 new Wild and Scenic Rivers as well as their tributaries on the Olympic Peninsula. It is essential for us to permanently protect the Olympic Peninsula's ancient forests, free-flowing rivers and stunning scenery for future generations. I appreciate that this legislation has been carefully crafted by Senator Murray and Rep. Kilmer to create new economic opportunities without eliminating any timber jobs. It is forward-thinking in protecting critical salmon and steelhead habitat, as well as rivers and streams vital to the shellfish industry and the health and restoration of Puget Sound.

I urge you to support this major legislation, the Wild Olympics legislation, that will make such a difference for our country.

Sincerely,  
 Wendy Feltham  
 552 Cook Ave. Ext.  
 Port Townsend, WA 98368

Friends of the Kalmiopsis  
Soda Mountain Wilderness Council  
Grants Pass and Ashland, Oregon

April 20, 2016

Honorable Lisa Murkowski, Chairwoman  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

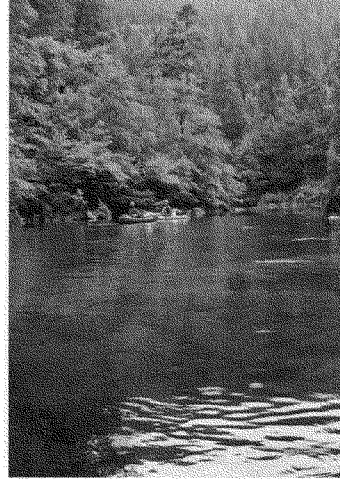
Honorable Maria Cantwell, Ranking Member  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

**Re: Support for Oregon Wildlands Act S. 1699**

Dear Chairwoman Murkowski and Ranking Member Cantwell:

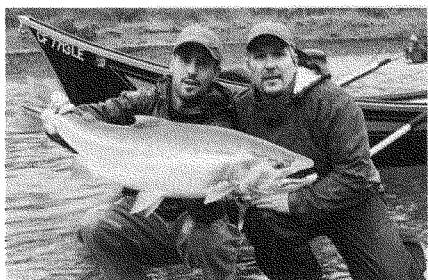
Friends of the Kalmiopsis and Soda Mountain Wilderness Council are writing in support all provisions of the Oregon Wildlands Act of 2016, S. 1699. The areas subject to the bill are remarkable Wild and Scenic Rivers, Wilderness and Wilderness Additions. We can speak with experience to the importance of the Wild and Scenic Rogue River and its Wild Rogue Wilderness to the ever growing recreation and amenity based economies of the Rogue Valley and Southwest Oregon and Northwest California's Wild Rivers Coast.

However, we especially wish to provide information on Sec. 202 - Technical Corrections to the Wild and Scenic Rivers Act for the National Wild and Scenic Chetco River. We have a long history with this specific part of the Oregon Wildlands Act and extensive knowledge of the Outstandingly Remarkable Values of the Chetco River, which the technical corrections would provide greater protection for. These corrections to the Wild and Scenic Rivers Act would also benefit Brookings and Harbor, Oregon, as the exceptionally clean and clear waters of the Chetco River are the drinking water source for these coastal communities.



The technical corrections were recommended by the U. S. Forest Service—more specifically by the Siskiyou National Forest of the Rogue River-Siskiyou National Forest— in 1993 during the development of Chetco Wild and Scenic River Management Plan (Plan). The Plan and the recommendations to Congress underwent

Environmental Analysis and public comment as required by the National Environmental Policy Act. There was no opposition to the agency's recommendations. However, it wasn't until 2008 that the recommendations were provided to the appropriate members of Congress.



Upon providing Congressman Peter DeFazio and Senators Ron Wyden and Jeff Merkley with their recommendations, the U.S. Forest Service submitted an application to temporarily withdraw approximately 17 miles, or about 5,610 acres, within the congressionally designated Chetco Wild and Scenic River Corridor from location and entry under the United States mining laws (also known as a withdrawal or mineral

withdrawal). Its duration is five years. It expires in a little more than two years. The withdrawal is subject to valid existing rights. The public had two opportunities to comment on the proposed withdrawal, as well as opportunity to testify at a local hearing. Approximately 11,800 comments were received by the Bureau of Land Management in support of the interim withdrawal, with 6 opposed. At the public hearing, 90% of those attending supported the proposed withdrawal. The overwhelming public support for the 5 year withdrawal is indicative of the public support for the Technical Corrections for the Wild and Scenic Chetco River.

In summary: At no point—from 1993 to the present—have the Technical Corrections for the Wild and Scenic Chetco been controversial with the public. Opposition has been fleeting and nominal. The Chetco is a world-class salmon and steelhead river. The large, beautiful mint, bright salmon and steelhead it produces draw people from across the nation for the high quality angling experience the river provides.

Attached is an April 11, 2012 Guest Opinion by Mike Dombeck, former Chief of the Forest Service and Jack Williams, Senior Scientist for Trout Unlimited in support of the measures to provide greater protection for the Chetco Wild and Scenic River. We second the excellent information Kalmiopsis Audubon Society has provided you.

All provisions of the Oregon Wildlands Act, including the Technical Corrections, have previously undergone congressional hearings and have long been subject to public scrutiny. We urge you to advance the Oregon Wildlands Act through this committee and the Senate. Thank you for considering our comments in support of this important legislation.

Barbara Ullian, Coordinator  
Friends of the Kalmiopsis

Dave Willis, Chair  
Soda Mountain Wilderness Council

Attachment



## We have the chance to protect the Chetco River by ending in-stream mining

Published: Wednesday, April 11, 2012, 5:30 AM

By Guest Columnist Jack Williams and Mike Dombeck

We all love second chances when they come along, and few have been bigger than the one handed to Oregon's Chetco River. Over the years, in-stream gold mining has posed the biggest threat to water quality and salmon spawning in the river. Despite the Chetco's protection under the Wild and Scenic Rivers Act, anyone could claim a piece of the river and even national forestland under the General Mining Act of 1872, and that is exactly what happened.

Several attempts have been made to increase protection for the river, but at best, success has been fleeting. Temporary withdrawals or proposals were made, but nothing permanent was ever accomplished.

In 2011, the U.S. Forest Service asked the secretary of the interior to temporarily withdraw about 17 miles of the river from mineral entry. The idea was to prevent any new claims and once again give Congress time to consider permanent protection, something only it can do. Rep. Peter DeFazio stepped up and delivered House Resolution 1415, the Chetco River Protection Act, and Sens. Ron Wyden and Jeff Merkley have followed with Senate Bill 764. If passed into law, the bills would improve wild and scenic protection and finally would make permanent the mineral withdrawal on national forestlands.

The second chance came last month when a Washington developer failed to pay annual fees on 11 existing claims on the Chetco and forfeited them. Three of these claims were inside the Kalmiopsis Wilderness Area and cannot be reclaimed, but it will be open season on the remainder once the temporary withdrawal expires in about a year and a half. If the Chetco River Protection Act becomes law, however, these claims never can be refilled and the river will be protected forever from in-stream mining.

What does the public make of all this? According to the Department of the Interior, more than 11,800 comments were received in support of the Forest Service's request for a halt to new claims. Six comments were received in opposition. At a public meeting in Brookings, 90 percent of those in attendance supported increased protection.

The deputy chief of the Forest Service testified in support of the Chetco River Protection Act and pointed out that in addition to strong runs of fall chinook, winter steelhead and sea-run cutthroat trout, the river "contributes exceptionally pure and clean water to the domestic water supplies of the communities of Brookings and Harbor, Oregon." Fish, water and recreation: That is a pretty strong set of values for Oregonians.

Not only is increased protection the right thing to do for salmon and other natural values of the river, but the price is bargain-basement. If Congress acts to pass the legislation, the Forest Service would save at least \$810,000, which was the estimated cost to review the eight mining claims that have now been abandoned.

During our careers of managing contentious public-lands issues across the United States, we often were confronted with situations in which it was very difficult to balance environmental protection with the economic interests and wishes of local communities. But that is clearly not the case on the Chetco, where objective consideration of both environmental and economic factors strongly supports permanent protection from mining, and the local communities that would be most affected overwhelmingly support such protection.

Second chances are wonderful, but this one has a time limit. The Chetco River Protection Act should be passed sooner rather than later.

*Jack Williams is former forest supervisor of the Rogue River-Siskiyou National Forest and is now senior scientist for Trout Unlimited. Mike Dombeck is former chief of the Forest Service and now a board member for Trout Unlimited.*

[http://www.oregonlive.com/opinion/index.ssf/2012/04/we\\_have\\_the\\_change\\_to\\_protect.html](http://www.oregonlive.com/opinion/index.ssf/2012/04/we_have_the_change_to_protect.html)

**From:** [Mitchell Gershten MD](#)  
**To:** [Bioshensky, Darla \(Enerov\)](#)  
**Subject:** S.1167  
**Date:** Tuesday, April 19, 2016 8:16:33 AM

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RE: S.1167

Greetings.

I am very strongly opposed to the passage of this ill-considered bill. Setting aside the lack of wisdom in allowing grazing in wilderness areas, it absolutely counter to the purpose of wilderness to allow any motorized vehicular activity within it. The degradation that wheeled traffic inevitably causes to lands and riparian areas is profound and not easily healed. It is a gift enough to these ranchers to be able to graze in places like the Owyhee anyhow. Allowing them to drive there will be the first step in kowtowing to demands from other special use groups who will wish access to these special places. For many many thousands of people, wilderness is church. We wouldn't allow these activities in places of worship, would we ?

The 1964 Wilderness Act was brilliant stroke of genius, one clearly replete with altruism, a trait far different from those usually displayed in the Congress. Continue in that spirit.

Sincerely

Mitchell Gershten MD

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Mitchell Gershten MD  
15426 Fire Mountain Rd  
Paonia, CO 81428

Please note that I review email no more than once every day or so and will respond when able.  
Should you require immediate communication, input or action from me, please call 719-989-1570

Vigilance without conscious action is meaningless.

**Ripchensky, Darla (Energy)**

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**From:** Jean Giedt <jeangiedt@gmail.com>  
**Sent:** Wednesday, May 04, 2016 2:36 PM  
**To:** fortherecord (Energy)  
**Subject:** Support of the Wild Olympics legislation as part of the official hearing record.

To the Senate Committee:

I strongly support the Wild Olympics legislation as part of the official hearing record.

It would essentially make the current Forest Service safeguards for these fragile public lands permanent. Sen. Murray and Rep Kilmer have designed a plan that would create new economic opportunities without costing any timber jobs.

Among the many additional positives it would protect sources of clean drinking water for local communities, protect critical salmon and steelhead habitat, protect waterways vital to the shellfish industry and the renewal of a healthy Puget Sound area.

It is strongly supported by 10,000 Olympic Peninsula and 6th Congressional District residents and endorsed by over 550 local regional businesses and farms.

I urge you to support this urgently needed legislation. Thank you.

Jean Giedt  
930 Roosevelt St.  
Port Townsend, WA 98368  
340-344-2780



**Kelley, Tarsha (Energy)**

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**From:** Michael Graber <michael@graberproductions.com>  
**Sent:** Tuesday, April 19, 2016 3:03 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record, 21APR Public Lands Subcommittee Hearing

Dear Energy and Natural Resources Committee,

I enthusiastically support the use of vehicles, by lease-holding ranchers, in the Owyhee Wildernesses for livestock grazing purposes. It will be to the ranchers' ultimate advantage to tread lightly on the landscape and it is unrealistic to expect them to treat the wilderness disrespectfully. I further believe this will provide a working model for responsible ranching activity in other Wilderness areas in the future.

Respectfully,

Michael Graber  
35444 Seaview Drive  
Capistrano Beach, CA 92624-1815

**Ripchensky, Darla (Energy)**

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**From:** Bev Hansen <bevalhansen@earthlink.net>  
**Sent:** Tuesday, April 19, 2016 5:34 AM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

I am adding my opposition to those who are against the introduction of motor vehicles in Owyhee Canyonlands Wildernesses. Motor vehicles are specifically prohibited in wilderness areas, and I don't think that an exception should be made for those who graze cattle there. If the owners of live stock receive an exception to use motor vehicles in this area, they will soon request permission to use them in other wilderness areas.

It is unnecessary for owners of live stock and other ranchers to drive motor vehicles in any of the national wilderness areas, and it should be prohibited everywhere. Driving vehicles in wilderness areas tears up the landscape and degrades the habitat of the critters who live there.

S. 1167 is a bad bill that exceeds the guidelines in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness. No exceptions should be made to those guidelines.

Bev Hansen  
 6573 Pine Meadows Dr.  
 Spring Hill, FL 34606

**Ripchensky, Darla (Energy)**

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**From:** Robert Havrilla <rhjtest@aol.com>  
**Sent:** Friday, April 29, 2016 5:06 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record, April 21 Public Lands Subcommittee Meeting

Dear Sirs:

I oppose S. 1167 as an unjustified and unreasonable violation of the Wilderness Act as well as subsequent legislation that targeted wilderness areas in Idaho.

First of all, the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes is not permitted by the Wilderness Act and this provision should not be waived in Idaho nor anywhere else because it will degrade the wilderness character of these areas. I do not believe that motor vehicles are necessary for livestock grazing in the Owyhee Canyonlands Wildernesses nor in any other wilderness areas in the US.

It is clear to me that allowing Owyhee grazers special treatment, ranchers in other Wildernesses will demand the same. This sets a dangerous and unwarranted precedent.

In conclusion, it is clear that S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness, and I request and urge that this Senate bill be disapproved. Thank you for the consideration of my comments.

Sincerely,  
Robert J. Havrilla  
1501 Monterey Street  
Pittsburgh, Pennsylvania 15212

**Ripchensky, Darla (Energy)**

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**From:** Anne Hayden <ahayden@whidbey.com>  
**Sent:** Tuesday, April 19, 2016 10:55 AM  
**To:** Ripchensky, Darla (Energy)  
**Cc:** CSS NDR (Cantwell); Patty Murray  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

Dear Energy and Natural Resources Committee,

I am opposed to S. 1167. Please make my opposition statement a part of the hearing record for S. 1167.

The use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes will degrade the wilderness character of these areas. S.1167 goes far beyond what is allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness areas.

I am concerned about the consequences of giving official, special treatment to ranchers for grazing on public land, especially land designated as Wilderness under the Wilderness Act. If the Owyhee grazers get special treatment, ranchers in other Wildernesses will have a precedent to demand the same.

In the recent standoff at the Malheur Wildlife Refuge in Oregon, we have seen the devastating environmental and social consequences when ranchers demand privileges on public lands.

Please stop this bill.

Sincerely,

Anne Hayden  
3672 Drummur Rd  
Clinton, WA. 98236

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Anne Hayden  
[ahayden@whidbey.com](mailto:ahayden@whidbey.com)

**From:** T Hazel  
**To:** Rinchensky, Darla (Energy)  
**Subject:** S.1167  
**Date:** Tuesday, April 19, 2016 8:39:15 PM

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*Dear Energy and Natural Resources Committee,*

*Please include this statement as a part of the hearing record for S. 1167.*

*I oppose S. 1167 for the following reasons:*

*As someone that has spent time in backcountry wildernesses every summer for more than 30 years, I recognize that the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes is counter to very idea of wilderness.*

*The noise, dust, fumes, leaking oil, coolant and and other fluids, and the erosion caused by vehicle use imperils the very plants and animals wilderness areas were designed to protect, not to mention prohibiting the tranquil enjoyment of the wilderness by visitors like me.*

*Motor vehicles are not required to graze animals. People have been grazing animals for tens of thousands of years without the use of vehicles. They do it even today in other wilderness areas. What makes the Owyhee ranchers such wimps that they need something other ranchers don't need and which is not allowed by the 1964 Wilderness Act and Congressional Grazing Guidelines for wilderness.*

*Sincerely,*

*Tom Hazelleaf  
4656 Fir Avenue  
Seal Beach, CA 90740*

**From:** [Ann Hill](#)  
**To:** [Rioschensky, Darla \(Energy\)](#)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Tuesday, April 19, 2016 12:51:30 PM

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Dear Energy and Natural Resources Committee:

Down the road, would you like to be remembered for helping sabotage the iconic American Wilderness? Voting for S. 1167 might well be a step in this negative direction.

It seems remarkable that those areas in the US which have been designated Wilderness, are being threatened rather than being celebrated for what they are: unique bastions of geology, wildlife, wild waters, and above all, a place where Americans and people of other nationalities can experience a site unlike any other. Wilderness designation does not come easily, so it deserves even more appreciation and respect. It would be an affront to those who spent so many years working to establish a Wilderness, to have it eroded by the ever encroaching ranching community. Cattle and sheep are ubiquitous; Wilderness inhabitants are not. Cattle and sheep too often degrade whatever lands they are permitted (or not) to use. Wilderness inhabitants manage to maintain all the attributes for which Wilderness is celebrated. Ranchers who need to use mechanized vehicles to keep track of their livestock should not be given permits to graze in Wilderness areas. Instead, they should be encouraged to rejuvenate those areas which might have already been negatively impacted by their use.

Please pause and consider the long term consequences of passing S. 1167. It could well be the first step in the decimation of these one-of-a-kind jewels the US can share with its citizens, its future generations, and its visitors. To allow the perceived burdens of domestic grazing to undermine and ultimately destroy these sites is egregious.

I hope you will vote against S. 1167, as well as any future attempts to erode America's unparalleled Wilderness Areas.

Paul and Ann Hill  
 POB 281  
 Stanley, Idaho

**Ripchensky, Darla (Energy)**

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**From:** Hilary Hilscher <hilary.hilscher@gmail.com>  
**Sent:** Monday, May 2, 2016 11:54 PM  
**To:** fortherecord (Energy)  
**Subject:** Support for Wild Olympics!

Hello Members of the Senate Energy Committee,  
I strongly support legislation to protect new Wilderness & Wild and Scenic rivers on Olympic National Forest. The Olympic Peninsula's ancient forests and free-flowing rivers provide clean water and world-class outdoor recreation opportunities that together, help sustain our outstanding quality of life. They are vital to the health of Hood Canal and Puget Sound and are critical habitat for wildlife, steelhead and salmon. Please vote in favor of making Wild Olympics legislation law. Thank you.

Hilary J. Hilscher • Neil C. Johannsen  
330 Cave Ave NE  
Bainbridge Island, WA 98110  
206-842-7298 hm  
206-963-9454 H-cell • 206-604-6459 N-cell

**Kelley, Tarsha (Energy)**

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**From:** jhuesemann@olympen.com  
**Sent:** Tuesday, April 19, 2016 5:21 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Importance:** High

**Statement to the Energy and Natural Resources Committee,**

**This statement is to be incorporated into the hearing record for S. 1167.**

**We very strongly OPPOSE S. 1167.**

**Motor vehicles are not allowed in Wilderness areas under the Wilderness Act of 1964 for good reasons. Vehicles degrade the land and destroy the wild character of these lands. Livestock grazing is already permitted to an extreme and excessive extent in the National Forests (to the point that one cannot avoid stepping into a cow pile in many places on public lands). Ruts and default roads are torn into the landscape by vehicles, making these areas totally unfit for wilderness enjoyment or research. The National Forests are already compromised, and to allow this degradation to occur in Wilderness areas, in particular the Owyhee Canyonlands Wilderness, is an assault on American values and an abdication of your responsibility as Senators.**

**This would set an extremely bad precedent, because ranchers near other wilderness areas would request the same. Since 1964 to the present, ranchers near wilderness areas DO NOT use or need motor vehicles and neither do the ranchers who graze livestock in Owyhee Canyonlands. For that matter, livestock grazing should not be permitted at all. That is already over the line, and these extremists want to despoil the land even more and rob the entire nation of our wilderness heritage.**

**This bill constitutes another extremist attempt to acquire and despoil land that belongs to the entire nation. They want to set a precedent so that wilderness can be destroyed throughout the nation. It is not surprising that this bill relates to land in Utah where extremism of every kind is rampant.**



**S. 1167 goes far beyond what is permitted in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness. We very strongly oppose this bill. The vast majority of Americans share our point of view. Keep Wilderness wild, roadless and vehicle-free.**

**Sincerely**

**Dr. Michael H. W. Huesemann and Dr. Joyce A. Huesemann**

**P.O. Box 998, Carlsborg, WA 98324**

**[jhuesemann@olypen.com](mailto:jhuesemann@olypen.com)**

**Ripchensky, Darla (Energy)**

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**From:** Gayle Janzen <cgjanzen@comcast.net>  
**Sent:** Tuesday, April 19, 2016 5:35 AM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing.

Dear Energy and Natural Resources Committee,  
 Please make this statement a part of the hearing record for S. 1167.  
 The ranchers do NOT own our public lands, yet they are allowed to graze their livestock for pennies on the dollar, the BLM round up our wild horses and burros, other US agencies are gunning down our wolves and the Yellowstone buffalo are slaughtered every year, all done to keep the greedy ranching industry happy. They refuse to share OUR public lands with the animals who live there, yet they do NOT own these lands!! We tax payers are sick and tired of subsidizing the ranching industry.

And now the ranchers want nearly unlimited use of motor vehicles for herding livestock and other routine ranching purposes in the six Owyhee Canyonlands Wildernesses in Idaho. It would allow these "cowboys" to drive their trucks and ATVs inside Wilderness, an activity that is prohibited under the 1964 Wilderness Act.

Our wilderness areas are supposed to be a places of peace and quiet for animals and humans alike but that will no longer be the case in the Owyhee Canyonlands if these motor vehicles are allowed to be used.

Therefore, I oppose the use of motor vehicles in the Owyhee Canyonlands Wildernesses for livestock grazing purposes as they will degrade the wilderness character of these areas. Ranchers in other Wildernesses don't need motor vehicles and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses.

If the Owyhee grazers get this special treatment, then ranchers in other Wildernesses will want the same. S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.

Sincerely,  
Gayle Janzen  
11232 Dayton Ave N  
Seattle, WA 98133

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April 19, 2016

Reject S. 1167

Dear Energy and Natural Resources Committee,

I understand that your committee will be holding a hearing April 21 on the "Owyhee Wilderness Areas Boundary Modifications Act", S. 1167.

Please make this statement a part of the hearing record for S. 1167.

I oppose S. 1167, and urge your Committee to oppose it.

**NO to Use of Motorized Vehicles in the Wilderness Areas**

S. 1167 would allow the use of motor vehicles in the Owyhee Wilderness Areas for livestock grazing purposes.

Except for emergencies, all motorized and mechanized equipment is prohibited in designated wilderness areas, and for very good reasons which authors of the Wilderness Act of 1964 understood.

If there is any existing language in the law designating the Owyhee Wildernesses which gives a nod to "temporary" or other possible use of motorized equipment, it should be removed, not legitimized and made permanent.

**Exclusions from 3 Wilderness Areas?**

It does not seem that there has been much publicity or readily information about the proposed Wilderness boundary adjustments, which one notes in all 3 addressed Wilderness Areas constitute exclusions.

Why are these portions to be excluded? Where are they? And how large are they?

This bill is just another attempt at weakening protections for our priceless wilderness area. It constitutes a very bad precedent.

You should reject S. 1167.

Sincerely,

Jerry Jayne  
1568 Lola St.  
Idaho Falls, ID 83402 (208) 523-6692

Cc: Senator Mike Crapo  
Senator Jim Risch

**From:** [timoteo.jeffries](#)  
**To:** [Ripchensky, Darla \(Energy\)](#)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Tuesday, April 19, 2016 9:19:50 PM

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April 19, 2016

To the Committee on Energy and Natural Resources:

I request that you enter my comments for the record regarding the hearing for S1167. I have camped and hiked in the Owyhee Wilderness Area over the years, and it is a beautiful, special place that deserves maximum protection.

To allow motor vehicle use in this place is an abuse of both the law and, especially, to the environment and its natural inhabitants. If permitted at all, commercial stock grazing must be strictly limited and carefully monitored at all times. The very notion of allowing commercial grazing of stock--non-native--animals should never have been considered in national Wilderness Areas in the first place. This bill will make the situation even more egregious.

This represents yet more welfare handouts to commercial ranchers, known for their generations of raking in overly generous subsidies at the expense of the rest of us and native species. And, of course, if these welfare ranchers get their way, all the others will show up, demanding the same, or more, largess soon after.

Therefore, I strongly urge that--at the least--there be no permission, no allowance of motor vehicles used in any manner, under any excuse, in the Owyhee Wilderness Area.

Thank you,

Tim Jeffries  
1455 NW Ithaca Ave.  
Bend, OR 97703

**Ripchensky, Darla (Energy)**

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**From:** Johnson, Reid C., Ph.D. <RCJohnson@mednet.ucla.edu>  
**Sent:** Thursday, April 21, 2016 2:26 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

Dear Senate Energy and Natural Resources Committee:

Please make this statement a part of the hearing record for S. 1167.

I am writing to voice my opposition to S. 1167, which will allow motor vehicles in designated Wilderness areas in Idaho. Use of motorized vehicles in Wilderness lands goes against all principals of Wilderness designation as set forth in the 1964 Wilderness Act. Motorized vehicles create long-term physical damage and short term noise damage and disturbance.

Ranchers using the Owyhee Canyonlands Wilderness or any other designated Wilderness lands should not be granted exceptions. The precedent this would set would open up a "can of worms."

Sincerely,

Reid C. Johnson  
10492 Colina Way  
Los Angeles, CA 90077

email: rcjohnson@mednet.ucla.edu

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**Ripchensky, Darla (Energy)**

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**From:** steven r johnson <stevenr\_johnson@yahoo.com>  
**Sent:** Wednesday, May 11, 2016 1:38 PM  
**To:** fortherecord (Energy)  
**Subject:** Re: Wild Olympics

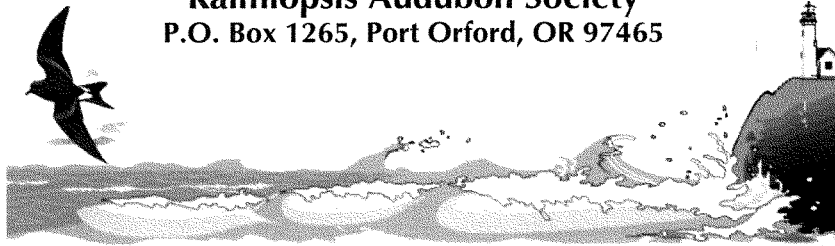
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**From:** steven r johnson  
**To:** "fortherecord@energy.senate.gov"  
**Sent:** Saturday, April 30, 2016 10:42 AM  
**Subject:** Wild Olympics

Dear Sirs, In the 1970's I was involved with protecting the Wild Olympics, by working to protect Shi Shi Beach, Point Of The Arches and Lake Ozette and the upland old growth forests from the chain saws and huge clear cuts, Working with Poets Tim McNulty, and Robert Sund, and Poly Dyer of Olympic Park Associates, parts of these areas became part of the Olympic National Park in 1975. These areas were not complete watersheds, and could still be enlarged as protected watersheds. Later our work continued to study and protect Roadless areas in the Olympic National Forest. Some of these areas were protected, and a power dam plan for the Duckabush River between Little Hump and Big Hump was stopped as these old forests were too magnificent to destroy. Now the Olympics are in jeopardy again, and must be preserved in as many areas as possible to keep the integrity of all the watersheds intact for future generations of forests, animals, and humans, thinking in terms of 1000 years into the future. The ONP is, or was part of the U.N. Biosphere Reserve program and is recognized as an international vital natural preserve and can only be of great value if it is an integrated biosystem and seen as connected to Puget Sound and the Pacific Ocean: Planet Earth is "Jewel in Space Planet Earth", Carl Sagen.

Sincerely, Steven R. Johnson  
 P.O. Box 1395, Port Townsend, WA. 98368  
 360-385-4067  
 stevenr\_johnson@yahoo.com

**Kalmiopsis Audubon Society**  
**P.O. Box 1265, Port Orford, OR 97465**



April 18, 2016

Honorable Lisa Murkowski, Chairwoman  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Honorable Maria Cantwell, Ranking Member  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Re: Oregon Wildlands Act, S. 1699

Dear Chairwoman Murkowski, Ranking Member Cantwell, and Honorable Members of the Energy and Natural Resources Committee:

The Kalmiopsis Audubon Society has been the primary grassroots conservation organization in Curry County, Oregon for more than 35 years. With more than 300 members, our group is dedicated to conservation of habitat for birds, fish, and wildlife in our local area. We appreciate the leadership of Senators Wyden and Merkley in introducing the Oregon Wildlands Act (S. 1699) and want to express local support for this legislation that will provide far-reaching benefits for our communities that are uniquely tied to our rivers and their wildlife.

Chambers of Commerce along the South Coast of Oregon have long self-identified and promoted our region as "America's Wild Rivers Coast," recognizing that our special collection of National Wild and Scenic Rivers is an important draw for anglers who come from afar to fish for especially-large salmon and steelhead and also for tourists seeking beautiful scenery, wildlife viewing, and water-based recreation, such as kayaking and rafting.



Our Wild and Scenic Rivers include the iconic Rogue, one of the very first rivers Congress designated in the Wild and Scenic system, and the Chetco (added in 1988), which flows from wilderness headwaters to the Pacific. Congress has recognized these rivers for their “outstandingly remarkable values” of crystal clear waters, robust salmon and steelhead runs, world-class recreational opportunities, plus unique ecological and scenic attributes. Provisions in the Oregon Wildlands Act will afford important additional protections for these stellar streams to assure that their extraordinary values will be conserved into the future.

According to a study conducted for the Oregon Department of Fish and Wildlife and Travel Oregon, recreational fishing accounted for nearly \$1 million in locally generated revenues and for nearly \$10 million in travel-generated revenues in our small county (*Fishing, Hunting, Wildlife Viewing and Shellfishing in Oregon, 2008 State and County Expenditure Estimates*, May 2009, ODFW and Travel Oregon). The same study estimated that visitors made 98,000 fishing trips, and local people made 87,000 fishing trips annually. Such fishing trips not only generate revenue that is a key to our local economy, but they also provide for our rural food system. In addition, fishing is important for quality of life of residents, including retirees who are drawn to locate in our area, providing for another economic benefit.

Commercial fishermen also benefit from and depend upon the cold water and high-quality spawning habitat in the Rogue and Chetco Rivers for seasonal terminal fisheries at the rivers’ mouths.

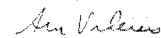
For perspective, our nation’s Wild and Scenic Rivers comprise only 0.6 percent of all river miles in America. Of these outstanding national rivers, only a very small number still host anadromous fish runs – these are the remarkable fish that live in the ocean and return to rivers for spawning. The Rogue and Chetco are some of the few in this special group of wild and scenic rivers that still host runs of Chinook salmon, steelhead, and also the threatened coho salmon. This makes conserving their unique fishery values all the more important.

Beyond fish and fishing, local residents and tourists also enjoy tremendous recreational opportunities for boating and swimming along these rivers in the summer months. The Rogue is our region’s most iconic river, attracting thousands of people each summer for a premiere whitewater rafting experience in the river’s designated “wild” reach, and thousands more to enjoy jet-boating the river’s “scenic” reach. It’s common for these visitors to see bears, bald eagles, and even giant sturgeon. In addition, the Forest Service maintains several popular riverfront campgrounds on the Rogue and Chetco that are accessible by car and provide favorite weekend getaways for visitors from nearby cities.

In addition to recreation, the Rogue and the Chetco also provide drinking water for the cities of Gold Beach, Brookings and Harbor.

For all these reasons, we strongly urge members of the Senate Natural Resources Committee to pass the Oregon Wildlands Act to help assure that the National Wild and Scenic Rogue and Chetco Rivers and their valuable salmon runs will be conserved for future generations of Americans. Thank you for considering our comments.

Sincerely,



Ann Vileisis, President, Kalmiopsis Audubon



April 18, 2016

*Honorable Lisa Murkowski, Chairwoman  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510*

*Honorable Maria Cantwell, Ranking Member  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510*

Honorable Members of the Committee,

As you know, the Rogue River is a nationally recognized natural treasure and one of the central engines of the tourism and recreation economy in southern Oregon – an economy that continues to grow and provide sustainable long-term jobs and opportunities. We believe this unique landscape should be managed and protected to preserve these values for future generations to enjoy.

The Klamath-Siskiyou Wildlands Center supports Senator Wyden and Senator Merkley's efforts to protect the Lower Rogue River. Most recently, the U.S. Congress introduced S. 1699, the Oregon Wildlands Act, which includes protection for the lower Rogue River. Congress has introduced legislation in every session since 2008 but has failed to pass meaningful protection for this Oregon treasure.

With the endorsement of a wide range of interests, including nearly 100 businesses and river conservation organizations, protection for the Lower Rogue River is long overdue. Please work to pass this bill so that the Wild Rogue can continue to serve as the playground for local river enthusiasts and attract tourists from all over the world.

The Wild Rogue River canyon is one of the most remote, unspoiled, and pristine landscapes in the West – while remaining accessible to users of almost any age and skill level; its wild character, use, and enjoyment should be preserved for future generations.

Sincerely,

Joseph Vaile, Executive Director

**Ripchensky, Darla (Energy)**

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**From:** Nora Klein <navins@speakeasy.net>  
**Sent:** Friday, April 22, 2016 1:49 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Wyoming Wilderness Statement for the Record

Dear Energy and Natural Resources Committee members;

Please enter the following statement as part of the hearing record for S. 1167,

"Some years ago I had the opportunity to climb in the mountains around Telluride. So beautiful! But I would never go back because I was shocked and appalled to have to hear and meet on the trail loud, pollution-spewing motor bikes. This profoundly degraded my wilderness experience along with the freshness of the air. S. 1167 will degrade the area as well, and it goes far beyond what is allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness. More, it would encourage others to ask for exemptions. Please stop this in its tracks!"

Sincerely,  
 Nora J. Klein  
 4050 Tartan Lane  
 Houston, TX 77025-2919

**From:** Walter Kloefkorn  
**To:** Riochensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing.  
**Date:** Wednesday, April 20, 2016 1:07:07 AM

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To: Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167.

I am writing to oppose S. 1167. I am a small farmer and live in NE Washington not far from the Idaho border. We need MORE Wilderness in our region, not to compromise what we already have.

Livestock have been grazing and man has been controlling the activity for thousands of years without the need for motorized vehicles. These Idaho ranchers are already getting a subsidy, why is doing what the Wilderness Act clearly requires suddenly too much for them? If we grant special privileges to them, those with grazing permits in other Wilderness areas will immediately ask for the same treatment.

Motor vehicle use will degrade the wilderness character of these areas and is contrary to the explicit language of the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness. Our natural systems are facing unprecedented threats, why would we want to impose this unnecessary and devastating degradation upon them?

Perhaps it is time for these ranchers to open their eyes and recognize who poses the biggest threat to their continued profitability and operation. Not Wilderness areas or the people and wildlife who enjoy them and benefit from them. They might try looking at those two-legged predators running the meat packing cartels and start demanding some Congressional action about them.

Sincerely,

Walter Kloefkorn

PO Box 181

Loon Lake, WA 99148

**Ripchensky, Darla (Energy)**

**From:** Daniela Lemaich <ddanielia.mt@gmail.com>  
**Sent:** Tuesday, April 19, 2016 10:48 AM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** April 21 Public Lands Subcommittee Hearing

To Committee,

I am writing to formally oppose S. 1167 as an Idaho resident. Please do not allow the use of ATV's or other motorized vehicles in the Owyhee Wilderness areas for any reason including livestock grazing. This is unnecessary, sets a terrible precedent and will degrade these public lands and the wilderness character of this fragile and beautiful area.

I live near a wilderness in which livestock are allowed to graze...the ranchers do not use ATV's or other vehicles to protect, round-up and otherwise work with their livestock in these areas and it is a workable situation. This does not need to occur in the Owyhee areas either.

There are so many places (public lands as well as private lands) that the use of motorized vehicles are used...this area and any Wilderness or Wilderness Study Area should not be included in that use. The 1964 Wilderness Act had the vision to implement this. Quiet lands where man has not eroded the environment are few and far between. Let this area be a place where we can glimpse the past, protect wildlife, connect with our children and grandchildren without the constant degradation of man.

On April 24th, my family and I are launching on the Owyhee River for a 5 day trip. We are disconnecting from the day to day realities of life to reconnect to each other, nature, and our amazing public lands. ATV's have no place in this picture. They are unnecessary, set a bad precedent, are antithesis to The Wilderness Act and the amazing lands of the Owyhee.

By the way, I have been a dirt-biker since i was a kid growing up in Montana. I love getting on my dirt bike in the areas where they are allowed. I respect the ranching way of life and grew up around it. But there is a time and place for the use of motorized vehicles....The Owyhee Canyonlands and Wilderness areas are not one of them.

Thank you for your time and consideration.

Sincerely, Daniela Kotler  
 PO Box 1101  
 Driggs, Idaho 83422

Daniela Kotler  
[ddanielia.mt@gmail.com](mailto:ddanielia.mt@gmail.com)  
[www.soarnorthwest.com](http://www.soarnorthwest.com)



**SOAR NORTHWEST**  
 IDAHO RIVER OUTFITTERS  
 SELWAY RIVER / MAIN SALMON RIVER

**Ripchensky, Darla (Energy)**

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**From:** Bonnie Krafchuk <bkrachuk8@gmail.com>  
**Sent:** Wednesday, April 20, 2016 11:34 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

Dear Energy and Natural Resources Committee,

I write in strong opposition to S.1167 and request that my statement be part of the hearing record.

We must not degrade wilderness areas in the Owyhee Canyonlands. Allowing motor vehicles for managing livestock grazing will cause much irreparable damage. Please consider that ranchers in other wilderness areas do not require motor vehicles. It's not fair to give Owyhee grazers special treatment and doing this will only open up demands by other ranchers in wildernesses in the future.

Our country is like none other in part because of our wildernesses. S.1167 makes the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness nearly unrecognizable. Please do not allow special interests to dictate laws that harm this legacy.

Sincerely,

Bonnie Krafchuk  
3321 W. Tucker Road  
Boise, Idaho 83703

**From:** [juli3@aol.com](mailto:juli3@aol.com)  
**To:** [Ripchensky, Darla \(Energy\)](#)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Monday, April 25, 2016 4:25:46 PM

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Dear Energy and Natural Resources Committee,

I am contacting you today to share my strong objection to S. 1167 due to the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes as such vehicles can degrade the wilderness character of these areas. Ranchers in other Wildernesses don't need motor vehicles and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses. If the Owyhee grazers get special treatment, ranchers in other Wildernesses will demand the same.

I hope when you make your final decision, you will let your better judgment be your guide and ban on motor vehicles in the Owyhee Wildernesses.

Respectfully,

Juli Kring

[juli3@aol.com](mailto:juli3@aol.com)

12400 Brookglade Cr.  
Houston, Texas 77099

"It is good to realize that...if we can teach our children to honor nature's gifts, the joys and beauties of the outdoors will be here forever."

~Jimmy Carter

**From:** [Laurie K](#)  
**To:** [Riichensky, Darla \(Energy\)](#)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Tuesday, April 19, 2016 1:21:10 PM

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Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167.

As a frequent visitor to the Owyhee Wilderness, I strongly oppose S. 1167. Senate Bill 1167 is a terrible bill that will damage Wildernesses in Idaho, and set a bad precedent that could harm all Wildernesses. S. 1167 would allow ranchers nearly unlimited use of motor vehicles for herding livestock and other routine ranching purposes in the six Owyhee Canyonlands Wildernesses in Idaho. It would allow "cowboys" to drive their trucks and ATVs inside Wilderness, an activity that is prohibited under the 1964 Wilderness Act.

The ban on motor vehicles is one of the strongest protections in the Wilderness Act, and the use of motor vehicles in the Owyhee Wildernesses will degrade the wilderness character of these areas, as well as harming areas that species like the sage grouse depend on. Ranchers already get a sweetheart deal grazing public lands for pennies on the dollar, and S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness. Ranchers do not need motor vehicles to graze livestock in the Owyhee Canyonlands Wildernesses, and opening up this wilderness to motor vehicles will harm the delicate desert soil, destroy fragile plants, and ultimately harm the species that live there.

Sincerely,  
Laurie Kuntz  
5742 N. Black Sand Ave.  
Meridian, ID 83646



**From:** [Larry L.](#)  
**To:** [Ripchensky, Darla \(Energy\)](#)  
**Subject:** Darla Ripchensky ENRC  
**Date:** Tuesday, April 19, 2016 9:25:39 AM

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Attention: Energy and Natural Resources Committee,

I ask for the inclusion of this letter as a part of the hearing record for S. 1167.

I strongly oppose S. 1167 because protected Wilderness is more necessary now than ever before. Climate change and increased pressure from the degradation of surrounding habitat are having adverse impacts on wildlife. Allowing motorized vehicles is an unacceptable breach of the protections provided by Wilderness designation. S. 1167 is dangerous special interest attempt to establish exemptions to Wilderness protection.

Specifically, I oppose the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes. Motor vehicle use will destroy and degrade the wilderness character of these areas. The Owyhee contains critical habitat and threatened species. The Owyhee deserves management for its natural features, beauty and wilderness qualities which would be degraded by the use of motor vehicles.

Ranchers in other Wildernesses don't need motor vehicles and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses.

If the Owyhee grazers get special treatment, the character of the Owyhee will be degraded and the potential for abuse will be increased. It is also likely that ranchers in other Wildernesses would want the same access and exemptions. S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.

Sincerely,  
Larry Lambeth  
2635 W. Alta  
Springfield, MO. 65810

**Ripchensky, Darla (Energy)**

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**From:** Kimber Langton <kjlangton@comcast.net>  
**Sent:** Thursday, April 21, 2016 2:22 AM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Importance:** High

Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record on S.1167. I am writing because I oppose S.1167 for a variety of reasons:

- 1) Motor vehicles will damage the whole wilderness feel of the affected areas.
- 2) I oppose the use of these same motor vehicles for the purpose of livestock grazing in wilderness areas.
- 3) Folks who graze livestock, as well as other ranchers, do not NEED to use motor vehicles in the Owyhee Canyonlands wilderness areas.
- 4) If a precedent is set by Owyhee grazers, ranchers in other wilderness areas will want to follow suit.
- 5) Re the 1964 Wilderness Act and Congressional Grazing Guidelines for wilderness areas, S.1167 goes beyond the pale. The ban on motor vehicles is one of the strongest protections in the Wilderness Act!

My family has owned property in these areas for over 150 years. Please continue to protect it and not let special interests begin to degrade these wilderness areas. Ranchers already get a pretty sweet deal re charges for grazing public lands...

Thank you,

Kimber Langton  
 716 Cedar Creek Lane  
 Bellingham, WA  
 98220-1900



**Ripchensky, Darla (Energy)**

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**From:** Beau Larkin <beaularkin@gmail.com>  
**Sent:** Thursday, April 21, 2016 12:58 AM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167.

I am writing to oppose S. 1167. Motor vehicles should not be allowed in any wilderness area for any reason. The 1964 Wilderness Act, to me, was about preserving natural areas with as little human disturbance as possible. Allowing a special interest group to use motor vehicles in the Owyhee Wilderness will set a precedent that ranchers should be able to use vehicles in other wilderness areas. Where does that stop, and what about other interest groups that think they deserve special exceptions?

Thank you very much for your time. Regards,

Beau Larkin  
115 Takima Dr  
Missoula MT 59803  
406-396-1790

**From:** [Louise Lasley](#)  
**To:** [Biatchensky, Darla \(Energy\)](#)  
**Subject:** Opposition of S. 1167  
**Date:** Thursday, April 21, 2016 12:54:29 AM

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Dear Energy and Natural Resources Committee,

I request that this statement in opposition of S. 1167 be part of the hearing record.

The Wilderness Act of 1964 is very specific about how these designated lands should be used. This bill, S. 1167, would allow activities that would ignore the Act and potentially undermine the law in other wilderness areas where ranching is an accepted use.

The use of motorized vehicles is not allowed in wilderness. It is an activity that degrades the habitat, negatively impacts wildlife, and diminishes the qualities that the public expects and seeks in these areas.

Ranchers frequently tout their multi-generational presence on landscapes in the West. Those many years did not require the use of motor vehicles to accomplish the needs for grazing livestock on public lands. Ranchers in other wilderness areas in the West do not rely on motor vehicles and the ranchers in the Owyhee Canyonlands Wilderness should not be an exception—especially since it is in direct conflict with the Wilderness Act and antithetical to its purpose and vision.

Ranching is allowed by the Wilderness Act, but this bill does not honor or adhere to the desired intent and law.

Please do not support this violation of the Wilderness Act.

Sincerely,

Louise Lasley  
PO Box 30000 PMB 90  
Jackson, WY 83002

**Ripchensky, Darla (Energy)**

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**From:** vze2xv5n <vze2xv5n@verizon.net>  
**Sent:** Wednesday, April 20, 2016 10:35 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167.

I oppose Senate Bill 1167. S. 1167 would allow the use of motor vehicles in the Owyhee Wildernesses for herding livestock and other routine ranching chores. This goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.

Ranchers in various other designated Wildernesses do not use motor vehicles and neither should those whose livestock grazes in the Owyhee Canyonlands Wildernesses. If the Owyhee grazers get special treatment, it would set a precedent for ranchers in other Wildernesses to demand the same. This would harm all wildernesses.

By its very nature, motor vehicle use will degrade the wilderness character of an area. Please please protect the Owyhee Canyonlands Wildernesses, and all wildernesses.

Thank you,  
 Matthew Lipschik  
 1780 E. 13 St. #4G  
 B'klyn., NY 11229-1927  
 vze2xv5n@verizon.net

**From:** [Chris Lish](#)  
**To:** [Rioschensky, Darla \(Energy\)](#)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing.  
**Date:** Tuesday, April 19, 2016 9:33:13 AM

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Tuesday, April 19, 2016

Subject: Statement for the Record for April 21 Public Lands Subcommittee Hearing –  
Please oppose S. 1167

Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167, the Owyhee  
Wilderness Areas Boundary Modifications Act. Please strongly oppose S. 1167.

*"Every man who appreciates the majesty and beauty of the wilderness and of wild  
life, should strike hands with the farsighted men who wish to preserve our material  
resources, in the effort to keep our forests and our game beasts, game-birds, and  
game-fish—indeed, all the living creatures of prairie and woodland and seashore  
—from wanton destruction. Above all, we should realize that the effort toward this  
end is essentially a democratic movement."  
-- Theodore Roosevelt*

I strongly oppose the use of motor vehicles in the Owyhee Wildernesses for livestock  
grazing purposes because motor vehicle use will degrade the wilderness character of  
these areas. Ranchers in other Wildernesses don't need motor vehicles and neither  
do those who graze livestock in the Owyhee Canyonlands Wildernesses. If the  
Owyhee grazers get special treatment, ranchers in other Wildernesses will likely  
demand the same.

*"Do not suffer your good nature, when application is made, to say 'Yes' when you  
should say 'No'. Remember, it is a public not a private cause that is to be injured  
or benefited by your choice."  
-- George Washington*

S. 1167 goes far beyond what is allowed for ranching in the 1964 Wilderness Act and  
Congressional Grazing Guidelines for Wilderness and, therefore, should be rejected.

Thank you for your consideration of my comments. Please let me know how you  
intend to proceed on this issue. I look forward to your response. Please respond by e-  
mail if possible.

Sincerely,  
Christopher Lish  
1004 Los Gamos Road Apt. D  
San Rafael, CA 94903

**Ripchensky, Darla (Energy)**

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**From:** Tonia Liss <tonialiss@gmail.com>  
**Sent:** Tuesday, April 19, 2016 10:50 AM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Hearing on Senate Bill1167

I am writing to oppose motor vehicle use in the Owyhee Canyonlands in Idaho. It is my understanding that the proposed bill would allow ranchers almost unlimited use of motor vehicles for herding livestock and other ranching purposes. Motor vehicle use will most likely degrade the wilderness character of this area. I fail to understand why ranchers should be entitled to such special treatment. I have never visited the Owyhee Canyonlands, and probably will never have an opportunity to do so, but it strikes me as ethically and morally wrong to allow motor vehicle use for such private and commercial purposes.

Thank you for your time and consideration.

Sincerely,

Tonia Liss  
 2701 W. Farwell  
 Chicago, IL 60645-4514

**Ripchensky, Darla (Energy)**

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**From:** Doris Loeschen <doris@olympus.net>  
**Sent:** Wednesday, May 04, 2016 4:34 PM  
**To:** fortherecord (Energy)  
**Subject:** Support of the Wild Olympics Wilderness and Wild and Scenic Rivers Act

I am writing in support of the Wild Olympics Wilderness and Wild and Scenic Rivers Act which will permanently protect the Olympic Peninsula's ancient forests, free-flowing rivers and stunning scenery for future generations without costing any timber jobs.

The Act creates new economic opportunities for our area by expanding world-class outdoor recreation opportunities while protecting critical salmon and steelhead habitat. The protected rivers and streams are also vital to the shellfish industry and the health and restoration of Puget Sound.

The Act is strongly supported by more than 10,000 Olympic Peninsula and 6th congressional district residents, and is endorsed by over 550 local Olympic Peninsula & Hood Canal region businesses and farms, conservation and recreation organizations, local elected officials, sportsmen groups and religious leaders.

I feel so blessed to be living in the beautiful scenery of the Olympic Peninsula!

Respectfully submitted,

Doris Loeschen  
3297 Cliff Street  
P.O. Box 1803  
Port Townsend, WA 98368



**Ripchensky, Darla (Energy)**

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**From:** Lawrence Magliola <lawrence.magliola@gmail.com>  
**Sent:** Wednesday, May 04, 2016 12:16 PM  
**To:** fortherecord (Energy)  
**Subject:** Wild Olympics Wilderness and Wild and Scenic Rivers Act

May 4, 2016

Dear Members of the Senate Energy and Natural Resources Committee,

I am writing today to show my strong support for the 'Wild Olympics Wilderness and Wild and Scenic Rivers Act' as part of the official hearing record.

As you are probably aware, the core of the Olympic Peninsula has been protected for decades within both Olympic National Park and adjacent US Forest Service Wilderness areas. These areas amount to over 1.5 million acres of world-class wilderness. The 'Wild Olympics Wilderness and Wild and Scenic Rivers Act' attempts to include adjacent, sensitive areas within the National Forest that deserve similar protections. These additions will not impact timber-related jobs. Furthermore, it is important to note that the primary driver of the Olympic Peninsula economy today is recreation related to the National Park and National Forest. Designating the free-flowing rivers within the National Park and Forest as "Wild and Scenic" will permanently protect them from human interference, such as dam-building, protections they currently do not enjoy. This proposed legislation has the broad public support of over 10,000 local residents and over 500 local businesses and organizations.

Sincerely,

Lawrence Magliola

108 Hogans Vista  
Sequim, WA 98382  
(360)504-2645  
[lawrence.magliola@gmail.com](mailto:lawrence.magliola@gmail.com)

**Ripchensky, Darla (Energy)**

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**From:** Robbie Mantooth <ennis@olympen.com>  
**Sent:** Monday, May 02, 2016 10:21 PM  
**To:** fortherecord (Energy)  
**Subject:** Support for Wild Olympics bill

We want you to know we wholeheartedly support the Wild Olympics Bill, which would create more than 126,000 acres of new wilderness in Olympic National Forest, create 19 new Wild and Scenic Rivers and tributaries on the Olympic Peninsula, ensure no harm to jobs in the timber industry, protect ancient forests, open up new economic opportunities, protect trail access, protect drinking water, protect critical wildlife habitat and contribute to the health and restoration of Puget Sound

Those who have studied the proposed legislation most carefully are among its strongest supporters. That includes more than 10,000 Olympic Peninsula and Sixth Congressional District residents, more than 550 Olympic Peninsula and Hood Canal region businesses, farms, conservation and recreation organizations, local elected officials, sports groups and religious leaders.

Thank you.  
 Roberta and James Mantooth  
 2238 E. Lindberg Road  
 Port Angeles, WA 98362

**From:** Michael McCarthy  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Tuesday, April 19, 2016 8:47:32 AM

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Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167.

I am writing to oppose S. 1167 for the following reasons:

1. I oppose the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes.
2. Motor vehicle use will degrade the wilderness character of these areas.
3. Ranchers in other Wildernesses don't need motor vehicles and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses.
4. If the Owyhee grazers get special treatment, ranchers in other Wildernesses will demand the same.

In its own words, the Wilderness Act sought to, "assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition..."

Along with its substantive provisions, the Wilderness Act also offered a definition of wilderness that continues to influence philosophical and legal debates on the topic. Congress determined, "A wilderness, in contrast with those areas where man and his own works dominate the landscape, **is hereby recognized as an area where the earth and its community of life are untrammelled by man**, where man himself is a visitor who does not remain. An area of wilderness is further defined to mean in this Act an area of undeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) **has outstanding opportunities for solitude** or a primitive and unconfined type of recreation; (3) has at least five thousand acres of land or is of sufficient size as to make practicable its preservation and use in an unimpaired condition; and (4) may also contain ecological, geological, or other features of scientific, educational, scenic, or historical value."

5. S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and

## Congressional Grazing Guidelines for Wilderness.

Please remember the intent of Congress was to protect these pristine areas as outstanding opportunities for solitude, untrammelled by man. Our federal agencies need to retain the authority to work on behalf of protecting the natural conditions of our public trust resources from ranchers who wish to use our public lands to graze their cows, which by nature of their business, trammels the soils and decreases public values such as solitude. When visiting our National Wilderness Areas, we the people deserve to expect to not have to deal with the air and noise pollution from ranchers using ATVs or any other motorized vehicle there. Let the cowboys ride their horses, but S. 1167 needs to be opposed so the ranchers who choose to let their cows into the Owyhee Canyonlands Wildernesses have to keep their ATVs at home on not into our Wilderness.

Sincerely,

Michael McCarthy

76 Lyall Street

West Roxbury, MA 02132-1743

**Ripchensky, Darla (Energy)**

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**From:** Renae McKeon <renae\_m60@hotmail.com>  
**Sent:** Tuesday, April 19, 2016 11:59 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

I am vehemently opposed to allowing ATVs and trucks in the six Owyhee Canyonlands Wilderness in Idaho. Using vehicles will degrade banks of streams and dirty and pollute the water, transfer invasive species, harass wildlife and pollute the air. Wilderness should be just that . . . wild, free from roads and vehicles. For these reasons and because allowing them would violate the Wilderness Act, please withhold your support for S. 1167.

Sincerely,

Renae McKeon  
711 13<sup>th</sup> Ave  
Kearney, NE 68845

**From:** Joe Gordon McPhee  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Tuesday, April 19, 2016 6:48:16 PM

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Dear Energy and Natural Resources Committee:

Please make this statement a part of the hearing record for S. 1167.

I oppose S. 1167 for the following reasons:

The 1964 Wilderness Act was a visionary act which has provided protection to some of our most sacred places in the U.S., and its success over the years has become the envy of many other nations. I have lived for many years near two wilderness areas in Colorado, the Sneffels and the Wilsons' (Lizard Head). I know how important these wilderness areas are to the nearby local communities. They draw many visitors each year who come to simply enjoy the quiet of these places in a world that has increasing become too busy and too frenetic.

The fundamental principle of the Wilderness Act is to set these magnificent areas apart and not to permit any motorized vehicles or roads within these Wilderness areas. The proposal now before you to allow motor vehicles to ranchers for grazing purposes violates, and is a corruption of the 1964 Act. I have watched with dismay over the last 15-20 years the exceptions and favors which have crept into the more recent additions to our Wilderness areas.

We need to respect the original vision of the 1964 Wilderness Act and not cave in to the clamor of special interest groups. The clamor gets louder each year that you approve yet another exception or special privilege to one person, one corporation or one special interest group. These special interests understand that you have opened the door and are relentless. They are motivated primarily by greed, a particularly noxious form of self-interest at the expense of the public interest you are charged with protecting.

You need to say "No" loud and clear and protect our national heritage. This bill is a good place to start to say "No". Enough is enough.

Thank you for your consideration.

Sincerely,

Joe G. McPhee  
P.O. Box 1861  
Telluride, CO 81435  
Ph: 970-728-4512

**From:** [mkenosha@aol.com](mailto:mkenosha@aol.com)  
**To:** [Ripchensky, Darla \(Energy\); Bennet, Senator \(Bennet\)](#)  
**Subject:** Re: S.1167  
**Date:** Tuesday, April 19, 2016 8:10:39 PM

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Dear Energy and Natural Resources Committee,

I am writing a statement I want to be part of the hearing record for S.1167, please. I strongly oppose this legislation since it would open a possibility that should never be considered, and that is some permitted motor vehicle use in wilderness, namely the Owyhee Wilderness for livestock and grazing use. I oppose motor vehicle use completely and know that such would do great harm to any wilderness, and, in this case would become a precedent to employ for others interested in such use.

There is no good reason that exists to allow a certain set of ranchers this opportunity to degrade wilderness, and if such a step were taken, I know, it would not be the last time that such would be proposed elsewhere. The Wilderness Law is fixed and firm in its primary purpose for wilderness protections and for wilderness practices to be honored by all of us. This proposal is a major violation of long standing values and strongly upheld commitments. I am deeply disturbed by its consideration.

Sincerely,  
Mark Meeks  
399 Blackbird Dr.  
Bailey, CO 80421

**Ripchensky, Darla (Energy)**

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**From:** Jana Menard <jana@thefragrancevault.com>  
**Sent:** Tuesday, April 26, 2016 8:31 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

The Wilderness Act of 1964 prohibits mechanized vehicles within designated wilderness areas. It is bad enough that these lands are leased out for livestock grazing to private ranching interests, but now S.1167 will allow these ranchers to manage their livestock interests with trucks, ATVs, snowmobiles, etc. These are public wild places, for the preservation of ecosystems for all of us and our grandchildren to enjoy. They also provide safe habitat for animals that have no other safe places. The noise and increased accessibility that mechanized vehicles will allow completely negates the purpose of having a wilderness area!

Please don't sell out. Don't support S. 1167.

Thank you.  
*Sincerely,*

*Jana Victoria Menard*  
 Fragrance Vault, LLC  
 4000 Lake Tahoe Blvd. #10  
 South Lake Tahoe CA  
 96150  
 (530) 541-3152



**Ripchensky, Darla (Energy)**

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**From:** Jim M. Messmer <JMessmer@girlscoutswa.org>  
**Sent:** Tuesday, May 03, 2016 7:23 PM  
**To:** fortherecord (Energy)  
**Subject:** Wild Olympics

Senate Energy and Natural Resources Committee,

I am writing to reaffirm my support for the Wild Olympics legislation!

I have live in and around the Olympics for the past 68 years and am well aware of many benefits derived from protecting additional USFS lands in a Wilderness designation. Please make a difference for future generations by protecting this acreage in its current pristine condition, while accommodating many low impact recreation possibilities .

Thank you,  
Jim Messmer  
39580 Hwy 101 N  
Lilliwaup, WA 98555

**Ripchensky, Darla (Energy)**

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**From:** Rich Moser <rich@transcendentalastrology.com>  
**Sent:** Tuesday, April 19, 2016 9:36 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** S. 1167 citizen input

Greetings,

As a supporter of America's public lands for all my adult life, and an avid hiker and mountain biker, I need to remind everyone that wilderness or land that is seriously being considered as wilderness has no place for motorized intrusions.

Wilderness means no motors, no ATVs, no weed whackers, no overflights in audible range, nada.

One of the primary features of attraction to the outdoors is that you can hear what's happening and not be worried about getting run over by someone who disagrees with you but who has brought along their toys to "play."

I am all for ATV use in separate, designated areas outside of parks, forests and wilderness areas, and WSA's.

Thank you,

Rich Moser  
[rich@transcendentalastrology.com](mailto:rich@transcendentalastrology.com)  
659 Mayrum St.  
Santa Barbara, CA  
93111  
805.845.4805

**From:** [Bindivlaw@aol.com](mailto:Bindivlaw@aol.com)  
**To:** [Binchensky, Daria \(Energy\)](#)  
**Subject:** Hearing on S 1167  
**Date:** Wednesday, April 20, 2016 10:37:21 PM

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*Dear Energy and Natural Resources Committee,*

*Please make this statement a part of the hearing record for S. 1167.*

*I am writing to STRONGLY oppose S. 1167 and the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes. This will set an extremely adverse precedent of allowing motor vehicle use in designated wilderness areas. Motor vehicle use will severely degrade the wilderness character of these areas and is contrary to the entire purpose of wilderness designation, which is to keep some areas of our public lands free of significant human impacts. If the Owyhee grazers get special treatment, ranchers in other wilderness areas will demand the same treatment, which is unfair to everyone else and unreasonable.*

*Moreover, allowing motor vehicle use in wilderness areas is wholly unnecessary, as motor vehicles are allowed in numerous other non-wilderness areas. Additionally, ranchers in other wilderness areas do not need to use motor vehicles and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses. S. 1167 goes far beyond what is allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.*

*Remember, America's public lands are for ALL of the people of the nation, not just a privileged few that are granted special rights to destroy the very character for which the lands were designated as wilderness in the first place. The use of these lands by these privileged few will adversely affect all others' use and enjoyment of these lands. This is a public lands giveaway, plain and simple and should not be tolerated under any circumstances. There is simply no justification for this bill.*

*Thank you for your consideration of my views.*

*Sincerely,*

*Tara L. Mueller  
4 San Carlos Avenue  
El Cerrito, CA 94530*

**From:** [Clint Nagel](#)  
**To:** [Rinchenky, Daria \(Energy\)](#)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing.  
**Date:** Tuesday, April 19, 2016 10:17:29 PM

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## Statement for the Record for April 21 Public Lands Subcommittee Hearing.

April 19, 2016

Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167.

I understand recently that the U.S. Senate Subcommittee on Public Lands, Forests and Mining will hear legislation concerning the use of motorized vehicles in the wilderness areas of Idaho. On April 21, this subcommittee will hold a Senate Hearing on Senate Bill 1167. This bill proposes the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes. I oppose such legislation as it will set bad precedent for all wilderness areas within the country. I oppose such legislation as it will also particularly degrade this wilderness area. Damage from vehicle use will offset every purpose for which the wilderness area was designed to protect.

Other ranchers have not pushed for the need of vehicle use in wilderness areas so why should those who graze livestock in the Owyhee Canyonlands Wilderness. This is nothing more than giving special treatment to a special interest group, all but giving others an excuse to do the same.

Senate Bill 1167 exceeds what is currently allowed under the 1964 Wilderness Act and the Congressional Grazing Guidelines for Wilderness. When the Wilderness Act was established in 1964, debate and discussions were had on the issue of livestock grazing. Compromises were made and the right to graze on public lands was grandfathered in to the Wilderness Act. From that point on, the damage had already been done to the natural landscape. And now these same interests want more access and rights to public lands at the expense of the American taxpayer. This legislation would allow ranchers nearly unlimited use of motor vehicles for herding livestock and other routine ranching purposes in the six Owyhee Canyonlands Wildernesses in Idaho. Ranchers already get

large breaks for grazing on public lands at the taxpayer's expense. They shouldn't be allowed to destroy these lands in the process.

Thank you for allowing me the opportunity to comment.

Clinton Nagel  
1385 *Golden Gate Ave*  
Bozeman, MT 59718

**From:** David Neumann  
**To:** Rinchenky, Daria (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Tuesday, April 19, 2016 11:39:35 AM

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Dear Energy and Natural Resources Committee,  
Please make my statement a part of the hearing record for S. 1167.

I am opposed to S. 1167. I have spent time in these wilderness areas and vehemently oppose this bill which is not only a bad idea for the six Owyhee region wilderness areas, it sets a bad precedent for all wilderness areas in the United States and is in direct conflict with the 1964 Wilderness Act.

I oppose the the use of motor vehicles in the Owyhee Wildernesses for livestock grazing or any other purposes. Motor vehicles have no place in wilderness areas and are in direct conflict with the 50+ year old Wilderness Act. Such use will degrade the wilderness character of these areas and is in direct conflict with the intent of wilderness designation. Ranchers in other Wildernesses don't need motor vehicles to conduct their business and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses. This form of "special treatment" will encourage ranchers in other designated wilderness areas to demand the same; a very bad precedent and the beginning of the end of the entire reason wilderness areas were established in the first place. S. 1167 goes far beyond what is allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.

Ranchers using federal land already get a pretty sweet deal. The ban on motor vehicle use has always been a critical piece of wilderness management. This bill would destroy fifty plus years of effective and reasonable management practices. The Bureau of Land Management was required by legal action to ban motor vehicle use. This legislative end run to benefit an extremely small minority of individuals at the expense of

Idahoans and others is shameful.

David Neumann  
22425 South Carroll Drive  
Worley, Idaho 83876  
208-892-3001



NORTH OLYMPIC TIMBER ACTION COMMITTEE  
P.O. Box 1057 • Port Angeles, WA 98362 • (360) 452-6645 • FAX (360) 452-0718

April, 19, 2016

Senator Lisa Murkowski, Chairman  
Senate Energy & Natural Resources Committee  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator John Barrasso, Chairman  
Senate Energy & Natural Resources  
Subcommittee on Public Lands, Forests, and Mining  
304 Dirksen Office Building  
Washington, DC 20510

Chairman Murkowski and Barrasso:

The North Olympic Timber Action Committee (NOTAC) was formed in 1989 to promote sustainable management of all timberlands and especially the National Forests as a result of environmental policy, the listing of the spotted owl and our concerns for the impacts to our economy. **NOTAC feels strongly that the social, economic and ecologic benefits from federal lands on the Olympic Peninsula have not been and need to be considered simultaneously in order to balance these benefits fairly, equitably and effectively. We oppose S.1510 and present the following alternatives that provides this balance.**



**The illusion that there is strong support for and little opposition to the proposed legislation are incorrect.** Many local government and community organizations have registered their concerns and opposition. Opposition statements from the Port Angeles Regional Chamber of Commerce, Port Angeles Business Association, Clallam Economic Development Council, the Port of Port Angeles, and other are available on our website (NOTAC.ORG) under the Wild Olympics tab.

The Endangered Species Act listing of the Northern Spotted Owl and subsequent adoption of the Northwest Forest Plan (NWFP) delivered a crushing blow to the Olympic Peninsula economy. Unlike other National Forests, the **Olympic National Forest was the only national forest to not receive matrix (working forest) forest designation under the NWFP. Consequently timber harvest levels fell by more than 90% and our local economies are still in decline.**

Additionally, there is a link between USFS timber harvests and those on State Trust and Private lands. All the timberland ownerships depend on mills and logging companies for financial viability. Mill and logging infrastructure have been on a continual decline since the significant reduction in Federal timber harvest levels under the NWFP. Fewer mills to bid on the harvested timber impacts price competition and fewer logging companies makes timing of harvests less reliable. In short, who is available to perform the scheduled harvest and who will be a bidder for the raw logs? The long term, reliable, supply of logs from Federal lands will encourage investments in mills and logging equipment thereby maintaining and restoring family wage jobs from both Federal and Non Federal timber harvest.

**NOTAC proposes the legislative establishment of specifically designated Matrix forest along with MOST BUT NOT ALL of the S.1510 proposal. We ask that you oppose S.1510 unless the following things are included:**

1. Establishment of a specific number of acres of Matrix forest (working forest). Based on our desire for a land base to create sustainable harvest volume, we have identified approximately 143,150 specific acres that have the necessary characteristics to be managed as working forests for commercial timber sales. These areas have roads, were harvested and are not important recreational sites.
2. Make small but important changes in S.1510 wilderness area and wild and scenic river designations. These include dropping the Sam's River area from wilderness, dropping the wild and scenic rivers designation from the Quinault River (concerns for private property) and keeping designations only on rivers within the National Park and Federal Wilderness areas.
3. A collaborative process of Local multi-stakeholders to "fine tune" what lands should make up the Matrix forest, what lands are best managed as wilderness and what lands are critical habitat for endangered species.
4. Substantial reductions in the environmental review requirements of the NWFP that currently inhibit the use of silvicultural tools to provide social, economic and ecologic benefits at meaningful scales.

The attached map shows these changes along with the proposed Matrix forest. More detail is presented under the "Maps" tab on our website (NOTAC.ORG)

NOTAC is available to provide field trips that clearly illustrate our position. It is not a choice of Wilderness designation or active forest management, there is ample opportunity for all viewpoints that will benefit the environment, wildlife, people and the economy! Thank you for the opportunity to comment on this important issue!

Respectfully,

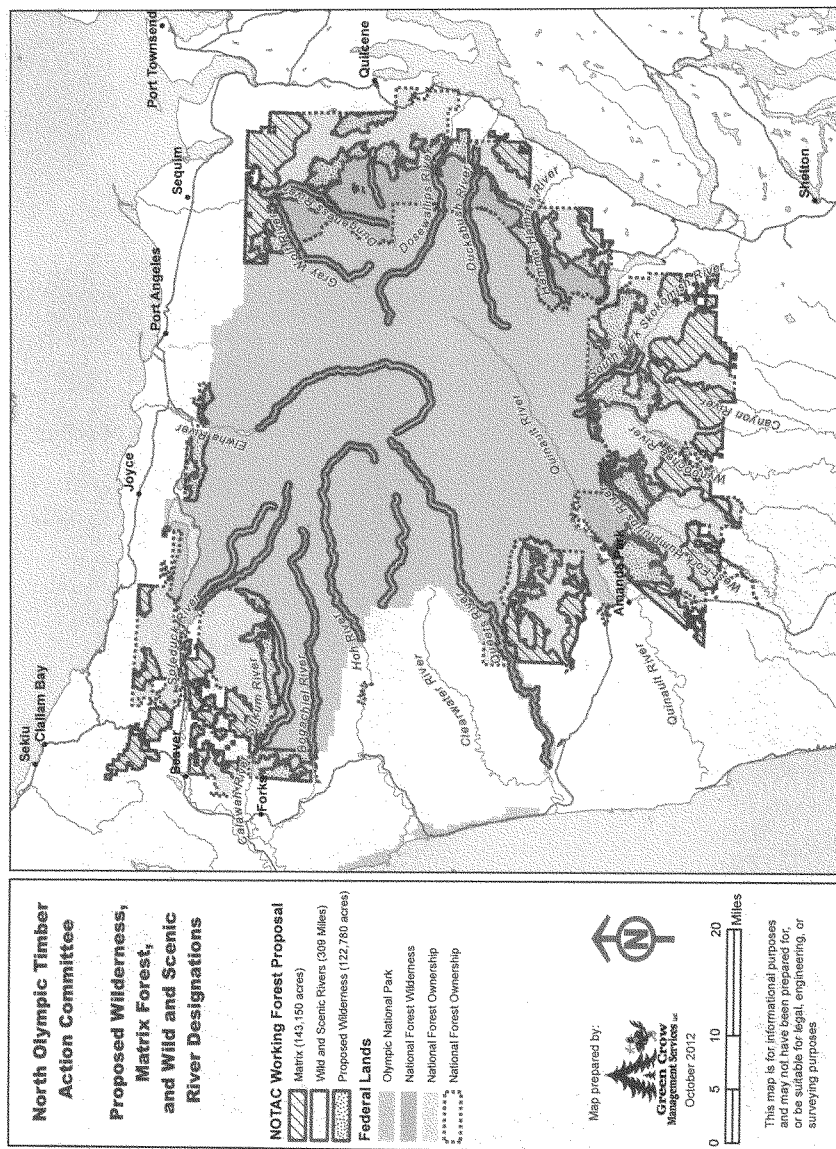
Carol Johnson

Executive Director

North Olympic Timber Action Committee

P.O. Box 1057

Port Angeles, WA. 98362



**Ripchensky, Darla (Energy)**

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**From:** Ciry <orbweaver@centurytel.net>  
**Sent:** Tuesday, April 19, 2016 2:27 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

I am writing to oppose S. 1167 for the following reasons:

1. I oppose the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes.
2. Motor vehicle use will degrade the wilderness character of these areas.
3. Ranchers in other Wildernesses don't need motor vehicles and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses.
4. If the Owyhee grazers get special treatment, ranchers in other Wildernesses will demand the same.
5. S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.

And most importantly to me:

6. As a person of faith, I strongly believe that the last precious remnants of Creation should be protected and respected. There are so few truly pristine places left. Does the hand of man have to despoil every last inch of God's Great Work? Let us keep these magnificent and sacred wild places intact for future generations, who may never know what God's Grand Idea looked like if all of Creation is commercially utilized, altered, ravaged and destroyed by human beings.

Sincerely,  
Ciry Null  
38220 Modoc Point Road  
Chiloquin, OR 97624

**Ripchensky, Darla (Energy)**

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**From:** MotherOak@aol.com  
**Sent:** Monday, May 02, 2016 8:05 PM  
**To:** fortherecord (Energy)  
**Cc:** streamkeepers@co.clallam.wa.us  
**Subject:** TO: Senate Energy and Natural Resources Committee RE Wild Olympics legislation

**Please read this first:**

Senator Murray and Representative Kilmer have drafted this legislation for the people now living on the Olympic Peninsula who need to make their livings in today's environment. Paying jobs in the timber industry have been included in their bill. Some 10,000 Olympic Peninsula and 6th congressional district residents living on the Peninsula today support this legislation. This bill is endorsed by over 550 local Olympic Peninsula & Hood Canal region businesses and farms, conservation and recreation organizations, local elected officials, sportsmen groups and religious leaders.

**Then please read this:**

It is written to protect human trail access and world-class outdoor recreation opportunities including hiking, camping, paddling, hunting and fishing, while leaving current vehicle roads open. It is designed to protect sources of clean drinking water for people living in local communities. It is written to protect rivers and streams vital to the human shellfish industry. It is written to protect Puget Sound from a number of forms of human disruption. It protects and makes current Forest Service safeguards for sensitive public lands a public policy at this time in Peninsula history.

**Most importantly,** this legislation will protect the Olympic Peninsula's ancient forests, free-flowing rivers and stunning scenery for future generations. It adds 126,000 acres of new wilderness to the official Olympic National Forest. It creates 19 new Wild and Scenic Rivers plus their tributaries on the Olympic Peninsula. And helps to protect salmon and steelhead populations from extinction.

*Homo sapiens* may not be the climax species on this planet. But while we are, all of us need to plan for what's left of the earth if we're not.

Thank you,  
 Elizabeth Oakes  
 Senior Biologist, Rice University (retired)  
 271 Ram Hill Road  
 Port Angeles, WA 98363  
 360-928-3734

**Ripchensky, Darla (Energy)**

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**From:** Judith Oliver <judyann1735@hotmail.com>  
**Sent:** Tuesday, May 03, 2016 11:18 AM  
**To:** fortherecord (Energy)  
**Subject:** Wild Olympics Wilderness and Wild Scenic Rivers Act

Dear Senators,  
 I strongly support the Wild Olympics legislation because I want to have wild experiences available for my grand children and their children. I hiked, snow-shoed, X-C skied, and fished the Olympics for many years. My hiking days are over, but I still enjoy the beauty of the landscape and cherish that salmon and clean water will be protected. The Olympics are one of the most diverse plant and animal communities on earth. We must protect that.  
 Thank you for the opportunity to comment.  
 Sincerely,  
 Judith Oliver  
 3019 36th Ave NE,  
 Olympia WA 98506  
 360-754-3739

**Ripchensky, Darla (Energy)**

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**From:** Sherry Olson <olson\_sherry@hotmail.com>  
**Sent:** Wednesday, April 20, 2016 11:43 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

Dear Energy and Natural Resources Committee,

Please include this statement as part of the hearing record for S. 1167.

I am opposed S. 1167 for several reasons:

1. I oppose the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes.
2. Ranchers in other Wildernesses don't need motor vehicles and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses.

Thank you,  
Sherry L. Olson, Ph.D.  
1520 Findlay Wy  
Boulder, CO 80305  
303-494-5365



*"Promoting Birding and Conservation as Community Educators,  
Volunteers, and Stewards"*  
P.O Box 502 Sequim, WA 98382

April 3, 2016

Senator John Barrasso, Chair  
Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests, & Mining  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator Ron Wyden, Ranking Member  
Senate Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests, & Mining  
304 Dirksen Senate Office Building  
Washington, DC 20510

**RE: Support for Wild Olympics Wilderness & Wild & Scenic Rivers Act (S.1510)**

Dear Senators Barrasso and Wyden:

Olympic Peninsula Audubon Society (OPAS) strongly supports the Wild Olympics Wilderness and Wild and Scenic Rivers Act of 2015 (S.1510) as drafted by Senator Patty Murray and Congressman Derek Kilmer and introduced to the Senate Energy and Natural Resources Committee April 21, 2016. Please submit these comments as part of the official hearing record.

The Wild Olympics legislation represents over five years of work by Congressional staff and local stakeholders to produce balanced legislation that protects critical habitat while retaining a sustainable timber harvest and local jobs.

OPAS promotes birding and conservation of habitat through education programs, citizen science, and stewardship. The Wild Olympics Wilderness and Scenic Rivers Act of 2015 complements our mission statement by protecting the Olympic Peninsula's old-growth forests for species such as the Marbled Murrelet and the Spotted Owl and retaining free-flowing, unpolluted rivers critical to salmon and steelhead habitat

Our members have a deep and abiding appreciation for the abundance of scenic landscapes and recreational opportunities found on the Olympic Peninsula. Wilderness and Wild and Scenic River designations are important conservation measures for ensuring quality recreational access opportunities for bird watching, wildlife study, hiking, backpacking, horseback riding, hunting, fishing, and camping.

Our Olympic Peninsula watersheds offer some of the last and best remaining habitat for native fish and wildlife in Washington state. They provide resilient strongholds for salmon and steelhead as global climate change stresses threatened and endangered Olympic stocks. They supply clean, cold drinking water to local communities. Scientists have identified these watersheds as vital to the health and recovery of Hood Canal and Puget Sound. The legislation would protect our investment in Olympic National Forest and designate the first Wild and Scenic Rivers on the Olympic Peninsula.



We believe that passage of the Act will provide important environmental protections for critical resources on the Peninsula. These protections will ultimately lead to an array of improved job opportunities and make the Peninsula a more desirable place to live and work.

Sincerely,

*/s/ Ken Wiersema*

Ken Wiersema  
President

cc: Senator Patty Murray  
cc: Congressman Derek Kilmer

Oregon Wild   Oregon Natural Desert Association   Molalla River Alliance  
Soda Mountain Wilderness Council   Hells Canyon Preservation Council  
Lower Columbia Cane Club   Oregon Kayak & Canoe Club

April 19, 2016

Honorable Lisa Murkowski, Chairwoman  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Honorable Maria Cantwell, Ranking Member  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Dear Chairwoman Murkowski and Senator Cantwell:

RE: Oregon Wildlands, S. 1699

We are writing to you today in support of S. 1699 . This legislation is an important step forward in the protection of Oregon's natural treasures and we appreciate your attention to the important legislation before your committee. The great state of Oregon has many special places, several of which are proposed for protection in S. 1699, the Oregon Wildlands Act of 2016. We encourage you to advance this important legislation to protect some of our most special wild places. The areas proposed for increased protection in this bill have been thoroughly vetted over many years and enjoy broad public support.

Oregonians take great pride in our natural treasures. Protecting special areas is beneficial for myriad reasons, such as providing a place for residents and tourists to get away from the hustle and bustle of city life. These landscapes also serve as a reserve where fish and wildlife thrive. Perhaps the most valuable role these areas play is as a source of dependable clean drinking water.

Oregon lags far behind its neighbors in Washington, California and Idaho in protecting wild areas. Only 4% of Oregon has been protected as Wilderness whereas WA has protected 10%, ID 9%, and CA 15%. The Oregon Wildlands Act is an important step in the right direction to correcting Oregon's Wilderness deficit by designating the Devil's Staircase and Wild Rogue Wilderness areas.

With each passing year we learn more about the economic contributions of Oregon's outdoor recreation economy. According to the Outdoor Industry Alliance, recreation in Oregon contributes \$12.8 billion to the state's economy, providing for 141,000 direct jobs. Protected wild areas and clean, wild rivers where hiking, backpacking,

fishing and boating form the basis of this economic engine. Whether it's the clean drinking water provided by the Molalla or the rafting and salmon businesses on the Rogue River or the fishing industry that relies on the Chetco, these areas all play a key economic role. Saving wild areas will continue to be important as more people seek to enjoy Oregon's treasured landscapes, and spend money doing so.

Given the long track record and past vetting of many of the areas in the Oregon Wildlands Act over the last several Congress' we encourage you to efficiently advance S.1699 out of this committee and through the Senate. Thank you for your work on this important issue.

Erik Fernandez  
Oregon Wild

John Atkins  
Molalla River Alliance

Dan Morse  
Oregon Natural Desert Association

Russ Pascoe  
Oregon Kayak & Canoe Club

Dave Willis  
Soda Mountain Wilderness Council

Darilyn Brown  
Hells Canyon Preservation Council

Russ Pascoe  
Lower Columbia Canoe Club

**Ripchensky, Darla (Energy)**

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**From:** Larry Orzechowski <lorzechowski@earthlink.net>  
**Sent:** Thursday, April 21, 2016 8:20 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Wilderness and the Law

Wilderness areas were NEVER meant to be overrun by trucks and atvs.  
PLEASE PROTECT WILDERNESS AREAS.  
Once they are destroyed, they are no longer WILDERNESS.

Larry Orzechowski  
2835 East Sylvia St.  
Phoenix, AZ 85032-7132

lorzechowski@earthlink.net

Thank you for protecting Wilderness.

**Ripchensky, Darla (Energy)**

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**From:** Marlene Penry <mapste@coastaccess.com>  
**Sent:** Wednesday, May 04, 2016 12:00 AM  
**To:** fortherecord (Energy)  
**Subject:** Please Support Wild Olympics

To: Senate Energy and Natural Resources Committee

I am a strong supporter of the Wild Olympics and Scenic Rivers legislation. It is also endorsed by over 550 regional businesses, farms, sportsmen, conservation and recreation organizations, and local elected officials. It is strongly supported by over 10,000 Olympic Peninsula and WA 6th District residents.

This legislation was carefully written by Senator Murray (WA) and Representative Kilmer (WA, 6th District) to create new economic opportunities without costing any timber jobs.

This Act will put about 126,000 acres of the Olympic National Forest into a Wilderness Area status, which permanently protects our ancient forests and scenic rivers. It protects trail access, expanding outdoor recreation opportunities. No forest roads will be closed, allowing people who can't hike access to the Wilderness Area. By protecting the rivers, it protects critical salmon habitat and provides sources of clean water for local communities.

There are currently Forest Service safeguards on these areas, so no timber jobs will be lost. The Act just makes those safeguards permanent.

I urge you to support this legislation.

Thank you.

Marlene Penry  
1195 Greenview Ave SW  
Ocean Shores, WA 98569

**Statement of Mike Matz, Director, U.S. Public Lands  
The Pew Charitable Trusts  
Regarding S. 1423, S. 1510, S. 1699, S. 1167, and S. 2383**

**Submitted to the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and  
Mining**

**For the Record of the hearing held on April 21, 2016**

The U.S. Public Lands program at The Pew Charitable Trusts seeks to preserve ecologically and culturally diverse U.S. public lands through congressionally designated wilderness, the establishment of national monuments, and administrative protections. We appreciate the opportunity to submit these comments for the record.

S. 1423 - The Central Coast Heritage Protection Act

The Pew Charitable Trusts supports S. 1423, the Central Coast Heritage Protection Act, sponsored by Senator Barbara Boxer. We have worked closely with local interests and Senator Boxer for almost ten years in support of this proposal that would protect approximately 245,665 acres of new and expanded wilderness in the Los Padres National Forest and Carrizo Plain National Monument. The legislation also includes significant protections for local rivers and streams as wild and scenic rivers, as well as establishes a new national recreation trail, and two new scenic areas. We applaud Senator Boxer for her tireless commitment over many years to protecting special wild lands in her home state of California.

The bill is widely endorsed by more than 500 local businesses, trail user groups, individuals, conservation organizations, and local elected officials. With Senator Boxer's retirement at the end of the 114<sup>th</sup> Congress, passage of the Central Coast Heritage Protection Act would be a fitting way to recognize and honor her long service to the people and lands of California.

S. 1510 – Wild Olympics Wilderness and Wild and Scenic Rivers Act of 2015

The Pew Charitable Trusts supports S. 1510, the Wild Olympics Wilderness and Wild and Scenic Rivers Act of 2015, sponsored by Senator Patty Murray. This legislation would designate roughly 126,554 acres of the Olympic National Forest as wilderness and 19 rivers and their major tributaries, a total of 464 river miles, as wild and scenic rivers. The bill would protect old growth and ancient forest habitat throughout the region, sources of clean drinking water for local communities and critical salmon and steelhead habitat. It would also expand outdoor recreation opportunities in the area, including hiking, camping, boating, hunting and fishing.

Permanent protection for these wildlands and rivers enjoys broad local support on the Olympic Peninsula and Hood Canal region. The Wild Olympics Wilderness and Wild and Scenic Rivers Act has been endorsed by over 500 local businesses, farms, faith leaders, local elected officials, as well as hunting, fishing, recreation and conservation groups.

S. 1699 - The Oregon Wildlands Act

The Pew Charitable Trusts is also pleased to support S.1699, the Oregon Wildlands Act. Introduced by Senators Ron Wyden and Jeff Merkley, the bill designates approximately 108,000 acres of wilderness in the Wild Rogue and Devil's Staircase areas. It would also protect roughly 252 miles of wild and scenic rivers and preserve more than 119,000 acres of the Rogue and Molalla rivers as national recreation areas. These areas are treasured by Oregonians for their clean drinking water sources, for their economic benefits, and for their wildness and recreational opportunities.

Local and diverse support from businesses, sportsmen, veterans, and conservation organizations to protect these places has been in place for decades. These wild and rugged landscapes and the rivers and creeks that grace these areas, and the local campaign to support their protection, are shining examples of how the Wilderness Act should work. It's time to protect these places for our children and their children.

S. 1167 – Owyhee Wilderness Areas Boundary Modifications Act

The Pew Charitable Trusts supports clarifications to the Owyhee Public Land Management Act of 2009 to ensure key agreements of the successful Owyhee Initiative collaborative are upheld and the commitments and expectations of those who collaborated for years are honored. We thank Senator Crapo for his willingness to work with us on such a solution.

When conservationists and ranchers began on-the-ground wilderness negotiations in 2002, the coalition first turned to the Congressional grazing guidelines, or House Report No. 101-405. These guidelines were used to achieve a common understanding of how Congress had decided livestock grazing issues in wilderness should be addressed, paying particular attention to the stipulation that “if livestock grazing activities and facilities were established in an area at the time Congress determined that the area was suitable for wilderness and placed the specific area in the wilderness system, they should be allowed to continue.”

Grazing is allowed by the 1964 Wilderness Act. Under Congressional and earlier agency grazing guidelines, most ranchers whose allotments were included in this particular wilderness occasionally used motorized vehicles to maintain fences and stock ponds and to herd livestock as part of the requirements of their grazing permits. It was expected that this activity in areas under consideration for wilderness in the Owyhees would continue. In 2012, the Bureau of Land Management (BLM) revised its management policies. In order to protect range resources and wilderness values, BLM determined that motorized vehicles should no longer be allowed to maintain grazing structures or to move livestock in the Owyhees. The subsequent wilderness management plan for the Owyhee Canyonlands reinforced this decision.

The guideline changes contravene an agreement reached during an eight-year collaborative among a diverse set of stakeholders. We appreciate the effort to seek redress and uphold the agreement originally reached to manage for grazing in this specific wilderness area, and would like to continue working toward a resolution that accomplishes that goal, while also protecting range resources and wilderness values. As with the same initial spirit of collaboration and compromise, we believe parties working in good faith can arrive at a successful resolution in this case.

In 2014, the members of the initial collaborative who formulated the Owyhee Initiative and wilderness proposal – including ranchers, the Wilderness Society, Idaho Conservation League, the Nature Conservancy, and the Idaho Chapter of the Sierra Club – asked Idaho’s congressional delegation to sponsor legislation that would address technical wilderness boundary corrections and the grazing management issue. Administrative attempts to resolve this matter have not been successful to date, so a legislative solution is necessary. While Pew has concerns with S. 1167 as currently written, Senator Crapo has indicated a willingness to find common ground and we look forward to working with him to achieve that end.

S. 2383 – Utah Test and Training Range Encroachment Prevention and Temporary Closure Act

The Pew Charitable Trusts opposes Title III of this legislation in its entirety. The transfer of unadjudicated claims of rights-of-way in Box Elder, Tooele and Juab Counties is unrelated to the purpose of the bill, has no bearing on national security, and would represent an unprecedented give-away of routes totaling nearly 6,000 miles across federal lands. More than half of those routes are unmaintained tracks, many of which would not meet the standard of evidence for the counties to win title in court. Title III would improperly pre-empt court proceedings currently underway to resolve these claims and should be stricken from the bill. Additionally, while we have no objection in principle to land trades to consolidate federal and state land ownership patterns, we do object to the inclusion of the Cricket Mountains, Little Sage, Red Canyon, Drum Mountains and Little Drum Mountains proposed wilderness areas in the trade outlined in S. 2383.

We appreciate the opportunity to submit these views for the Subcommittee’s consideration. For additional information, please contact Mike Matz, Director, U.S. Public Lands Program, The Pew Charitable Trusts, at (202) 494-0729 or [mmatz@pewtrusts.org](mailto:mmatz@pewtrusts.org).





April 21, 2016

Senator Lisa Murkowski, Chairman  
Senate Energy & Natural Resources  
Committee  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator Maria Cantwell, Ranking Member  
Senate Energy & Natural Resources  
Committee  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator John Barrasso, Chairman  
Senate Energy & Natural Resources  
Subcommittee on Public Lands, Forests,  
and Mining  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senator Ron Wyden, Ranking Member  
Senate Energy & Natural Resources  
Subcommittee on Public Lands, Forests,  
and Mining  
304 Dirksen Senate Office Building  
Washington, DC 20510

Chairman Murkowski and Barrasso and Ranking Member Cantwell and Wyden:

On behalf of the Port of Port Angeles, I appreciate the opportunity to comment on S. 1510, the "Wild Olympics Wilderness and Wild and Scenic Rivers Act."

The Port of Port Angeles' responsibility, as defined by enabling legislation, is to promote economic prosperity. We have a vested interest in the health and sustainability of forestlands on the Olympic Peninsula. We are a rural community that has been historically dependent on the timber industry for jobs. The declining timber harvests have had a devastating impact on our local economy. It has contributed to the designation of Clallam County as a distressed county. Forest products mill closures within the last two years have publically indicated that a major consideration was uncertainty of log supply from Public Lands (Forest Service and State Department of Natural Resources).

Our concerns on the Wild Olympics proposal are centered on the potential reduction of harvestable timber lands and impacts to future access of the forests. The Port is researching what has changed in this legislation versus the previous proposals. We appreciate the efforts of all concerned to reduce the impact on harvestable acres.

As part of our strategic goal to foster living wage jobs, the Port identified an initiative to: "Promote innovative value-added wood products manufacturing while working to achieve a reliable and sustainable timber harvest." This is only achievable if we can

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P.O. Box 1350  
Port Angeles, WA 98362

(360) 457-8527  
Fax: (360) 452-3959  
www.portofpa.com

**COMMISSIONERS**  
Colleen M. McAleer  
Connie L. Beauvais  
Steven D. Burke

**INTERIM EXECUTIVE  
DIRECTOR**  
Karen F. Goschen



restore a reliable and sustainable level of harvest to the Olympic National Forests. Additionally, the ability of the Port to provide services is significantly dependent on forestry related revenue. Our Port and other public entities are struggling to provide the public services our citizens deserve. Any reduction of harvestable timber lands is of significant concern.

The Olympic National Forest needs a comprehensive solution for the long term economic, social, and conservation needs of the Olympic Peninsula. We applaud the efforts of Representative Kilmer and the Olympic Peninsula Collaborative. Efforts to assemble regional leaders from the National Forest Service, local governments, the local timber industry, and environmental advocacy groups is a good step towards finding a new way to jointly work together to define shared goals that achieve both improved forest health and restored timber harvests to support living wage jobs.

The key to economic viability and new infrastructure investment required to support value-added wood products manufacturing is dependent on sustainable and reliable timber harvest.

Sincerely,

Karen F. Goschen  
Port of Port Angeles  
Interim Executive Director  
[kareng@portofpa.com](mailto:kareng@portofpa.com)

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P.O. Box 1350  
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**COMMISSIONERS**  
Colleen M. McAleer  
Connie L. Beauvais  
Steven D. Burke

**INTERIM EXECUTIVE  
DIRECTOR**  
Karen F. Goschen

**Ripchensky, Darla (Energy)**

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**From:** kirsten potter <kpotttermom@yahoo.com>  
**Sent:** Wednesday, April 20, 2016 10:20 AM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

My wife, Kirsten, and I have lived near and used wilderness areas all our lives here in the West. I am 69. My next backpacking trip is 3 nights out in a California wilderness May 2016.

We oppose S. 1167 because it will degrade wilderness significantly both in the Idaho targeted wildernesses and by setting a precedent for "nickle and dimeing" damaging changes in other wilderness areas. S. 1167 is bad news for us the majority of Americans.

More and more Americans are seeking outdoor exercise, outdoor solitude and outdoor challenges. Wilderness areas are more and more used. The economic impacts of recreation is very large in the numerous small communities near them. The numbers of use and dollars of economic impact will grow every decade.

Please do not allow a few ranchers to use ATVs or other motorized methods to access wilderness. Indeed the economic value of cattle or sheep grazing in our public's wilderness is low overall and is getting less significant all the time.

Not to mention, like in the South Warner Mountain wilderness area [California] last year, the meadow we needed to camp in was a cow pie loaded, grazed off disappointment. AND it included a small creek down the middle with broken down, denuded, highly eroding, bare dirt banks....thanks to cattle grazing and stomping it. [We must end the degradation of our wilderness water sources some day.]

We ask that wilderness areas be given all legal protections. We ask that no "little" laws or rules be allowed that will degrade them piecemeal. Like with fire ants, every bite hurts. We all have to make a living but please do not allow some ranchers to make their living damaging all of uses wilderness areas.

Thank you. Dave & Kirsten Potter  
 3930 Rio Vista Way  
 Klamath Falls, Oregon 97603  
 phone: 541-850-3808

**Ripchensky, Darla (Energy)**

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**From:** skullcap@olympen.com  
**Sent:** Tuesday, May 03, 2016 11:00 AM  
**To:** fortherecord (Energy)  
**Subject:** Wild Olympics Comment

Dear Senate Committee,

We support Wild Olympics legislation and ask that you approve and move forward on this vital act!

As humankind's footprint becomes larger and larger threatening critical wilderness areas and wildlife habitat our actions and inactions are exasperated by climate change and increasing dry, arid weather in the Pacific North West. Most of the Olympic Peninsula is feeling the harsh impact, particularly the Olympic Mountain range and their precious rain forests.

The Wild Olympics legislation is a practical and courageous move to protect the Olympic Peninsula's ancient forests that were here long before us and support critical species, such as salmon, steelhead and Roosevelt Elk. This fragile and unique area is world renowned for its free flowing rivers, streams and its pristine, wild forests. Washington State is highly respected for its environmental protection record and conscious passion for forest health and restoration.

After reviewing much of this legislation we praise its consideration of not only our wild lands, but jobs and families. Now is the time for us to step up and preserve and defend that which is the very back bone of our communities. As a long time resident of Sequim, the Olympic Mountain range and its surrounding wild lands have been the gateway to all that makes living on the Peninsula an American dream.

Thank you for your kind consideration,

Richard and Kelly Probst  
822 N Abbey Court  
Sequim, WA 98382  
360-460-3182

**Testimony of Michael Rankin  
City Attorney for the City of Tucson, Arizona  
Before the United States Senate  
Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests and Mining  
Hearing on S. 2379, Udall Park Land Exchange Completion Act of 2015  
April 21, 2016**

Chairman Barrasso, Ranking Member Wyden, Senator Flake, and Members of the Subcommittee, thank you for the opportunity to submit testimony for the record in support of S. 2379, the Udall Park Land Exchange Completion Act. S. 2379 formally completes a historic agreement for land previously exchanged between the City of Tucson (City) and Bureau of Land Management (BLM). It eliminates the reverter clause from the City's patent with the Bureau of Land Management at Udall Park, a City-owned regional park in the northeast quadrant of the Tucson metropolitan area as part of a previously completed fair market exchange. The Act directs conveyance of the Federal reversionary interest in Udall Park to the City, as the parties intended when the exchange was made.

**Background**

Pursuant to the terms and conditions of the Recreation and Public Purposes Act ("RPPA"), on May 16, 1980, the City entered a 25-year land lease of 172.8 acres from the BLM for what would become Udall Park.<sup>1 2</sup> In 1986, after considerable investment by the City, and at the City's request, the BLM granted an additional 25 years, extending the lease term through at least October 8, 2011, again under the terms and conditions of the RPPA.<sup>3</sup>

On June 26, 1989, in furtherance of developing Udall Park and in pursuit of a potential litigation settlement between the BLM and a third party, by Resolution No. 14953, the Mayor and Council of the City authorized and directed the City Manager to enter into negotiations with the BLM and any other necessary parties for the transfer of title to 297 acres of land recently purchased by the City for over \$4 million dollars, commonly known as the "Freeman Road Property".<sup>4 5 6</sup>

<sup>1</sup> See, the Lease attached as Exhibit A.

<sup>2</sup> Aerial photographs of the leased land after it was initially developed by the City and how it generally exists today are attached as Exhibit B.

<sup>3</sup> See, letter from the US Department of the Interior to the City dated October 9, 1986, attached as Exhibit C.

<sup>4</sup> The Resolution is attached as Exhibit D.

<sup>5</sup> Aerial photographs of the Freeman Road Property as it existed in 1989, and as it generally exists today, are attached as Exhibit E.

On September 5, 1989, as those negotiations were nearing completion, the US Department of the Interior, through the BLM and its State Director, issued a letter to the Assistant City Attorney in regards to the anticipated signing of an "Agreement Between the City and the Bureau of Land Management Regarding Udall Park and For Other Purposes", committing to "support legislative efforts [post-closing] to eliminate the reverter clause in the [to-be-issued] patent to the City executed pursuant to that agreement."<sup>7</sup> In reliance on that letter, on October 4, 1989, the aforementioned agreement was approved by Ordinance No. 7289 of the Tucson Mayor and Council, and executed by the parties effective on that date.<sup>8</sup> Notably, in Section 20 of the Exchange Agreement, page 9, the parties expressly agreed that the terms and conditions of the conveyance, including for example the RPPA reverter in the title patent, would apply to subsequent lessees, assignees, or successors of interest to the Udall Park property, "unless the United States, by written document, releases Tucson from those promises or said promises are rendered inapplicable by the completion of the events described herein or by subsequent legislation." [*emphasis added*]

### **Analysis**

Under generally-accepted legal principles, words like those expressed in Section 20 of the Exchange Agreement must be given meaning. Particularly so, when considered in connection with communications forming the basis of negotiations leading to the agreement; or in this case, the September 5, 1989, letter from the State Director of the BLM to the City. It should also be noted that the Exchange Agreement contains no "Integration Clause", commonly used to state the parties' intent that their entire understanding of the subject matter be contained within the four corners of the written agreement, and that all prior promises, understandings, and agreements are superseded and replaced. Perhaps not surprisingly then, on November 17, 1989, after the Freeman Road Property was exchanged with the BLM, the Real Estate Administrator for the City, by letter, enclosed for former Senator DeConcini's use and consideration, "suggested language necessary for the introduction of legislation to the Senate" . . . "completing understandings in an Agreement between the City and the Bureau of Land Management regarding Udall Park and for other purposes. The last remaining act to complete all the understandings is the elimination of the reverter clause in the Patent issued to the City for Udall Park."<sup>9</sup>

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<sup>6</sup> An aerial photograph of the eastern portion of the greater Tucson area showing the locations of both Udall Park and the Freeman Road Property is attached as Exhibit F.

<sup>7</sup> See, the letter from the State Director attached as Exhibit G.

<sup>8</sup> The Exchange Agreement, along with an Escrow Closing Statement is attached as Exhibit H.

<sup>9</sup> The post-agreement letter is attached as Exhibit I.

**Conclusion**

S. 2379 is needed to complete what should have been completed more than 25 years ago, and to provide an enhanced recreational and economic future for the citizens of Tucson and its environs. Unfortunately, the original legislative efforts failed to progress due to transitions in the offices of the City, the BLM, and the Senate. This was explained in the City's Legal Memorandum submitted to BLM District Director on December 9, 2015, attached as Exhibit J. The City paid for the reverter clause to be released in the 1989 transaction. Prior to then, the City already had the benefit of a long-term lease and use of Udall Park for at least 22 more years, and likely longer, at no expense provided it devote the park to public recreation under the RPPA. In other words, the Lease itself was subject to reversion.

There is strong evidence that both the BLM and the City intended to eliminate the reverter clause. The City transferred unrestricted title to a much larger tract of land worth at least \$4 million in 1989 dollars (Freeman Road Property) to the BLM with the understanding that BLM would work with the City to remove the RPPA reverter in the title Patent for Udall. The City provided the BLM with full, fair consideration through the Exchange Agreement. The City is an urban community with limited resources. It simply cannot be held to pay twice for what it bargained for decades ago. The intent expressed by the parties before, within, and after that 1989 Exchange Agreement is finally given meaning by the Udall Park Land Completion Act of 2015.

In closing, I want to thank Senator Jeff Flake and Senator John McCain, for introducing this important bill that brings resolution to the historic exchange, and provides a way for the City of Tucson to expand the use of Udall Park. Thank you for the opportunity to submit testimony.

**Attachments and Exhibits to Accompany  
Testimony of Michael Rankin  
City Attorney for the City of Tucson, Arizona  
Before the United States Senate  
Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests and Mining  
Hearing on S. 2379, Udall Park Land Exchange Completion Act of 2015  
April 21, 2016**

## **EXHIBIT A**

# **25-YEAR LEASE ENTERED ON MAY 16, 1980**



Form 2912-1  
(January 1975)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
RECREATION OR PUBLIC PURPOSES LEASE  
Act of June 14, 1920, as amended (43 U.S.C. 1607 et seq.)

Serial Number

A-13143

This lease entered into on this 16th day of May, 1980, by the United States of America, the lessor, through the authorized officer of the Bureau of Land Management, and City of Tucson, Department of Parks and Recreation

, hereinafter called the lessee, pursuant and subject to the terms and provisions of the Recreation and Public Purposes Act and to all reasonable regulations of the Secretary of the Interior now or hereafter in force when not inconsistent with any express and specific provisions herein, which are made a part hereof.

WITNESSETH:

Sec. 1. The lessor, in consideration of the rents to be paid and the conditions to be observed as hereinafter set forth, does hereby grant and lease to the lessee the right and privilege of using for the purposes hereinafter set forth in the following-described lands:

T. 14 S., R. 15 E., GSR Mer., Arizona  
sec. 5, Lots 3, 4, ~~Slugs~~

containing 172.80 acres, together with the right to construct and maintain thereon all buildings or other improvements necessary for such use for a period of 25 years, the rental to be \$ 0.00 per annum. If, at the expiration date of the lease the authorized officer shall determine that the lease may be renewed, the lessee herein will be accorded the privilege of renewal upon such terms as may be fixed by the lessor. The lessee may use the premises for a regional park.

Sec. 2. There are reserved to the United States all mineral deposits in said lands, together with the right to mine and remove the same under applicable laws and regulations to be established by the Secretary of the Interior.

Sec. 3. The lessor reserves the right of entry, or use, by

(a) any authorized person, upon the leased area and into the buildings constructed thereon for the purpose of inspection;

(b) Federal agents and game wardens upon the leased area on official business;

(c) the United States, its permittees and licensees, to mine and remove the mineral deposits referred to in Sec. 2, above.

Sec. 4. In consideration of the foregoing, the lessee hereby agrees:

(a) To improve and manage the leased area in accordance with the plan of development and management ~~heretofore~~ filed January 18, 1980, as amended March 31, 1980

and approved by an authorized officer on April 30, 1980

or any modification thereof hereinafter approved by an authorized officer, and to maintain all improvements, during the term of this lease, in a reasonably good state of repair

(b) To pay the lessor the annual rental above set forth in advance during the continuance of this lease

(c) Not to allow the use of the lands for unlawful purposes or for any purpose not specified in this lease unless consented to under its terms; not to prohibit or restrict, directly or indirectly, or permit its agents, em-

ployees, contractors (including, without limitation, lessees, sublessees, and permittees), to prohibit or restrict the use of any part of the leased premises or any of the facilities thereon by any person because of such person's race, creed, color, sex, or national origin.

(d) Not to assign this lease or to change the use of the land, without first receiving the consent of the authorized officer of the Bureau of Land Management.

(e) That this lease may be terminated after due notice to the lessee upon a finding by the authorized officer that the lessee had failed to comply with the terms of the lease; or has failed to use the leased lands for the purposes specified in this lease for a period of two consecutive years; or that all or part of the lands is being devoted to some other use not consented to by the authorized officer; or that the lessee has not complied with his development and management plans referred to in subsection 4(a).

(f) That upon the termination of this lease by expiration, surrender, or cancellation thereof, the lessee, shall surrender possession of the premises to the United States in good condition and shall comply with such provisions and conditions respecting the removal of the improvements of and equipment on the property as may be made by an authorized officer.

(g) To take such reasonable steps as may be needed to protect the surface of the leased area and the natural resources and improvements thereon.

(h) Not to cut timber on the leased area without prior permission of, or in violation of the provisions and conditions made by an authorized officer.

(i) That nothing contained in this lease shall restrict the acquisition, granting, or use of permits or rights-of-way under existing laws by an authorized Federal officer.

Sec. 5. Equal Opportunity. The performance of this contract, as well as the performance of the contract, shall be as follows:

(a) The lessee will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The lessee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The lessee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(b) The lessee will, in all solicitations or advertisements for employees placed by or on behalf of the lessee, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The lessee will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the lessee's commitments under Section 202 of Executive Order 11246 of September 24, 1965, as amended, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The lessee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The lessee will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the lessee's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this permit may be cancelled, terminated or suspended in whole or in part and the lessee may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246

of September 24, 1965, and such other sanctions may be imposed and remedies involved as provided in Executive Order No. 11246 of Sept. 24, 1965, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The lessee will include the provisions of Paragraphs (a) through (f) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each subcontractor or vendor. The lessee will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for non-compliance. *Provided, however,* That in the event the lessee becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the lessee may request the United States to enter into such litigation to protect the interests of the United States.

Sec. 6. The lessee may surrender this lease or any part thereof by filing a written relinquishment in the appropriate BLM office. The relinquishment shall be subject to the payment of all accrued rentals and to the continued obligation of the lessee to place the lands in condition for relinquishment in accordance with the applicable lease terms in subsections 4(f) and 4(g) and the appropriate regulations.

Sec. 7. The lessee further agrees to comply with and be bound by those additional terms and conditions identified as


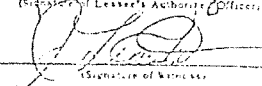
Special Stipulations (Appendix I)  
Civil Rights Stipulations (Appendix II)

and which are made a part hereof.

Sec. 8. No Member of, or Delegate to, the Congress, or Resident Commissioner, after his election or appointment, and either before or after he has qualified, and during his continuance in office, and no officer, agent, or employee of the Department of the Interior, except as otherwise provided in 43 CFR, Part 7, shall be admitted to any share or part of this lease, or derive any benefit that may arise therefrom, and the provisions of Title 18 U.S.C. Sections 431-433, relating to contracts, enter into and form a part of this lease, so far as the same may be applicable.

FOR EXECUTION BY LESSEE

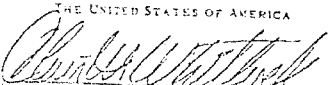
IN WITNESS WHEREOF

  
(Signature of Lessee's Authorized Officer)  
  
(Signature of Witness)

5/1/80  
(Date)

FOR EXECUTION BY THE UNITED STATES

THE UNITED STATES OF AMERICA

  
(Authorized Officer)  
State Director  
(Title)

May 16, 1980  
(Date)

## APPENDIX I

SPECIAL stipulations

In connection with Recreation and Public Purposes lease A-13143, the City of Tucson agrees to the following stipulations:

1. To maintain the lands open to use by the public for recreational purposes without discrimination or favor.
2. To make no more than a reasonable charge for the use of facilities on the land (whether by concession or otherwise), and to charge no more for entrance to and use of the area than is charged at other comparable installations managed by State and local agencies.  
  
If there is to be a charge for use of the lands or facilities, the applicant will submit to the Bureau of Land Management its schedule of charges. All charges shall be subject to review for conformance with this requirement and appropriate modification by the Secretary of the Interior or authorized delegate after reasonable notice and opportunity for hearing.
3. To develop and manage the lands in accordance with the approved Plan of Development filed January 18, 1980 as amended March 31, 1980 and approved April 30, 1980.
4. To allow the Bureau of Land Management to manage, consistent with the Park Development objectives of the area, all the other values of the lands and to recognize the right of the United States to retain the revenues from such management.
5. To maintain in a satisfactory condition the facilities constructed on the lands.
6. Dust control operations shall be undertaken during periods of construction.
7. Applicant must take all feasible measures to protect cultural resources on the site during the life of the lease.
8. Prior to any surface disturbing activities, the lessee shall prepare and submit for approval to the Authorized Officer, BLM, a mitigation plan that provides for protection and/or preservation of the cultural resources values existing on the site. No construction of site facilities will be commenced until mitigation of the cultural resources has been completed in accordance with the approved plan.
9. All cactus species that face destruction from construction activities shall be transplanted to other on-site areas.
10. Applications for possible interim uses such as mineral material extraction and/or sanitary landfill operation will be submitted and will be judged on its own merits.
11. Lessee shall abide by the following U. S. Geological Stipulations:
  - a. Development of the recreation facilities shall be in strict agreement with the plan dated December 20, 1979 and filed on January 18, 1980.
  - b. The USGS retains the right of review and approval of the designs and types of construction to be used for the proposed multi-purpose center, maintenance and storage building, amphitheater, equipment observation and education node and the group campsite.
  - c. All changes and/or additional developments not now indicated on the plan dated December 20, 1979, must be reviewed and approved by the USGS prior to construction.
  - d. The USGS will review and approve the placement of improvements that are discussed in Stipulations b and c listed above.

e. No direct current electrical power equipment will be used within the limits of the Magnetic Observatory Withdrawal (Lots 3 and 4, S&W&S, Section 5, T. 14 S., R. 15 E., G&PM, Az.

f. No activity on the parcel shall be undertaken by applicant or its agents that would cause interference with USGS Magnetic Observatory Site operations.

g. Parking on site shall be limited to 405 vehicles in accordance with the Preliminary Park Plan dated December 20, 1979.

12. The City of Tucson shall deal directly with USGS on development of the proposed park final master plan, subsequent changes thereto and general operation of the park.
13. Before any construction begins, the Lessee's representative will establish a suitable date with the authorized officer and a representative of USGS for a preconstruction conference.
14. The lessee shall comply with the applicable Federal and State laws and regulations concerning the use of pesticides (i.e., insecticides, herbicides, fungicides, rodenticides, and other similar substances) in all activities/operations under this lease. The lessee shall obtain from the ELM Authorized Officer approval of a written plan prior to the use of such substances. The plan must provide the type and quantity of material to be used; the pest, insect, fungus, etc. to be controlled; the method of application; the location for storage and disposal of containers; and other information that the ELM Authorized Officer may require. The plan should be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year (i.e., December 1, 1980 deadline for the Federal fiscal year beginning on October 1, 1981). Emergency use of pesticides may at times be necessary; in these instances, notification shall be furnished the ELM Authorized Officer either by telephone or personal visit prior to application of the pesticide. The use of substances on or near the leased area shall be in accordance with the approved plan. A pesticide shall not be used if the Secretary of the Interior has prohibited its use. A pesticide shall be used only in accordance with its registered uses and within other limitations if the Secretary has imposed limitations. Pesticides shall not be permanently stored on public lands authorized for use under this lease.

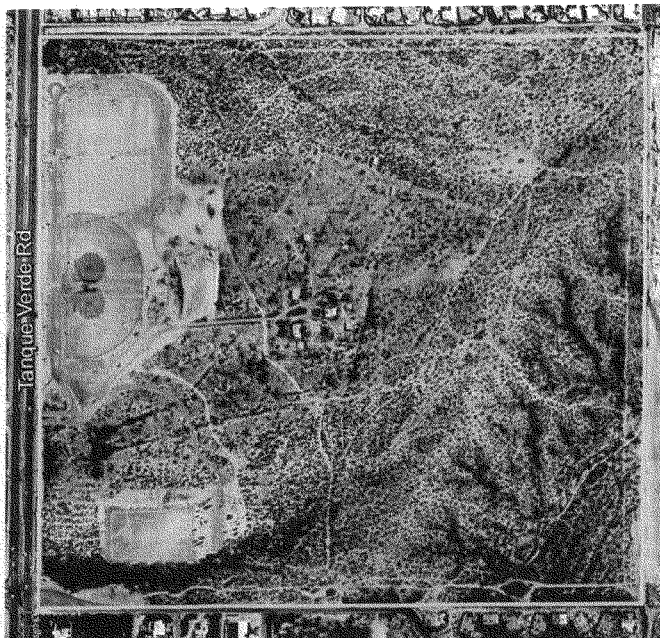
TITLE VI--CIVIL RIGHTS ACT OF 1964  
Form of Assurance for Transfer Documents  
Other Than Patents

- (1) The lessee covenants and agrees that it will comply with provisions of Title VI of the Civil Rights Act of 1964, and that it will not, for the period during which the property conveyed by this instrument is used for a regional park, or for another purpose involving the provision of similar services or benefits, engage in any discriminatory action prohibited by 43 CFR 17.3, to the end that no person in the United States shall, on grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the program for which the lessee received Federal financial assistance by this lease. This assurance shall obligate the lessee, or in the case of transfer of the property leased herein, any transferee, for the period of its lease.
- (2) The lessee further agrees that it will not transfer the property conveyed by this instrument for the purposes designated in paragraph one hereof or for another purpose involving the provision of similar services or benefits, unless and until the transferee gives similar written assurance to the authorized officer, Bureau of Land Management, that it will comply with provisions of paragraph one hereof.
- (3) The lessee agrees that the right is reserved to the Department of the Interior to declare the terms of this lease terminated in whole or in part and to revert in the United States title to the property conveyed herein, in the event of a breach of the nondiscrimination provisions contained in paragraph one hereof at any time or during the term of this lease.
- (4) The lessee agrees that as long as property conveyed hereby is used for the purpose designated in paragraph one hereof, or for another purpose involving the same or similar services or benefits, the obligation to comply with the provisions of Title VI of the Civil Rights Act of 1964 shall constitute a covenant running with the land for the term of this lease.
- (5) The lessee agrees that in the event of violation or failure to comply with the requirements imposed by paragraph one the United States may seek judicial enforcement of such requirements.
- (6) The lessee agrees that it will, upon request of the Secretary of the Interior or authorized delegate, post and maintain on the property conveyed by this document signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964 to the area or facility leased.

**EXHIBIT B**

**AERIAL PHOTOGRAPHS  
OF UDALL PARK**

City of Tucson - BLM Land Exchange  
Udall - 172.8 acres



## **EXHIBIT C**

# **OCTOBER 9, 1986 LETTER FROM U.S. DEPARTMENT OF INTERIOR TO CITY OF TUCSON EXTENDING LEASE**





United States Department of the Interior

IN REPLY REFER TO  
A-13143

BUREAU OF LAND MANAGEMENT  
Phoenix District Office  
2015 West Deer Valley Road  
Phoenix, Arizona 85027  
(602) 863-4464

October 9, 1986

DECISION

City of Tucson,  
Parks & Recreation Department

Recreation and Public  
Purposes Lease A-13143

Lease Term Extended

On May 16, 1980, Recreation and Public Purposes Lease A-13143 was issued to the City of Tucson, Department of Parks and Recreation Department for a regional park affecting the following described land:

T. 14 S., R. 15 E., GSR Mer., Arizona  
sec. 5, Lots 3, 4, S½NW¼.

The lease was issued for a 25-year term. On September 15, 1986, we received a request from the Tucson Parks and Recreation Department to extend the lease term for an additional 25-year period.

This request is hereby granted. The lease term for Recreation and Public Purposes Lease A-13143 is extended through October 8, 2011.

*James R. Bissan*  
District Manager *acting*  
Phoenix District Office

## **EXHIBIT D**

**RESOLUTION NO. 14953  
ADOPTED BY  
MAYOR AND COUNCIL  
ON JUNE 26, 1989**

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ADOPTED BY THE  
MAYOR AND COUNCIL

JUN 26 1989

RESOLUTION NO. 14953

RELATING TO REAL PROPERTY; AUTHORIZING THE CITY MANAGER TO ENTER  
INTO NEGOTIATIONS WITH THE UNITED STATES GOVERNMENT FOR  
THE TRANSFER OF CERTAIN CITY OWNED PROPERTY.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF  
TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The City Manager is hereby authorized and  
directed to enter into negotiations with the Federal Bureau of  
Land Management and any other necessary parties for the transfer  
of that certain City owned property illustrated on the map  
attached hereto as Exhibit 1.

SECTION 2. The various City officers and employees are  
authorized and directed to perform all acts necessary or desir-  
able to give effect to this resolution.

SECTION 3. WHEREAS, it is necessary for the preserva-  
tion of the peace, health and safety of the City of Tucson  
that this resolution become immediately effective, an emergency is  
hereby declared to exist, and this resolution shall be effective  
immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of  
the City of Tucson, Arizona, JUN 26 1989

  
MAYOR

ATTEST:

*David L. Scott*  
CITY CLERK

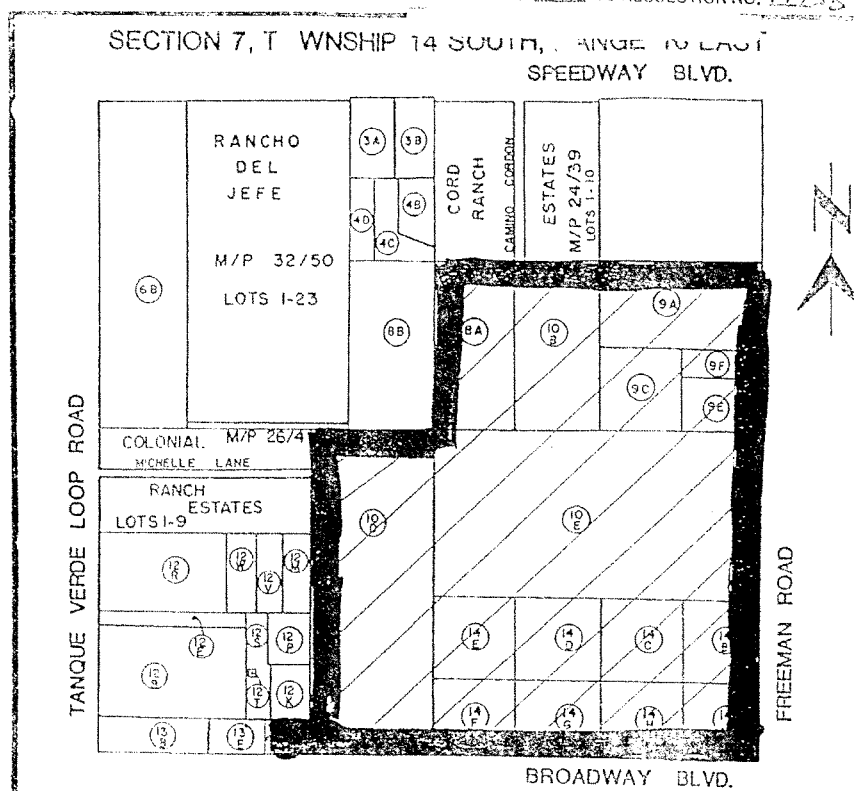
APPROVED AS TO FORM:

*[Signature]*  
CITY ATTORNEY

*GWB*  
GWB:jt  
6/16/89

REVIEWED BY:

*[Signature]*  
CITY MANAGER



LEGEND

SUBJECT PROPERTY

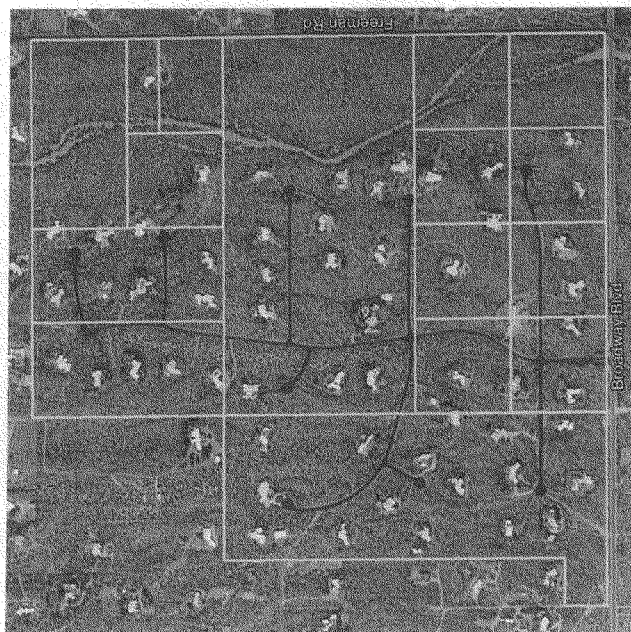
|                        |                         |
|------------------------|-------------------------|
| C.K. JULY 19 87        | CITY OF TUCSON, ARIZONA |
| SCALE: NO SCALE        | ENGINEERING DIVISION    |
| APPROVED CITY ENGINEER | PLAT NO.                |

RP 1805

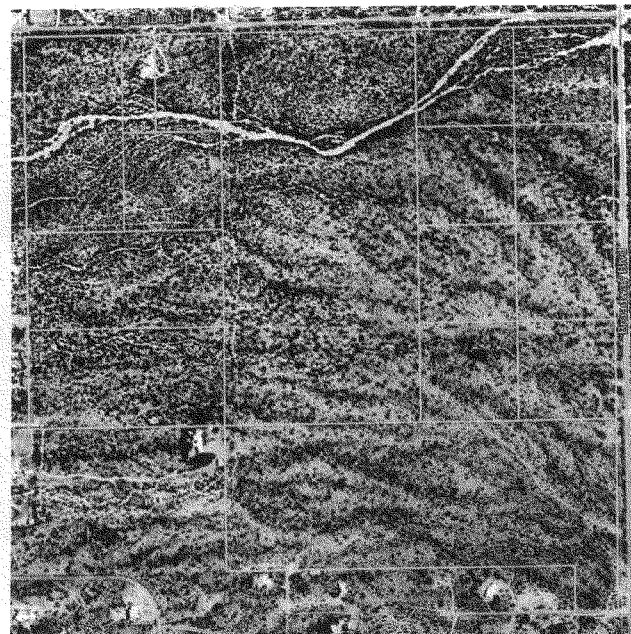
**EXHIBIT E**

**AERIAL PHOTOGRAPHS  
OF  
FREEMAN ROAD  
PROPERTY**

City of Tucson - BLM Land Exchange  
Freeman Road - 297 acres



2015



1989

**EXHIBIT F**

**AERIAL PHOTOGRAPH OF  
UDALL PARK AND  
FREEMAN ROAD  
PROPERTY LOCATIONS**





## **EXHIBIT G**

**SEPTEMBER 5, 1989  
LETTER FROM U.S.  
DEPARTMENT  
OF INTERIOR TO  
CITY OF TUCSON**



United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
ARIZONA STATE OFFICE  
3707 N. 7TH STREET  
P.O. BOX 16563  
PHOENIX, ARIZONA 85011



IN REPLY REFER TO

A 13143 01 (910)

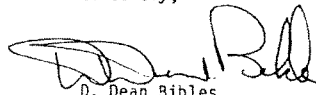
September 5, 1989

Mr. George Bromley  
Assistant City Attorney  
City of Tucson  
P.O. Box 27210  
Tucson, Arizona 85726-7210

Dear Mr. Bromley:

Following the execution of the "Agreement Between the City of Tucson and the Bureau of Land Management Regarding Udall Park and For Other Purposes", BLM intends to support legislative efforts to eliminate the reverter clause in the patent to the City of Tucson executed pursuant to that agreement.

Sincerely,

  
D. Dean Bibles  
State Director

Enclosures  
Patent  
Agreement



**EXHIBIT H**

**EXCHANGE AGREEMENT  
AND ESCROW CLOSING  
STATEMENT**

WHEN RECORDED MAIL TO:  
Bureau of Land Management  
Arizona State Office  
P.O. Box 18561  
Phoenix, Arizona 85061  
Attest: [Signature]

EXHIBIT 5 TO ORDINANCE NO. 7289

AGREEMENT BETWEEN THE CITY OF TUCSON AND THE BUREAU OF LAND  
MANAGEMENT REGARDING UDALL PARK AND FOR OTHER PURPOSES

1. RECITALS

1. WHEREAS, the City of Tucson, Arizona (hereinafter "Tucson") presently holds a 25 year lease for recreational purposes for a certain parcel of property within the boundaries of Tucson and commonly referred to and hereinafter understood to be Udall Park, from the Bureau of Land Management, U.S. Department of the Interior (hereinafter "BLM") constituting 172.8 acres, more or less, the title to which is in the United States of America, and
2. WHEREAS, Tucson is desirous of obtaining title to Udall Park from BLM, and
3. WHEREAS, Tucson is the owner of a certain parcel of land constituting 297 acres, more or less, commonly referred to and herein understood to be the Freeman Street parcel, and
4. WHEREAS, BLM is desirous of obtaining title from Tucson of the Freeman Street property,
5. WHEREAS, Tucson has examined the title evidence pertaining to Udall Park and understands that all mineral deposits underlying Udall Park are and will continue to be reserved to the United States, and
6. WHEREAS, BLM has examined the title evidence concerning the Freeman Street parcel as provided in title insurance policy No. 8908876 issued by Commonwealth Land Title Insurance Company, Philadelphia, Pennsylvania, current as of the date of this

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Agreement, which, among other things, shows that all coal and other minerals in and under the property are reserved to the United States pursuant to the Act of October 3, 1962, 76 Stat. 743, and

7. WHEREAS, Tucson is desirous of obtaining from the United States all of the United States' right, title and interest of the United States' claims against Browne-Tankersley Trust, B. and R. Materials Corporation, as Arizona Corporation, Roland Browne and Judith Mae Browne, husband and wife, Ronald Tankersley and Jay Lynn Tankersley, husband and wife, Pioneer National Trust Company of Arizona, an Arizona Corporation in the case entitled, United States of America v. Browne-Tankersley Trust, B. and R. Materials Corporation, an Arizona Corporation, Roland Browne and Judith Mae Browne, husband and wife, Ronald Tankersley and Jay Lynn Tankersley, husband and wife, Pioneer National Trust Company of Arizona, an Arizona Corporation, Civ. 85-936 TUC-ACM, U.S. District Court for the District of Arizona, and

8. WHEREAS, the United States is agreeable to transfer title to Udall Park to Tucson under the provisions and limitations of 43 U.S.C. sec. 859 et seq. (1982 ed.) (commonly referred to as the "Recreation and Public Purposes Act"), reserving all mineral deposits in the lands and the right to mine and remove the same in the United States pursuant to requirements of 43 U.S.C. sec. 859-1 and with a limitation on the patent transferring title which provides, pursuant to 43 U.S.C. sec. 859-2, that if Tucson attempts to transfer title or control over

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Udall Park to another or the lands are devoted to a use other than for park or public purposes, without the consent of the United States, title to the lands shall revert to the United States, and

9. WHEREAS the United States is agreeable to transfer to Tucson the United States' claims against the defendants in the case entitled, United States of America v. Browne-Tankersley Trust, B. and B. Materials Corporation, an Arizona Corporation, Roland Browne and Judith Mae Browne, husband and wife, Ronald Tankersley and Jay Lynn Tankersley, husband and wife, Pioneer National Trust Company of Arizona, and Arizona Corporation, Civ. 85-936 TUC-ACM, U.S. District Court for the District of Arizona, at such time as the United States receives a signed commitment by plaintiffs' to dismiss with prejudice the case entitled Browne-Tankersley Trust v. Donald P. Hodel, Secretary of the United States Department of the Interior, and the United States of America, Civ. 88-317 TUC-ACM, U.S. District Court for the District of Arizona.

#### II COVENANTS AND AGREEMENTS

NOW THEREFORE the United States of America and Tucson agree as follows:

10. Tucson conveys by warranty deed, receipt of which is acknowledged this date, a copy of which is attached hereto and made a part hereof, subject to the exceptions and exclusions stated in the title insurance policy No. 8902076 issued by Commonwealth Land Title Insurance Company, Philadelphia

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Pennsylvania, to the United States of America all right title and interest in a certain parcel of land constituting 297 acres, more or less, commonly referred to and herein understood to be the Freeman Street parcel.

11. Tucson delivers to the United States title insurance issued by Commonwealth Land Title Insurance Company, in the amount of Four Million Dollars (\$4,000,000.00) subject to the exceptions and exclusions stated in the title insurance policy No. 8908074, a copy of which is attached hereto and made a part hereof, previously paid for by Tucson, naming the United States beneficiary of said title insurance in the amount stated in said insurance policy.

12. The United States conveys by patent, receipt of which is acknowledged as of this date, a copy of which is attached hereto and made a part hereof, to Tucson all right, title and interest in a certain parcel commonly referred to as Udall park constituting 172.8 acres, more or less, under the provisions and limitations of 43 U.S.C. sec. 869 et seq. (1982 ed.) (commonly referred to as the "Recreation and Public Purposes Act") reserving all mineral deposits in the lands and the right to mine and remove the same in the United States pursuant to requirements of 43 U.S.C. sec. 869-1 and with a further limitation on the patent transferring title which provides, pursuant to 43 U.S.C. sec. 869-2; that if Tucson attempts to transfer title or control over Udall park to another of the lands are devoted to a use other than for park or public purposes, without the consent of



the United States, title to the lands shall revert to the United States.

13. The United States agrees to transfer to Tucson all of the United States' right, title and interest of the United States' claims against Browne-Tankersley Trust, B. and R. Materials Corporation, and Arizona Corporation, Roland Browne and Judith Mae Browne, husband and wife, Ronald Tankersley and Jay Lynn Tankersley, husband and wife, Pioneer National Trust Company of Arizona, an Arizona Corporation in the case entitled, United States of America v. Browne-Tankersley Trust, B. and R. Materials Corporation, an Arizona Corporation, Roland Browne and Judith Mae Browne, husband and wife, Ronald Tankersley and Jay Lynn Tankersley, husband and wife, Pioneer National Trust Company of Arizona, an Arizona Corporation, Civ. 83-936 TUC-ACM, U.S. District Court for the District of Arizona upon receipt of a signed commitment by plaintiffs' to dismiss the prejudice the case entitled Browne-Tankersley Trust v. Donald P. Hodel, Secretary of the United States Department of the Interior, and the United States of America, Civ. 88-317 TUC-ACM, U. S. District Court for the District of Arizona.

14. The United States agrees to execute all documents necessary to dismiss with prejudice the case entitled, United States of America v. Browne-Tankersley Trust, B. and R. Materials Corporation, an Arizona Corporation, Roland Browne and Judith Mae Browne, husband and wife, Ronald Tankersley and Jay Lynn Tankersley, husband and wife, Pioneer National Trust Company of

Arizona, an Arizona Corporation, Civ. 85-936 TUC-ACM, U.S. District Court for the District of Arizona, when so requested by Tucson upon receipt of a signed commitment by plaintiffs' to dismiss with prejudice the case entitled Brown-Tankersley Trust v. Donald P. Rodel, Secretary of the United States Department of the Interior, and the United States of America, Civ. 88-317 TUC-ACM, U. S. District Court for the District of Arizona.

15. Tucson agrees to pay to the U.S. Geological Service, U.S. Department of the Interior ("USGS"), one hundred and thirty-five thousand dollars (\$135,000.00) to relocate the USGS Observatory from Udall Park. Tucson agrees to deliver to the USGS the subject \$135,000.00 after the date of execution of this Agreement by both parties and the date of the transfer of the respective titles to Udall Park property and the Freeman Street property. Tucson and the United States agree that the date upon which the subject payment is to be made is the thirtieth day following a request from the USGS to Tucson for the payment of the subject \$135,000.00.

16. The United States and Tucson agree that until such time as a replacement USGS observatory is operational and the measurements necessary to correlate magnetic data have been completed, USGS is entitled to continue full observation operations with all rights, included but not limited to ingress and egress over existing roads and ways, presently enjoyed at the current location in Udall Park. The United States and Tucson agree that Tucson will continue to abide by the conditions and

restrictions of the present lease, No. A-13143, except as hereinafter modified, refraining from any and all development and usages in the buffer zones which could adversely affect the collection of geomagnetic data. Except as hereinafter modified, the United States and Tucson agree that the USGS existing master plan controlling the development and usage of the Udall Park property will continue in full force and effect for a period of not to exceed 5 years from the date of the execution of this agreement and that any variation to the master plan must have the prior approval of the USGS. The United States promises that the USGS will use its best efforts to accommodate increased use by Tucson of the Udall Park property on the conditions that any increased use will not interfere with the operation of the existing observatory and will not impair the collection of magnetic data at that site. The United States and Tucson agree that the determination of any variation to the master plan permitting an increased use of the Udall Park property by Tucson, its assigns and successors in interest will be determined by the USGS through a scientific analysis performed in consultation with Tucson.

17. The United States and Tucson agree that the USGS will require up to two years of simultaneous operation of the existing observatory in Udall Park and the replacement observatory to complete correlation of data from the new site with historical data from the present site. The United States promises that when the new observatory site has been identified and the

aforementioned \$135,000.00 has been transferred from Tucson to USGS. USGS will proceed with dispatch to establish and make operational the replacement observatory. The United States agrees that USGS will vacate the Udall Park observatory site on or before 5 years from the date of the execution of this Agreement, on the further condition that Tucson transfers to USGS the aforementioned \$135,000.00 within thirty days of receipt of a request from USGS for the transfer of the subject \$135,000.00.

18. The United States and Tucson agree that USGS will retain ownership of its real property improvements in Udall Park until USGS vacates the observatory site in Udall Park. The United States and Tucson agree that USGS will retain full rights to continue any and all rental agreements for housing and use permits that USGS presently has with other Federal, state, and county agencies. The United States agrees that all such agreements and permits will be terminated by the United States on or prior to the date the USGS finally vacates the observatory site in Udall Park.

19. The United States and Tucson agree that when the replacement observatory site has been operational for a sufficient time to permit the release of the existing observatory in Udall Park, the United States will transfer to Tucson, and Tucson agrees to accept full responsibility for, the structures, wells, elevated tank cement pads, cesspools, and other appurtenances in Udall Park. The United States certifies that during the USGS occupation of Udall Park, USGS has not used in

any of its operations nor has its disposed of or caused to be disposed of any hazardous materials at the subject observatory site. The United States and Tucson agree that the USGS will be permitted to remove all Government owned personal property. The United States and Tucson agree that any such USGS observatory property still remaining in Udall Park 30 days after site evacuation will be considered abandoned property and may be disposed of by Tucson.

20. The United States and Tucson agree that the promises and agreements contained in this Agreement are binding on themselves, their assigns and successors in interests and Tucson agrees that it will include in any such leases, sales, assignments or other devise of interests in the Udall Park property the conditions and promises it makes to the United States in this Agreement, unless the United States, by written document, releases Tucson from those promises or said promises are rendered inapplicable by the completion of the events described herein or by subsequent legislation.

21. The United States and Tucson agree that Tucson has the right, at no cost, to continue to use the building, within the Freeman Street property, located at 675 No. Freeman Road ("Freeman Road building"), for a period of time not to exceed one (1) year from the date of transfer of the Freeman Street property from Tucson to the United States. The United States and Tucson agree that Tucson may remove all of Tucson's personal property from the Freeman Road building. The United States and Tucson

agree that any such Tucson property still remaining in the Freeman Road building 30 days after site evacuation will be considered abandoned property and may be disposed of by the United States.

22. The covenants and agreements contained in paragraphs 10-21 above are mutual promises and the fulfillment of each such promise by one party is dependent on the fulfillment of each promise by the other party and the failure of a party to this agreement to fulfill one of the noted covenants and promises releases the other party from performing its agreements and promises contained in para. 10-21 inclusive.

Dated: September 19, 1989  
Oct 4, 1989

Signed:   
UNITED STATES OF AMERICA

Dated: September 19, 1989  
October 4, 1989

Signed:   
CITY OF TUCSON, ARIZONA

Approved as to form

9/9 1989

  
George W. Bromley  
Asst. City Attorney

PLTA-020 (9/84)

**EXHIBIT I**

**NOVEMBER 17, 1989**  
**POST-AGREEMENT**  
**LETTER**





# CITY OF TUCSON

November 17, 1989

DEPARTMENT OF TRANSPORTATION  
REAL ESTATE DIVISION  
255 WEST ALAMEDA  
PHONE (502) 791-4181

The Honorable Dennis DeConcini  
The United States Senate  
328 Hart Center Office Building  
Washington, D.C. 20510  
FAX: 202-224-3464

ATTENTION: DAVID STEELE

RE: RELEASE OF REVERTER CLAUSE IN UDALL PARK

Dear Mr. Steele:

Enclosed please find suggested language necessary for the introduction of legislation to the Senate by Senator Dennis DeConcini.

Your assistance is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Kross".

John Kross  
Real Estate Administrator

JK:FCI

cc: Joel D. Valdez, City Manager  
Jim Ronstadt, Director, Parks & Recreation  
Bruce Wright, Director, Community and Public Service, ✓  
University of Arizona

RP 1619

November 17, 1989  
Release of Reverter Clause in Udall Park

I am introducing legislation today to complete understandings in an Agreement between the City of Tucson and the Bureau of Land Management regarding the Udall Park and for other purposes. The last remaining act to complete all the understandings is the elimination of a reverter clause in the Patent issued to the City of Tucson for Udall Park.

The resolution of litigation was the driving force to cause the agreement. The use of the Recreation and Public Purposes Act was chosen as the method of passing title to the City in order to meet the tight time frames.

It was the intent of the Bureau of Land Management (BLM) and the City of Tucson that the patent be issued without the reversionary interest. Therefore BLM supports efforts to eliminate the reverter clause. BLM acknowledges that the City of Tucson has paid for the value of the reverter, in part, by the conveyance of the Freeman Road Property to BLM, situated in close proximity to the Saguaro National Monument east of Tucson.

Other considerations of the Agreement are:

City of Tucson reserves the right, at no cost, to continue to use the building located at 675 North Freeman Road for the Office of Energy and Environment for a one year period of time, from the date of title transfer to the BLM; and

BLM reserves the right, at no cost, to allow the U.S. Geological Survey to continue to operate the magnetic observatory at its present location for a period of time not to exceed five (5) years, from the date of title transfer to the City.

- a. City of Tucson agrees to pay the U.S. Geological Survey the sum of one hundred thirty five thousand dollars (\$135,000) for relocation cost from Udall Park.
- b. BLM agrees to release the City of Tucson from the above five year provision in writing at an earlier time, upon notification that U.S. Geological Survey has no further use of the site.

JK:c

## **EXHIBIT J**


# **CITY'S DECEMBER 9, 2015 LEGAL MEMORANDUM TO BLM DISTRICT DIRECTOR**



## MEMORANDUM

DATE: December 9, 2015

TO: Tim Shannon  
BLM District Director

FROM: Damian Fellows   
Principal Assistant City Attorney

Amber Cargile  
BLM Supervisory Public Affairs Specialist

SUBJECT: Udall Park Legislation

Today, Senators Flake and McCain introduced a bill to eliminate the federal reverter on the City's title to Udall Park. The following is a statement on the history of the Park and the facts supporting this legislative request. Supporting documents are also attached.

In 1980, the City entered a long-term lease of the 127+ acre parcel of BLM land south of Tanque Verde Road and east of Sabino Canyon Road, improved for public use by the City as Udall Park (the "Park"). Title to the Park was later conveyed to the City by Recreation and Public Purpose Act ("RPPA") patent. This conveyance was part of a larger transaction involving (i) an exchange with City-owned land (297 acres known as the Freeman Street Property); (ii) relocation of a USGS observatory on the Park at the City's expense, enabling the Park to be more fully developed; and (iii) settlement of then-pending litigation between the BLM and a third party. See, Mayor and Council Communications and letter from John Kross, City Real Estate Administrator to Senator DeConcini dated November 17, 1989, attached.

According to the November letter, the parties originally intended to transfer title without a reverter as part of the agreed fair-market exchange ("BLM acknowledges that the City of Tucson has paid for the value of the reverter, ..."), but time constraints in the litigation required a RPPA patent be used instead. This is consistent with an earlier September 5, 1989, letter from BLM State Director Dean Bibles to Assistant City Attorney George Bromley, also attached ("BLM intends to support legislative efforts to eliminate the reverter clause ...").

Further indications of a fair-market exchange include the relative size of the properties (172+ acres without mineral rights vs. 297 acres with mineral rights), a Freeman Street Property title-insured for \$4 million under Section 11 of the Exchange Agreement, an Escrow Statement placing the exchange value at \$4 million, and the City's commitment to further compensate the BLM \$135,000 in relocation expenses to move the USGS

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MEMO TO: Tim Shannon and Amber Cargile, BLM  
FROM: Damian Fellows, Principal Asst. City Attorney  
DATE: December 9, 2015  
Page 2 of 2

observatory, while allowing the USGS to remain on the Park after title transfer for up to 5 years.

The legislative efforts in 1989 were not completed due to transitions in offices of the City, the BLM, and the Senate. The current legislation is aimed to complete that process, to rectify the Agreement, and to expand productive use of the Park consistent with its mission.

DF/mg

Atts.

**Kelley, Tarsha (Energy)**

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**From:** Mary-Sue Reed <marysuereed@verizon.net>  
**Sent:** Tuesday, April 19, 2016 4:39 PM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167.

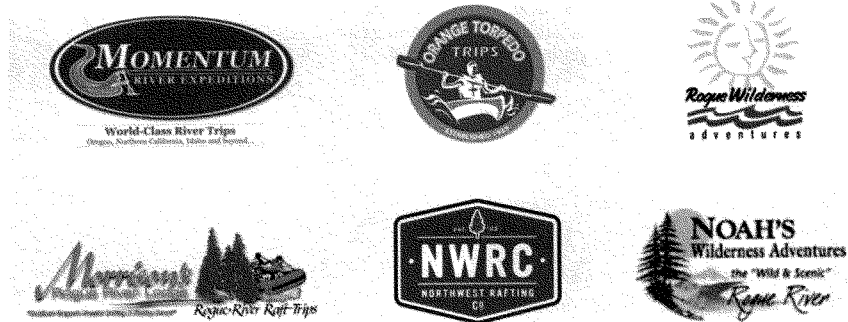
As a concerned citizen, I am writing to oppose S. 1167. As a person who enjoys our nation's wilderness areas, I oppose the use of motor vehicles in any of the Owyhee Wildernesses for livestock grazing purposes. It is well-known, witnessed and documented that motor vehicle use degrades the wilderness character of these types of areas.

I am also aware that ranchers in other Wildernesses manage without using motor vehicles and those who graze livestock in the Owyhee Canyonlands Wildernesses should not have use of motorized vehicles, either. If the Owyhee grazers get special treatment, ranchers in other Wildernesses will demand the same. This activity will lead to further detrimental environmental degradation of these lands. This is not acceptable on our public lands.

It is obvious that S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness, and should be blocked by this Committee.

Sincerely,

Mary S. Reed  
962 Darrow Road  
Duanesburg, NY 12056



April 18, 2016

Honorable Lisa Murkowski, Chairwoman  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Honorable Maria Cantwell, Ranking Member  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Honorable Members of the Committee,

We are businesses that depend upon the ecological, social and economic values of the Rogue River. As you know, the Rogue River is a nationally recognized natural treasure and is one of the central engines of the tourism and recreation economy in Southern Oregon – an economy that continues to grow and provide sustainable long-term jobs and opportunities. We believe this unique landscape should be managed and protected to preserve these values for current and future generations.

We support Senator Wyden and Senator Merkley's efforts to protect the Lower Rogue River. Most recently, the U.S. Congress introduced S. 1699, the Oregon Wildlands Act. Legislation to protect the Lower Rogue River has been introduced into every Congress since 2008, but the Congress has failed to pass any meaningful protections for this world-class river and Oregon treasure.

With the endorsement of a wide range of interests, including nearly 100 businesses and river conservation organizations, protection for the Lower Rogue River is long overdue. Please work to pass this bill so that the Wild Rogue can continue to serve as the playground for local river enthusiasts and attract tourists from all over the world.

The Wild Rogue River canyon is one of the most remote, unspoiled, and pristine landscapes in the West – while remaining accessible to users of almost any age and skill level; this wild character, use, and enjoyment should be preserved for future generations.

Sincerely,

Pete Wallstrom, Owner  
Momentum River Expeditions  
Ashland, Oregon

Erik Weiseth, Owner  
Orange Torpedo Trips – Whitewater Cowboys  
Merlin, Oregon

Hugh Hague Owner  
Noah's Wilderness Adventures  
Phoenix, Oregon

Zach Collier, Owner  
Northwest Rafting Company  
Hood River, Oregon

Taylor Buchanan, Manager  
Morrison's Rogue Wilderness Adventures  
Merlin, Oregon





*~ Protecting clean water and fish in the Rogue basin*

April 18, 2016

Honorable Lisa Murkowski, Chairwoman  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Honorable Maria Cantwell, Ranking Member  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Honorable Members of the Committee,

As you know, the Rogue River is a nationally recognized natural treasure and one of the central engines of the tourism and recreation economy in southern Oregon – an economy that continues to grow and provide sustainable long-term jobs and opportunities. We believe this unique landscape should be managed and protected to preserve these values for future generations to enjoy.

Rogue Riverkeeper supports Senator Wyden and Senator Merkley's efforts to protect the Lower Rogue River. Most recently, the U.S. Congress introduced S. 1699, the Oregon Wildlands Act, which includes protection for the lower Rogue River. Congress has introduced legislation in every session since 2008 but has failed to pass meaningful protection for this Oregon treasure.

With the endorsement of a wide range of interests, including nearly 100 businesses and river conservation organizations, protection for the Lower Rogue River is long overdue. Please work to pass this bill so that the Wild Rogue can continue to serve as the playground for local river enthusiasts and attract tourists from all over the world.

The Wild Rogue River canyon is one of the most remote, unspoiled, and pristine landscapes in the West – while remaining accessible to users of almost any age and skill level; its wild character, use, and enjoyment should be preserved for future generations.

For the Wild Rogue,

A handwritten signature in black ink, which appears to read "Robyn Janssen". The signature is fluid and cursive.

Robyn Janssen, Rogue Riverkeeper

**Ripchensky, Darla (Energy)**

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**From:** Mr. Scott <scott.roney@verizon.net>  
**Sent:** Wednesday, April 20, 2016 12:21 AM  
**To:** Ripchensky, Darla (Energy)  
**Cc:** L. Mark Starr; Mark Starr; pavo taran; pavo taran; Ron Sparks  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

*Dear Energy and Natural Resources Committee:*

*Please make this statement a part of the hearing record for S. 1167.*

*I am writing to oppose S. 1167 for the following reasons:*

I spend every summer enjoying the Idaho wilderness areas and have done so every year since 1965! As a current mental health care provider at Naval Hospital Camp Pendleton I know that veterans who have served their country on multiple deployments use our federally designated wild lands as places of rest, recuperation and healing. The presence of motor vehicles will greatly impact our veterans ability to use these wild lands for their intended purpose. I urge you also to consider the following:

- 1. I oppose the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes.*
  - 2. Motor vehicle use will degrade the wilderness character of these areas.*
  - 3. Ranchers in other Wildernesses don't need motor vehicles and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses.*
  - 4. If the Owyhee grazers get special treatment, ranchers in other Wildernesses will demand the same.*
  - 5. S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.*
- With Great Respect,*

*Mr. Scott R. Roney, USA, Ret.  
 Pastoral Counselor/Licensed Marital & Family Therapist  
 46266 Teton Trail  
 Temecula, CA 92592*

**From:** Kim & Elliot Ross  
**To:** Ripchensky, Darla (Enerov)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Tuesday, April 19, 2016 9:22:06 AM

---

*Hello Ms. Ripchensky,*

*I am writing to oppose S. 1167 for the following reasons:*

- 1. I oppose the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes.*
- 2. Motor vehicle use will degrade the wilderness character of these areas.*
- 3. Ranchers in other Wildernesses don't need motor vehicles and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses.*
- 4. If the Owyhee grazers get special treatment, ranchers in other Wildernesses will demand the same.*
- 5. S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.*

*But perhaps most troubling is the fact that this is even under consideration - this is Wilderness, the definition of which certainly doesn't conjure up images of motor vehicles. When one chooses to graze cattle in such an area, they must be willing accept the terms which govern that use. I graze cattle with certain limitations to the accessibility of much of the land I own and accept these restrictions not as hardships but as the cost of doing business. Each operator must evaluate the costs versus the benefits, and if the expense outweighs the gain, then they need to consider other options. Were this private property, one of those options might be to ease the regulations, but as this is collectively the land of the people of the United States and, furthermore, as it has been designated a wilderness treasure belonging to each and every citizen, the rules are the rules. As the stewards of this national asset, it is incumbent upon you and your organization to see that this land is protected so that each successive generation has the same opportunity to enjoy and marvel at the natural grandeur of the remaining wild places that still exist within our borders.*

*Thank you for considering my views, sincerely,*

*B. Elliot Ross  
 7041 Lyon St  
 Union Dale, PA 18470-7615*



JONATHAN ROTHSCHILD  
MAYOR

CITY OF TUCSON  
OFFICE OF THE MAYOR

255 WEST ALAMEDA  
P.O. BOX 27210  
TUCSON, ARIZONA 85726-7210  
PHONE: (520) 791-4201  
FAX: (520) 791-5348

April 21, 2016

The Honorable John Barrasso  
Chairman  
U.S. Senate  
Senate Public Lands, Forests and  
Mining Subcommittee  
304 Dirksen Senate Office Building  
Washington, DC 20510

The Honorable Ron Wyden  
Ranking Member  
U.S. Senate  
Senate Public Lands, Forests and  
Mining Subcommittee  
304 Dirksen Senate Office Building  
Washington, DC 20510

*Re: Senate Public Lands, Forests and Mining Subcommittee hearing on S.2379, the Udall Park Land Exchange Completion Act of 2015, April 21, 2016*

Dear Chairman Barrasso and Ranking Member Wyden:

Thank you, Chairman Barrasso and Ranking Member Wyden, for your consideration of S. 2379, the Udall Park Land Exchange Completion Act of 2015.

The Udall Park Land Exchange Completion Act of 2015 resolves a historic land exchange agreement between the City of Tucson and the Bureau of Land Management at Udall Park, a City-owned regional park in the northeast quadrant of Tucson metropolitan area. It formally completes an agreement on land previously exchanged at fair market value for Udall Park in 1989. The Act directs conveyance of the Federal reversionary interest in Udall Park to the City, as the parties intended when the exchange was made.

I am very grateful to Senator Jeff Flake and Senator John McCain for stepping in on behalf of Tucson to bring a final resolution to this issue. It will allow the City to move forward to enhance Tucson's recreational and economic future. I have asked my City Attorney, Michael Rankin, to provide the enclosed expert testimony on behalf of the City.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Rothschild".

Jonathan Rothschild  
Mayor

**Ripchensky, Darla (Energy)**

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**From:** Alex Russell <russella17@gmail.com>  
**Sent:** Friday, April 22, 2016 10:14 AM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing recording for S. 1167.

I oppose the used of any motor vehicles or mechanical vehicles for any reason in any designated wilderness areas. Motorized or mechanical use in wilderness areas will have negative long term consequences for our future generations. Our children and grandchildren must be able to appreciate the benefits conferred upon our generation by those who worked so hard to protect invaluable wilderness areas. Research indicates surrounding communities benefit economically from wilderness designation. Companies with high-paying jobs are much more willing to relocate their employees to areas with wilderness characteristics. These valuable companies are less likely to relocate where there are impacts from logging, mining, motorized travel and livestock grazing.

I urge you to uphold the Wilderness Act of 1964 and protect designated wilderness from any motorized or mechanical travel.

--  
Alex Russell  
413 N Brady Ave.  
Bozeman, MT 59715

**Ripchensky, Darla (Energy)**

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**From:** Dawn Serra <dawn\_serra@hotmail.com>  
**Sent:** Thursday, April 21, 2016 11:11 AM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167.

I very strongly oppose S. 1167, which would allow motor vehicles in the Owyhee Wildernesses for livestock grazing. The visionary 1964 Wilderness Act is very clear that motorized vehicles are not allowed in Wilderness. Congress and the American people have set aside more than 110 million acres of Wilderness across the US as places where we leave our motors behind and enjoy solitude and quite, allowing natural processes and the wild nature of these places to be primary. No exceptions should be made to this part of the law. It's enough of a compromise that ranches are even allowed to graze in Wildernesses for pennies-on-the-dollar, at the expense of all Americans who pay taxes. Furthermore, if an exception is made in the Owyhees, ranchers everywhere will expect and demand motorized use. So, I urge you to reject this bad bill and instead make sure Wilderness is kept wild.

Sincerely,

Dawn Serra  
265 Benton Avenue  
Missoula, MT 59801

**Ripchensky, Darla (Energy)**

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**From:** Bill and Nancy <bnshaw@earthlink.net>  
**Sent:** Tuesday, May 3, 2016 9:37 PM  
**To:** fortherecord (Energy)  
**Subject:** Wild Olympics Wilderness and Wild and Scenic Rivers Act

Dear Senate Committee members,

I am writing to you to show my support for the Wild Olympics Wilderness and Wild and Scenic Rivers Act. Our beautiful Olympic Mountains have been an integral part of our lives since moving to Sequim in 1973. That love was shared with our 2 daughters, as well as friends and their kids, with whom we backpacked extensively throughout the Buckhorn and the park when they were growing up. Now we teach our grandchildren about the importance of stewardship. Our land borders the National Forest with DNR land adjacent to it. We have seen the extreme damage done to some of these areas when there are no enforceable restrictions.

Passing an act that will preserve wildlife, expand wilderness, and recreational opportunities without hurting jobs is a win-win proposition.

Thank you for your work,  
 Nancy Shaw  
 6834 Palo Alto Rd.  
 Sequim

I

**Ripchensky, Darla (Energy)**

---

**From:** William Shaw <bnshaw@icloud.com>  
**Sent:** Tuesday, May 3, 2016 9:31 PM  
**To:** fortherecord (Energy)  
**Subject:** Support of Wild Olympics legislation

I support the Wild Olympics legislation being considered by the state senate. The Olympics are a precious resource that should be protected for future generations and now is the time to do the protecting. Don't pass up this opportunity.

Sincerely,

William Shaw  
6834 Palo Alto Rd.  
Sequim, WA 98382





April 21, 2016

Senator John Barrasso  
Chair, Senate Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining  
United States Senate  
Washington, D.C. 20510

Senator Ron Wyden  
Ranking Member, Senate Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining  
United States Senate  
Washington, D.C. 20510

Senators Barrasso and Wyden:

On behalf of our 2.4 million members and supporters, the Sierra Club would like to submit the following comments to the Subcommittee on Public Lands, Forests and Mining. We thank you for the opportunity to submit these comments (especially since the hearing will be held on John Muir's birthday).

The Sierra Club strongly supports the Wild Olympics Wilderness and Wild and Scenic Rivers Act (S. 1510) and the Central Coast Heritage Protection Act (S. 1423). Our local chapters have been particularly active ~~with~~on both of these pieces of legislation.

The Wild Olympics Wilderness and Wild and Scenic Rivers Act, sponsored by Sen. Murray, protects more than 126,000 acres of new Wilderness in the Olympic National Forest, including old growth and ancient forest habitat. Wilderness designation will also greatly expand recreational opportunities in the region. The Wild Olympics bill designates 19 rivers as Wild and Scenic, protecting both public access and water quality. The bill is supported by a large and broad coalition of outfitters and local businesses, farmers, local elected officials, and conservation groups.

Sen. Boxer's Central Coast Heritage Protection Act designates more than 245,000 acres of new and expanded Wilderness in the Los Padres National Forest and the Carrizo Plain National Monument. These areas are home to more than 468 species of wildlife, including the endangered California condor and the southern steelhead. The bill also designates the new Condor National Recreation Trail.

The Sierra Club has long supported Wilderness protection for the Wild Rogue and Devil's Staircase areas, but we have not yet taken an official position on the Oregon Wildlands Act sponsored by Senators Ron Wyden and Jeff Merkley.

The Sierra Club strongly supported Senator Crapo's Owyhee Public Land Management Act of 2009, and we were happy to work with a coalition that included local ranchers. However, we have concerns regarding Sen. Crapo's Owyhee Wilderness Areas Boundary Modification Act, S. 1167. The Sierra Club opposes allowing motorized vehicles or mechanized use in Wilderness, and we support the revised 2012 Bureau of Land Management policy that prohibits permittees from using motorized vehicles in Wilderness. We look forward to working with Sen. Crapo and the Subcommittee to address these concerns.

Finally, the Sierra Club strongly opposes the Utah Test and Training Range Encroachment Prevention and Temporary Closure Act, S. 2383, sponsored by Sen. Hatch. The bill gives away almost 6,000 acres of public land under the guise of

50 F St NW, Washington, DC 20001 TEL: (202) 547-1141 FAX: (202) 547-6009 [www.sierraclub.org](http://www.sierraclub.org)

military training and testing. Sen. Hatch's bill gives away road rights-of-way to several Utah counties and trades away public lands to mining interests, proposals that have nothing to do with national security.

Thank you for your consideration and for the opportunity to submit comments to the Subcommittee. Please do not hesitate to contact me if you have questions or would like more information.

Sincerely,

Athan Manuel  
Director, Lands Protection Program

**From:** [charles.smith](#)  
**To:** [Riichensky, Darla \(Energy\)](#)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing.  
**Date:** Tuesday, April 19, 2016 10:03:01 PM

---

Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167.

I oppose S. 1167 for the following reasons:

The Wilderness Act is successful because it has strict limitations on use of motorized vehicles and equipment on protected lands. No exceptions should be allowed for ranchers who want to further their own private interests for their own convenience. Using motor vehicles may save them time and money but it is a blatant violation of the wilderness character and ethic. Allowing exceptions to the provisions of the Wilderness Act sets up this wilderness and future wilderness for failure. Imagine yourself as a hiker seeking the solitude of the Owyhee, and suddenly the quiet is ruined by the sound of motor vehicle engines and maybe even horns and shouting as a roundup erupts around you. Vehicle damage to the environment is unacceptable in a wilderness. Exceptions set dangerous precedent that other interests will see and continual erosion of our pristine wilderness character will happen more and more.

Thanks for considering my statement.  
Sincerely,  
Charles S Smith  
4048 Victoria Park Dr  
San Jose, CA 95136-2033

**From:** [Vicki Smith](#)  
**To:** [Ripchensky, Darla \(Energy\)](#)  
**Subject:** ATV's in Wilderness areas  
**Date:** Tuesday, April 19, 2016 11:49:59 AM

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Dear Darla, I am writing to express outrage that ranchers using PUBLICLY owned lands for their own profit are also using equipment - out of step with wilderness desinations - to destroy the very lands and waters that support the taxpayer subsidized herds they graze on lands owned by ALL Americans.

This should be stopped immediately !

Separately, it is wrong for local people to believe that they have any more right to impose their will on publicly owned lands than taxpayers that live in other parts of the country. I realize that some people believe that publicly owned lands should be sold....but...should that happen; these ranchers would no longer receive grazing 'rights' at substandard rates ! They can't have it both ways.

Anyway, as long as the lands and waters are OWNED by all Americans - ALL Americans have the same 'rights' to express how we want the lands used and NOT used / abused.

Please stand up to local and political pressure and insist that the wilderness be kept wild. The Wilderness Act of 1964 clearly states what is and is not compatible. Personally I find the grazing incompatible but at least it should be done on horseback not high powered, polluting, noisy and degrading / eroding ATV's !

Regards,  
 Vicki Smith  
 PO Box 163  
 Merrilan WI 54754

April 21, 2016

The Honorable Ron Wyden  
United States Senate  
304 Dirksen Senate Office Building  
Washington, DC 20510

Senate Committee on Energy and Natural Resources: Subcommittee on Public Lands, Forests, and Mining

Re: S. 1699, the Oregon Wildlands Act.

Honorable Senator Wyden and Colleagues,

I am writing to share my support of the S. 1699, an act to protect more than 100,000 acres of wilderness, more than 250 miles of Wild and Scenic Rivers, and more than 119,000 acres of National Recreation Area in the great state of Oregon, my home state for all of my life.

Much of this area to be protected lies in my backyard, within the reaches of the cherished Rogue River and its tributaries. I grew up fishing, camping, rafting, hiking and hunting in this region, and have a deep personal connection to it, both personally and professionally.

Since 1995 I have been a Territory Sales Manager for Big Rock Sports, the largest distributor of sporting goods in the nation. I currently service the southern half of the state, much of which is directly affected by the areas to be protected.

Big Rock Sports supplies thousands of independently owned and operated retail outlets across our nation, including hundreds in Oregon alone. Not only does Big Rock Sports employ many good people, but we also support many small family businesses that provide jobs for so many throughout the state, and are so vital to our rural Oregon economies.

In Oregon, the sportfishing industry alone, supports more than 11,000 jobs and accounts for \$382 million in wages and salaries for Oregonians. Add to that the jobs and dollars supported by all of the other aspects of the outdoor recreation industry, and we are talking a very significant portion of Oregon's economy!

But none of these jobs, nor our culture and way of life, are possible if we allow development and or abusive resource extraction to devalue the habitat that makes this special place what it is, biologically, economically and culturally.

It is with these facts in mind that I, along with a significant proportion of my customer base, support and appreciate your efforts to protect these invaluable landscapes and help insure that they remain productive for generations to come.

Sincerely and gratefully,

Dave Strahan  
Big Rock Sports  
Northwest Sportfishing Industry Association  
1711 E. Jones Cr. Rd.  
Grants Pass, Oregon. 97526

**From:** [Hugh Sutherland](#)  
**To:** [Ripchensky, Darla \(Energy\)](#)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Tuesday, April 19, 2016 12:42:15 PM

---

Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167.

I am writing to oppose S. 1167 for the following reasons:

Motor vehicle use in wilderness, certainly designated wilderness, is not compatible with habitat and open space preservation. ATV's and trucks are entirely at cross purposes with wilderness preservation. The noise and destruction by trail/road making, as well as off-trail riding, interrupt the ecology and eliminate the value wilderness offers to hikers.

I have land in a cattle ranching cooperative, the largest in Santa Barbara County, encompassing more than 14,000 acres. We use enlightened grazing practices to enhance/recover the native landscape and protect riparian vegetation zones. Our beef is some of the finest and healthiest available anywhere. Our cowboys use horses with complete success. Horses are more effective at rounding up and moving cattle, while causing little, if any, disturbance to the environment. Please do not set a precedent for other ranching operations on public lands. These are PUBLIC lands entrusted to the government for their preservation for future generations to enjoy, and for a sustainable society.

For far too long ranchers have enjoyed dirt cheap grazing on our public lands, in effect socializing the cost in damage to the landscape through poor ranching practices, in some cases leaving us with, well, dirt. Don't let the situation get even worse.

Sincerely,

Hugh Sutherland  
[hsutherland.v@gmail.com](mailto:hsutherland.v@gmail.com)  
(805) 685-8168  
57 Touran Lane  
Goleta, CA 93117

**From:** [Ray Temple](#)  
**To:** [Rizchensky, Darla \(Energy\)](#)  
**Cc:** [Stephanie Hazen](#)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Thursday, April 21, 2016 4:41:42 PM

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Dear Energy and Natural Resources Committee, please make this statement a part of the hearing record for S. 1167. We are writing to oppose S. 1167.

Prohibitions on motorized vehicle use and on most other mechanized devices are part of what define and maintain the character of wilderness on public lands with that designation. Congress apparently believed in those values enough to pass wilderness designations for some stellar parts of the west. We hold hunters, anglers, backpackers, even habitat restoration and species recovery projects to a high and unwavering standard. S.1167 seeks to undo those protections to benefit a few.

This legislation is ostensibly aimed at specific users (ranchers) and specific areas (six wildernesses in the Owyhee Canyon Lands Wildernesses). Both proponents and those of us attempting to protect these areas congressionally set aside for uses that do not include vehicle use, recognize that passage of this bill is precedent-setting for all other wilderness areas in the nation. Both grazing management and the core prohibition on vehicle use will be open to further attack and erosion.

If ranchers are running cattle on wilderness lands, they did not go into this practice blindly. Clearly, they made choices regarding wilderness areas as suitable for grazing and chose to do so under the prevailing rules.

Why now? Because this is one of the many fronts being attacked in the growing public land management controversy in the West. The sense of public lands being held in trust for diverse public uses and managed sustainably is getting lost in the rhetoric of federal mismanagement and latent economic activity that is constrained by federal ownership. This attack is at many levels and in many venues. Passage of this act opens the door to taking away all that sets wildernesses apart from other multiple-use lands.

Please adhere to the tenets of the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness in considering this bill.

Ray Temple

Stephanie Hazen

8353 Wagner Ct SE,

Salem, OR 97317



**From:** Thomas  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Tuesday, April 19, 2016 11:30:33 AM

---

Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167.

I am writing to oppose S. 1167.

I am 72 years old, and I have visited and supported our various national parks and wilderness areas for my whole adult life. When I finished college in 1965, my older sister (who had just returned from Europe with a little Volkswagen) and I drove from North Carolina to California and back, visiting as many national protected areas as we could. Mostly we camped in public campgrounds. This trip instilled in both of us a lifelong commitment to our parks and wilderness areas and our need to protect them for our children and grandchildren.

I have lived in cities for most of my life, but I have taken my daughter and grandchildren to wild areas as often as has been possible. I believe that these visits are good for our physical and mental health, but even more importantly, they are good for the health of the earth itself. And if our people have no opportunity to visit a park and/or wilderness area, they are much less likely to help protect our resources for future generations. But these resources must be managed wisely, with an eye to the future.

These are the specific reasons I oppose S. 1167:

1. I believe that motor vehicles have no place in wilderness areas, except in a very minimal way to help the public have access in order to enjoy them and use them in appropriate ways. They should not be used for livestock grazing purposes.
2. I believe that motor vehicle use will truly damage the wild character of the areas.
3. I do not believe that motor vehicles are necessary for ranchers or others who graze livestock in the Owyhee Canyonlands Wildernesses.
4. If this bill is passed, then it surely other private concerns using our public wilderness lands will demand the same, and our PUBLIC wildernesses will fall like a house of cards into degradation at the hands of private citizens.
5. We have a standard established by the 1964 Wilderness Act, and Congressional Grazing Guidelines for Wilderness. This proposal goes far beyond that and is simply not appropriate.

Please do the wise thing that you were called to do, and PROTECT our wilderness lands for the future of all of us, The People.

Very sincerely,

Sally M. Thomas  
 720 Brockbank Rd.  
 Charlotte, NC 28209



**Jessica D. Strickland**  
California Field Coordinator

April 21, 2016

Honorable John Barrasso, Chair  
Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests and Mining  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Honorable Ron Wyden, Ranking Member  
Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests and Mining  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Dear Chairman Barrasso, Ranking Member Wyden, and members of the subcommittee,

On behalf of Trout Unlimited, I write to voice support for **S. 1423, the Central Coast Heritage Protection Act**. The provisions of this Act will permanently protect the wild public lands and rivers of the Central Coast region and the water supply and fishing values these unique public lands provide. We are very pleased with provisions in the Act that will add roughly 300,000 acres of wilderness, scenic areas, and other protections and 159 miles of wild and scenic rivers in the Los Padres National Forest and Carrizo Plain National Monument.

Many of our members enjoy fishing and hunting in the Los Padres, and utilize these public lands and waters not only for personal recreation but also for civic service events, such as outings for special programs such as "Healing Waters" (veterans) and "Casting for Recovery" (cancer survivors). Permanently protecting the outstanding recreational, scenic, and habitat values of the Los Padres is vital to ensuring we will continue to enjoy these pursuits in the future.

Moreover, Sespe and Piru Creeks provide a rare opportunity for freshwater fishing in the region and are the two of three designated "Wild Trout" streams in southern California. Additionally, Sespe Creek supports one of the few populations of endangered southern steelhead trout. These fish, and rare fishing opportunities, will be enhanced and sustained by better protecting their habitat as wilderness and wild and scenic river segments.

S.1423 outlines a comprehensive approach to protecting California's central coast that will help to ensure that present and future generations of anglers will be able to enjoy the remarkable natural and sporting values of these public lands. We thank Senator Boxer for championing this

**Trout Unlimited: America's Leading Coldwater Fisheries Conservation Organization**  
California Field Office: PO Box 7399 Mammoth Lakes CA 93546  
(830) 515-9917 • [jstrickland@tu.org](mailto:jstrickland@tu.org) • [www.tu.org](http://www.tu.org)

legislation in the Senate and pledge our support throughout the legislative process for designating the additional wilderness, wild and scenic rivers, and other protective designations in the Los Padres National Forest and Carrizo Plain National Monument.

Sincerely,



Jessica Strickland, CA Field Coordinator  
Trout Unlimited  
Mammoth Lakes, CA

Brian Johnson, CA Executive Director  
Trout Unlimited  
Emeryville, CA

Erik Young, CA Council Chair  
Trout Unlimited  
Sacramento, CA

Bob Blankenship, President  
South Coast Chapter TU  
Irvine, CA



April 21, 2016

Honorable John Barrasso, Chair  
Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests and Mining  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Honorable Ron Wyden, Ranking Member  
Energy and Natural Resources Committee  
Subcommittee on Public Lands, Forests and Mining  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Dear Chairman Barrasso, Ranking Member Wyden, and members of the subcommittee,

I write on behalf of Trout Unlimited and our 150,000 members to voice our support for **S. 1699, the Oregon Wild Lands Bill**. This bill seeks to add additional protections to a variety of public lands in Oregon that are very important to our constituency, as well as the citizens of Oregon.

Trout Unlimited's mission is to conserve, protect, restore and reconnect North America's trout and salmon fisheries and their watersheds. National forests provide crucial habitat for trout, salmon and steelhead, and some of the best fishing in the country. S. 1699 will provide important permanent protections that are desperately needed to sustain quality fisheries on our national forests in Oregon.

One such area that would benefit from this bill is southern Oregon's salmon and steelhead jewel, the Rogue River. Some 56,000 acres of specified federal lands would be added to the Wild Rogue Wilderness, permanently protecting crucial headwaters habitat. The Rogue River is known as one of the very best fishing rivers in the lower 48. Strong runs of fall chinook, spring chinook and ESA-listed coho salmon keep anglers coming to towns like Gold Beach, Agnes, and Grants Pass, Oregon year-around. The river also offers amazing runs of summer and winter steelhead.

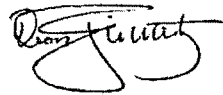
The economic benefit of a healthy fishery for these southwest Oregon towns and cash-strapped counties cannot be overstated. Thousands of anglers from all over the country visit the region and spend tens of thousands of dollars at local hotels, restaurants, gas stations, grocery stores and tackle shops. Long-term protections of this valuable economic engine is crucial.

In addition to the protections that this bill will provide in the Rogue River, Trout Unlimited also supports the bill for the additional conservation measures that will benefit other Oregon treasures, such as the National Recreation Area designation in the Molalla River and approximately 30,500 acres of Forest Service and BLM land designated as the Devil's Staircase Wilderness.

Other noteworthy portions of the bill that we fully support include the wild and scenic designations for Jenny Creek, a very important stream for native redband trout and North Fork Silver Creek, which is a great producer of wild steelhead. Technical corrections contained in the bill for the Chetco are also important for the protection of this river so vital to the City of Brookings, Curry County and to all the fishermen and women who enjoy fishing its amazing runs of fall chinook, coho and huge, native winter steelhead.

Trout Unlimited commends Senator Wyden and Senator Merkley and their staffs for developing a bill that does so much for Oregonians and our country. Their vision and leadership on issues so important to all of us who love the outdoors, illustrates their commitment to keeping some of our very best rivers and streams protected for all Americans for generations to come.

Sincerely,



Dean Finnerty  
Trout Unlimited  
Sportsmen's Conservation Project

**Ripchensky, Darla (Energy)**

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**From:** Susanne Twight-Alexander <ouzel@teleport.com>  
**Sent:** Thursday, April 21, 2016 2:09 AM  
**To:** Ripchensky, Darla (Energy)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing

April 20, 2016

Dear Energy and Natural Resources Committee:

Please make this statement a part of the hearing record for S. 1168.

I oppose S. 1167.

Motorized vehicles should not be used in the Owyhee Wilderness in connection with livestock grazing. Ranchers who graze cattle in other Wilderness Areas manage quite well without motor vehicles. I personally have seen this.

If the ranchers are allowed to use motor vehicles in the Owyhee, then ranchers in other Wilderness areas will demand the same privilege.

Motor vehicles do not belong in Wilderness Areas as is clearly stated in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.

Other aspects of this bill are also outrageously out of step with the concept of Wilderness. I have lived in, and used Wilderness areas in, both California and Oregon.

Sincerely yours,

Susanne Twight-Alexander

4060 Torrington Ave.

Eugene, OR 97404

**Statement of David Ure  
Director  
Utah School and Institutional Trust Lands Administration**

**U.S. Senate Committee on Energy & Natural Resources  
Subcommittee on Public Lands, Forests and Mining**

**Hearing on**

**Utah Test and Training Range Encroachment Prevention and Temporary  
Closure Act**

**Thursday, April 21, 2016**

**Introduction**

On behalf of the Utah School and Institutional Trust Lands Administration, I thank Chairman Barrasso and the subcommittee members for the opportunity to provide this statement in support of S. 2383. I also wish to thank Utah Senator Orrin Hatch for his sponsorship of this legislation, and co-sponsor Senator Mike Lee. S. 2383 will protect and enhance the Utah Test and Training Range in its critical role in providing special use airspace for the nation's current and future military needs. The associated land exchange contained in Title II of S. 2383 will secure federal ownership of existing state lands within the UTTR expansion area, allow federal acquisition of valuable conservation lands in western Utah, and concurrently provide replacement federal lands to Utah's school trust, helping fund K-12 public schools in Utah.

**About SITLA**

The School and Institutional Trust Lands Administration ("SITLA") is an independent, non-partisan state agency established to manage lands granted by Congress to the State of Utah 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 Permanent School Fund, a perpetual endowment supporting K-12 public schools. Investment income from this endowment is distributed annually to each public and charter school in Utah to support academic priorities chosen at the individual school level.

### **Background**

The primary purpose of S. 2383 is to enhance the military effectiveness of the Utah Test and Training Range by allowing the temporary closure of Bureau of Land Management (BLM) lands adjacent to the UTTR to accommodate expanded military operations. SITLA is supportive of the expansion proposal in light of both its necessity for national defense and its contribution to the continued viability of Utah's Hill Air Force base. One aspect of the UTTR expansion is that areas within the closure area will be withdrawn future mineral leasing. This closure will in turn have an impact on the economic viability of the scattered state trust lands sections within the closure area. In addition, the U.S. Air Force has expressed concern that if state trust land sections remain within the closure areas, potentially conflicting uses such as communications towers might be permitted. Accordingly, Title II of S. 2383 contains provisions directing the exchange of state trust lands and minerals inside the UTTR to BLM, as described below.

### **Description of Proposed Land Exchange**

The proposed UTTR closure area would capture approximately 68,057 acres of Utah school trust lands and minerals managed by SITLA. S. 2383 would direct the exchange all trust lands in the expansion area – most of which are scattered “checkerboard” sections - for more useable BLM lands elsewhere in western Utah. S. 2383 would also direct exchange to the United States of 10,280 acres of severed state mineral estate inside the Dugway Proving Ground, and 5,913 acres of school trust lands and minerals captured inside the Cedar Mountains Wilderness, thus resolving two existing land tenure problems in and around UTTR. SITLA lands to be given up are located in Box Elder, Tooele, and Juab counties. If necessary to equalize values, SITLA will also convey to BLM SITLA-owned conservation lands in Washington County, primarily desert tortoise and rare plant habitat. The proposed exchange would consolidate scattered trust lands into more useable larger parcels with better potential to support both the school trust and local economic development.

S. 2383 identifies 97,073 acres of BLM lands for acquisition by SITLA, located in Box Elder, Tooele, Juab, Millard and Beaver counties. These BLM lands have been identified for SITLA acquisition for several reasons. Several parcels are located near or adjacent to existing mineral development operations, and can be leased by SITLA after acquisition to generate revenue for Utah's school trust. Other parcels are deemed to have future mineral or industrial development potential, but are not likely to be developed in the near term. Several BLM parcels in the Tooele Valley area are remnant BLM parcels surrounded by private land that may be useful for community and residential development purposes. Other, more remote parcels of isolated BLM lands were identified by SITLA to supplement existing grazing allotments. Collectively, the BLM lands to be acquired by SITLA are expected to produce meaningful revenue to Utah's school trust over a long time period, supporting K-12 public education in Utah.

### **Exchange Process**

S. 2383 provides that if the State of Utah offers to convey the SITLA lands (identified as the “non-Federal land”) to the United States, the Secretary of the Interior shall accept the offer and on receipt of title to the non-Federal lands, convey all right, title and interest in the Federal land to SITLA.



§203(a). The exchange is subject to valid existing rights. §203(b). S. 2383 requires all lands in the exchange to be appraised in accordance with nationally recognized appraisal standards, including, as appropriate, the Uniform Appraisal Standards for Federal Land Acquisitions. §203(d)(1), (2). SITLA will retain the appraiser or appraisers, with the consent of the Secretary. §203(d)(1). Both the Secretary and the State will provide technical reports concerning mineral deposits for use by the appraisers. §203(d)(3). If the federal lands are encumbered by unpatented mining or millsite claims located under the Mining Law of 1872, the appraisals must take into account effect of the encumbrance on the value of the parcel. §203(d)(3)(B).

Once the appraisals are completed, they will be provided to the Secretary and the State for approval. §203(d)(5). If the Secretary and the State cannot agree on the valuation of one of more parcels, the dispute resolution mechanisms contained in section 206(d)(2) of the Federal Lands Policy and Management Act (FLPMA) will be used to resolve the dispute. §203(d)(5). Once completed, the appraisals will remain valid until the completion of the exchange. §203(d)(6). Once appraisals are completed, the Secretary is to reimburse the State for 50% of appraisal costs. §203(d)(7).

Once appraisals and/or any necessary dispute resolution is completed, conveyance of the exchange lands is to be completed within one year. § 203(e). If the state lands appraise for more than the federal lands, equalization of values is to occur through a cash payment from the United States to the State in accordance with section 206(B) of FLPMA. If the federal lands appraise for more than the state lands, SITLA will convey certain conservation lands in Washington County to the United States until values are equalized, in the following order: (1) a parcel of critical habitat for the endangered Holmgren's Milkvetch, a plant listed as endangered under the federal Endangered Species Act; (2) SITLA lands in the Red Cliffs National Conservation Area; (3) SITLA lands in the Beaver Dam Wash NCA; and (4) SITLA lands in designated wilderness in western Washington County. §203(g)(2).

#### **Conservation Lands**

SITLA expects that the federal lands to be acquired by the State will appraise for more than the state trust lands being exchanged to BLM. In this instance, the value equalization methods described above will allow BLM to acquire valuable conservation lands in Washington County that have long been identified by BLM for federal acquisition, but for which funding has not been available. The parcel of critical plant habitat described in section 203(g)(2)(A)(i)(I) of S. 2383 contains one of the largest remaining populations of the Holmgren's Milkvetch, an endangered plant. The parcel is the subject of an existing Memorandum of Understanding between SITLA, the BLM, the U.S. Fish and Wildlife Service and The Nature Conservancy seeking ways of funding federal acquisition of the parcel, which could now be accomplished through S. 2383. Similarly, BLM committed in 1994, through the Washington County Multi-Species Habitat Conservation Plan, to acquire all SITLA lands in the Red Cliffs Desert reserve (now the Red Cliffs National Conservation Area), but has been unable to fund the committed acquisition. S. 2383 provides a mechanism for the United States to fulfill its unfunded commitments, and acquire these valuable conservation lands.

**Response to BLM Statement on S. 2383**

On February 25, 2016, the House Committee on Natural Resources, Subcommittee on Federal Lands, held a hearing on H.R. 4579, which is identical as introduced to S. 2383. At that hearing, the Bureau of Land Management indicated their overall support for the state-federal land exchange directed by Title II of the Act. SITLA appreciates BLM's support for the land exchange, and has worked with BLM, the subcommittee and the sponsor to resolve concerns expressed by BLM in its written statement on both the House and Senate versions of the proposed legislation. In the meantime, SITLA makes the following comments with regard to specific concerns raised by BLM in its written statement on Title II of S. 2383:

- *BLM Comment: Some of the BLM parcels to be acquired by SITLA are located within General Sage Grouse Habitat*

Response: Approximately 5% of the BLM land proposed for acquisition by the School and Institutional Trust Lands Administration (SITLA) are within areas mapped by BLM as general habitat for the Greater Sage Grouse (GSG). General habitat is the lowest category of protected habitat under the recent BLM land use plan amendments for the GSG. SITLA is a participant in the State of Utah's Sage Grouse Management Plan, and actively works with the Utah Division of Wildlife Resources on both habitat modifications and land conveyances to protect and improve sage grouse habitat. That said, the primary BLM parcels within BLM-mapped general habitat are isolated BLM parcels in the rapidly-urbanizing Tooele Valley west of Salt Lake City, that are surrounded by private land and unlikely to support any viable use by the GSG, either now or in the future. Anticipated uses of the several other properties within GSG general habitat are consistent with GSG habitat.

- *BLM Comment: Some of the BLM Parcels are located in a historic mining district with sites eligible for inclusion on the National Register of Historic Places*

Response: Upon acquisition, all SITLA lands are subject to the Utah Antiquities Act, Utah Code Ann. 9-8-301- -405. The Utah Antiquities Act imposes on SITLA responsibilities for inventory and protection of historic and cultural resources equivalent to those imposed on BLM by the National Historic Preservation Act. In connection with the transfer of BLM lands to SITLA under the Utah Recreation Land Exchange Act, Pub. L. 111-53, BLM acknowledged that the State of Utah's cultural resources protection program provides equivalent protection as that provided under NHPA. Any historic sites now known or hereafter discovered will be subject to such protections.

- *BLM Comment: Some of the BLM parcels are located within active grazing allotments, BLM solar energy zones, and public water reserves, or contain rights-of-way, wildlife guzzlers, or off-highway vehicle trails.*

BLM and SITLA have collectively conveyed almost one million acres to each other over the last 17 years through a series of legislated land exchanges meant to rationalize the disjointed pattern of land ownership in Utah. As with the other exchanges, the exchange authorized by S. 2383 will be subject to valid existing rights. Management of grazing permits and rights-of-way on BLM lands will simply be transferred to SITLA, with the rights of the permittee/grantees unaffected.

Roads and off-highway vehicle trails are protected under state law. Utah Code Ann. 72-5-201. SITLA allows the Utah Division of Wildlife Resources to maintain wildlife guzzlers extensively on SITLA lands. BLM parcels included in BLM solar energy zones will be subject to development, if warranted, under SITLA's extensive renewable energy leasing program. In past exchanges, public water reserves were subject to administrative cancellation. In summary, the experience of past land exchanges between BLM and SITLA is that valid existing rights and other interests of the nature raised by BLM's testimony can be addressed administratively.

- *BLM Comment: The Land Exchange Should Be Subject to FLPMA Section 206, and Associated Requirements.*

As noted above, BLM and SITLA have completed multiple land exchanges authorized by Congress in the last 17 years (see e.g. the Utah Schools and Lands Exchange Act, Pub. L. 105-335; the Utah West Desert Land Exchange Act, Pub. L. 106-301; the Utah Recreation Exchange Act, Pub. L. 11-53), and are in process on a similar land transfer pursuant to the Hill Creek Cultural Preservation and Energy Development Act, Pub. L. 113-133. Only one of these exchanges incorporated elements of Section 206 of FLPMA – the Utah Recreation Exchange Act – and that inclusion added so much expense and administrative delay to the exchange process that the exchange was almost terminated for exceeding its authorized five year statutory sunset. In the other legislation, as in S. 2383, Congress has directed the conveyance of land on a non-discretionary basis, and BLM was able to complete the necessary transactions with minimum impact on agency resources. It is important to distinguish land exchanges between BLM and state governments – where a government-to-government relationship is present – and exchanges with the private sector, where a higher level of administrative scrutiny should apply. Finally, SITLA notes that state law provides equivalent protection to cultural resources as provided by the National Historic Preservation Act. With respect to endangered species, SITLA will be conveying lands in Washington County, Utah to BLM that are recognized critical habitat for multiple species, while no BLM lands being transferred to SITLA contain identified critical habitat for listed species.

- *BLM Comment: The Uniform Appraisal Standards for Federal Land Acquisition should apply, and the appraisal process should be managed by DOI Office of Valuation Services.*

BLM states that the Uniform Appraisal Standards for Federal Land Acquisitions (“UASFLA”, commonly referred to as the “Yellow Book”) should be applied to valuation of lands being exchanged. Section 203(d)(2) of S. 2383 requires use of nationally recognized appraisal standards, including UASFLA as appropriate. BLM also argues that the appraisal process should be conducted by appraisers to be hired by the Department of the Interior's Office of Valuation Services (OVS). Instead, S. 2383 creates a slightly different process where SITLA hires the independent appraisers, with the consent and concurrence of the Secretary (which would include OVS). This provision is based upon the fact that procurement of private sector contractors under state law is considerably more flexible, more competitive and cheaper than under the federal procurement system. OVS, through its power of consent and concurrence, will have full involvement in the appraisal process, including choice of appraisers, appraisal instructions, etc., and appraisal review, but the procurement portion will be managed by the State, with consequent savings in appraisal costs for the BLM and the state.

- *BLM Comment: Consideration of effect of mining claims on value of BLM lands*

Section 203(d)(3)(B) of S. 2383 provides that appraisals of BLM lands encumbered by private mining claims initiated under the Mining Law of 1872 must consider the impact of the mining claim encumbrance on the value of the underlying lands. BLM states that it has an internal policy of not considering such encumbrances in the appraisal of federal lands for exchange purposes. SITLA believes that BLM's position is inconsistent with UASFLA, which provides that legal or regulatory encumbrances on land being appraised must be considered in the valuation process. UASFLA D-6 at 84 (2000). Mining claims initiated under the Mining Law of 1872 are legal rights held by third parties in federal land, and under applicable appraisal standards must be considered.

- *BLM Comment: The land exchange authorization should have a ten year sunset.*

SITLA has no objection to a ten year sunset on the exchange authorization, but if the current directed exchange language is retained in S. 2383, the proposed exchange should be completed long before the sunset date, so a sunset provision should not be necessary.

#### **Conclusion**

SITLA appreciates the efforts of Chairman Barrasso, the subcommittee, and Senator Hatch in holding a hearing on S. 2383. We respectfully ask that it be passed out of committee favorably at the earliest possible time. Thank you.

[end]

**From:** [Steve Uyenishi](#)  
**To:** [Riichensky, Darla \(Energy\)](#)  
**Subject:** Statement for the Record for April 21 Public Lands Subcommittee Hearing  
**Date:** Tuesday, April 19, 2016 1:29:58 PM

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Dear Energy and Natural Resources Committee,

Please make this statement a part of the hearing record for S. 1167.

I oppose the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes. It upsets me to think that motor vehicles will be tearing up the land. The 1964 Wilderness Act was created to preserve the "wilderness character of the area." Allowing motor vehicles will in the Owyhee Wildernesses will degrade the wilderness character of these areas. Ranchers in other Wildernesses don't need motor vehicles and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses. I'm afraid that if the Owyhee grazers get special treatment, ranchers in other Wildernesses will demand the same. S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness. Please do not let this happen. Thank you.

Sincerely,

Steve Uyenishi  
12425 74th Ln. S. #24  
Seattle, WA 98178

**Ripchensky, Darla (Energy)**

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**From:** Christie Wagner <christiewagner@gmail.com>  
**Sent:** Tuesday, April 19, 2016 2:26 PM  
**To:** Ripchensky, Darla (Energy)  
**Cc:** Christie Wagner  
**Subject:** Re SENATE 1167: MY STATEMENT to be INTRODUCED INTO YOUR RECORD for your APRIL 21ST PUBLIC LANDS SUBCOMMITTEE HEARING

Dear Energy and Natural Resources Committee,

I'm a lifelong city kid. My first memories are of the Empire State Building, the Chrysler building and the sidewalks of New York. I've worked and lived on 5 continents in 42 countries and 34 states--all of them big cities such as L.A.; Paris; Quito, Ecuador; Athens, Greece; Washington, D.C. But I love the wilderness and care about animals and future generations of humans.

I'm against S. 1167 because it's a thinly veiled excuse for personal pleasure by ranchers for themselves and their spoiled brats to "have fun" on ATVs. There is no justification whatsoever for use of ATVs, which are a very recent introduction to our world and are recreational **TOYS**...emphasis on TOYS as in "non-functional". If you're herding cattle--and I've personally herded cattle--horseback and pickup trucks are more than adequate. **ATVs promote soil erosion, noise pollution, and emit more noxious gases than automobiles!!!** And it scares the crap out of animals--both the cattle and wildlife.

Don't be conned by a bunch of self-serving ranchers out for mindless, immature, noisy, air-polluting, erosion-promoting, environment-destroying, selfish pleasure.

If the Owyhee grazers get special treatment, ranchers in other Wildernesses will demand the same. S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness.

Sincerely, Christie Wagner-Starley

**CHRISTIE WAGNER**

***B.A., M.L.S.***

Writer-Editor-Researcher; Producer; P.R. Specialist

**a.k.a.**

**CHRISTIE STARLEY**

***s.a.g.-a.f.l.r.a., a.e.a.***

Actor, Singer, Voiceover Artist

Member:

*National Press Club*

*Public Relations Society of America*

*Television Internet Video Association (TIVA, D.C.)*

*WIFV (Women In Film And Video)*

LinkedIn: *Christie Wagner*

Mobile Telephone:

(202) 486-2000

Electronic Mail Address:

ChristieWagner@gmail.com

**My home address: 4610 Franklin Street; Kensington,  
Maryland 20895**

*{KINDLY NOTE: I do not adhere to the contrived convention of interpreting capitalizations, bolding and larger-than-minimum font as shouting. It is content, not formatting, which determines hostility. I use formatting, and coloration, to increase legibility, enhance variety and aesthetics, and to aid the*

*visually impaired.}*

**Ripchensky, Darla (Energy)**

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**From:** Deborah Wiese <dwiese55@yahoo.com>  
**Sent:** Tuesday, May 3, 2016 6:52 PM  
**To:** fortherecord (Energy)  
**Subject:** support Wild Olympics Wilderness and Wild and Scenic Rivers Act

Dear Senate Energy and Natural Resources Committee:  
 We support the Wild Olympics Wilderness and Wild and Scenic Rivers Act for many reasons, the foremost being water. The Act will protect vital sources of clean drinking water for our local Olympic Peninsula communities. It will protect critical salmon and steelhead habitat so central to the lives of Indian and non-Indian people in this region. Plus it protects rivers and streams essential to the shellfish industry and the health and restoration of Puget Sound, which is the lifeblood of our region.  
 We urge your support. Thank you.  
 Deborah Wiese and Ruth G Haasl  
 417 29<sup>th</sup> St  
 Port Townsend, WA 98368

(360) 385-1928  
 360-385-1928

People say, "What is the sense of our small effort?" They cannot see that we must lay one brick at a time, take one step at a time.

Dorothy Day



"Statement for the Record for April 21 Public Lands Subcommittee Hearing."

**Dear Energy and Natural Resources Committee,**

Please make this statement a part of the hearing record for S. 1167.

I am writing to oppose S. 1167 for the following reasons:

1. I oppose the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes. The Wilderness Act of 1964 specifically prohibits motorized vehicles in designated wilderness. Simply because livestock operators are unwilling to use primitive means of transport such as horses to transport materials or to reach their destination, is no reason to degrade and weaken the Wilderness Act of 1964. Livestock operators who wish to graze livestock in wilderness should understand that the nature of the congressionally designated wilderness is different than public lands without these stringent protections, and as such, require a greater effort on their part, to graze their livestock in a manner that will preserve wilderness, and serve their grazing purposes.
2. Motor vehicle use will degrade the wilderness character of these areas. In the Wilderness Act of 1964, wilderness is in part defined by its roadless nature. Wilderness is also defined by its outstanding opportunities for Solitude. Every time a motor vehicle enters the wilderness, Solitude is disturbed. Wilderness would not be preserved. There is no counter balancing force that preserves wilderness as it is being diminished by the sounds of motor vehicles moving through designated wilderness. motorized vehicles operating off road would leave twin tire tracks in vegetation and bare soil as they moved over the landscape. Naturalness would be diminished. Multiple trails would be created by multiple vehicles moving in different directions. Sensitive riparian areas would be at risk of damage by vehicles crossing through wet areas. Wilderness would not be preserved.
3. Ranchers in other Wildernesses don't need motor vehicles and neither do those who graze livestock in the Owyhee Canyonlands Wildernesses. Ranchers who choose to operate livestock in wilderness need to be held to a higher standard. Wilderness is not "regular" public land. Wilderness has restrictions, Choosing to remove those restrictions simply because Ranchers are unwilling to use traditional methods such as working from horseback or hauling salt blocks on horseback is frankly, a lame excuse.
4. If the Owyhee grazers get special treatment, ranchers in other Wildernesses will demand the same. Setting a precedent for motorized use in wilderness is a bad idea. It will essentially eliminate wilderness lands over time. Wilderness will cease to exist and we will end up with "regular" public lands that corporations and wealthy individuals will develop and modify to the extent we see everywhere, except in designated wildernesses.

5. S. 1167 goes far beyond what's allowed for ranching in the 1964 Wilderness Act and Congressional Grazing Guidelines for Wilderness. Do Not Set Bad Precedent, Do Not Pass This Bill.

Sincerely,

Tom Wilcox

504 West Pettibone Ave #85

Hines, Oregon 97738



April 18, 2016

Honorable Lisa Murkowski, Chairwoman  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Honorable Maria Cantwell, Ranking Member  
Energy and Natural Resources Committee  
United States Senate  
304 Dirksen Senate Building  
Washington, DC 20510

Honorable Members of the Committee,

We are businesses that depend upon the ecological, social and economic values of the Rogue River. As you know, the Rogue River is a nationally recognized natural treasure and is one of the central engines of the tourism and recreation economy in Southern Oregon – an economy that continues to grow and provide sustainable long-term jobs and opportunities. We believe this unique landscape should be managed and protected to preserve these values for current and future generations.

We support Senator Wyden and Senator Merkley's efforts to protect the Lower Rogue River. Most recently, the U.S. Congress introduced S. 1699, the Oregon Wildlands Act. Legislation to protect the Lower Rogue River has been introduced into every Congress since 2008, but the Congress has failed to pass any meaningful protections for this world-class river and Oregon treasure.

With the endorsement of a wide range of interests, including nearly 100 businesses and river conservation organizations, protection for the Lower Rogue River is long overdue. Please work to pass this bill so that the Wild Rogue can continue to serve as the playground for local river enthusiasts and attract tourists from all over the world.

The Wild Rogue River canyon is one of the most remote, unspoiled, and pristine landscapes in the West – while remaining accessible to users of almost any age and skill level; this wild character, use, and enjoyment should be preserved for future generations.

Sincerely,

Erik Weiseth, President  
Wild Rogue Outfitters Association



April 20, 2016

The Honorable John Barrasso, Chairman  
Senate Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining  
304 Dirksen Senate Office Building  
United States Senate  
Washington, D.C. 20510

The Honorable Ron Wyden, Ranking Member  
Senate Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining  
304 Dirksen Senate Office Building  
United States Senate  
Washington, D.C. 20510

Dear Chairman Barrasso, Ranking Member Wyden and members of the Subcommittee:

On behalf of The Wilderness Society's 700,000 members and supporters from across the country, I write to express our views on some of legislation being heard Thursday in the Subcommittee on Public Lands, Forests and Mining. I respectfully request that the following comments be included in the hearing record for April 21<sup>st</sup>, 2016.

**S. 1167 – Owyhee Wilderness Areas Boundary Modifications Act (Senators Crapo and Risch)**

In 2009, the Omnibus Public Lands bill designated 517,000 acres of wilderness in Idaho's Owyhee County under the management of the BLM. The wilderness designation was the direct result of more than seven years of collaboration and negotiations between ranchers, conservationists, county officials, outfitters and guides. In particular, the collaborative effort worked with every single livestock grazing permittee whose grazing allotment would be included in wilderness. Permittees expressed concerns about the effects wilderness designation could have on their existing livestock operations. The members of the collaborative turned to BLM fact sheets on wilderness and grazing available at the time, to the BLM wilderness policy manual in effect at that time, and most importantly, House Report No. 101-405, commonly known as the Congressional grazing guidelines. Those guidelines, which are submitted with this letter, direct the agency to consider pre-existing uses and a rule of reasonableness in determining what grazing management practices and facilities can continue in a newly designated Wilderness.

Most ranchers whose allotments were included in the Owyhee wilderness areas occasionally used motorized vehicles to maintain grazing facilities and to herd livestock as part of the

requirements of their grazing permits. It was their expectation in 2009, after reviewing the resources cited above, that such occasional use that the BLM had allowed for years to manage the grazing operation in those areas prior to wilderness designation would continue after wilderness designation.

In 2012 the BLM revised its wilderness management policies to specifically forbid the use of motorized vehicles by permittees to herd livestock or routinely inspect range developments, regardless of whether or not such use of motorized vehicles had been occurring prior to the area's designation of wilderness. The BLM's subsequent wilderness management plan for the Owyhee Canyonlands prohibited the use of motorized vehicles to herd livestock or routinely inspect grazing facilities, again, regardless of whether or not those same activities had been occurring in these areas prior to wilderness designation.

BLM's wilderness plan set in place a process to consider site-specific use of motorized vehicles to manage the livestock grazing in wilderness. However, there is a concern that any such analysis may be challenged by those groups who do not support collaboration to solve public lands controversies, leaving the issue unresolved for years.

In 2014, the members of the collaborative which developed the Owyhee Canyonlands wilderness proposal requested that Idaho's congressional delegation sponsor legislation for some technical wilderness boundary corrections and to offer a solution to this Owyhee grazing management conflict. S. 1167 is one approach to this problem. TWS believes there are other ways to craft the needed legislative solution that honors the work, commitment and expectations of those who collaborated for years to create the Owyhee Canyonlands wilderness and at the same time offers reasonable protection to wilderness values. TWS stands ready to work with the committee members, Senator Crapo, Owyhee permittees, and the BLM to find a solution that is agreeable to all of these interests.

#### **S. 1423 - Central Coast Heritage Protection Act (Senator Boxer)**

S. 1423 would protect some of central California's most scenic and spectacular lands and watersheds, and would ensure that a key part of California's wild heritage remains intact. The legislation would designate nearly 245,000 acres of wilderness and would add 158 miles of creeks and rivers to the National Wild and Scenic Rivers System. This bill would also establish the Condor National Recreation Trail, and designate more than 33,000 acres in two National Scenic Areas. Together, these designations would protect landscapes that sustain abundant recreation opportunities as well as iconic species like the California condor and southern steelhead trout.

The Wilderness Society is joined in its support of the Central Coast Heritage Protection Act by nearly 500 businesses, elected officials, conservation and recreation organizations, realtors, Tribes and chambers of commerce. We encourage the subcommittee to advance it without delay, and we commend Senator Boxer for her commitment to this landscape.

**S. 1510 – Wild Olympics Wilderness and Wild and Scenic Rivers Act of 2015 (Senator Murray)**

The Wilderness Society supports S. 1510, the Wild Olympics Wilderness and Wild and Scenic Rivers Act of 2015. This legislation, sponsored by Senator Patty Murray, would protect 126,554 acres of the Olympic National Forest as wilderness and designate 19 rivers and their major tributaries as Wild and Scenic. The protections afforded in the bill would safeguard the Olympic Peninsula's clean drinking water, ancient forests, wild and free-flowing rivers and habitat for many wildlife species, including the region's salmon and steelhead. The bill would also protect and expand the world-class outdoor recreation opportunities in the region, an ever growing sector of our economy that accounts for \$21.6 billion in annual expenditures in Washington state. We encourage the subcommittee to advance it without delay.

**S. 1699 – Oregon Wildlands Act (Senators Wyden and Merkley)**

The Wilderness Society enthusiastically supports the Oregon Wildlands Act. In addition to designating hundreds of miles of rivers as Wild and Scenic, this bill protects thousands of acres as National Recreation Areas and expands wilderness designations by nearly 90,000 acres. The landscapes protected by this legislation host old-growth trees and threatened and endangered species, and provide extraordinary recreational opportunities for Oregonians and all Americans. We urge the committee to advance this legislation that boasts broad support in Oregon, and we commend you, Ranking Member Wyden, for your commitment to protecting these landscapes.

**S. 1777 – regarding facilities and structures at Smith Gulch in Idaho (Senators Risch and Crapo)**

The Wilderness Society has worked with the Idaho delegation on S. 1777, and we appreciate the changes that have been made to the bill to ensure that it meets the original intent of the Central Idaho Wilderness Act. The bill would allow a legally permitted operator to add solar panels to his grandfathered structure within the Frank Church Wilderness of No Return. The Wilderness Society finds this consistent with the intent of the original legislation and supports this legislation.

**S. 2383 – Utah Test and Training Range Encroachment Prevention and Temporary Closure Act (Senators Hatch and Lee)**

The Wilderness Society opposes S. 2383, the Utah Test and Training Range Encroachment Prevention and Temporary Closure Act. While we support military readiness, S. 2383 goes well beyond readiness and is laden with extraneous and unacceptable provisions that would significantly damage public lands and natural resources. For example, the legislation gives away 6,000 miles of road right-of-ways across federal lands to counties, including routes that would bisect roadless areas such as proposed wilderness and wilderness study areas that are being considered for designation as wilderness, and existing designated Cedar Mountain Wilderness.

The legislation would circumvent the National Environmental Policy Act (NEPA), lead to dramatic changes in management of public lands (including grazing), implement a land exchange with potentially significant adverse consequences on the environment, and require changes to public land management that jeopardizes important lands and resources. For these reasons, we oppose S. 2383 and urge the committee to reject it.

Thank you for considering our views on these bills.

Regards,

Lydia Weiss  
Director of Government Relations for Lands

### **Grazing in National Forest Wilderness Areas (and BLM Wilderness Areas)**

Section {(d) (4) (2) of the Wilderness Act states: "the grazing of livestock where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture."

The legislative history of this language is very clear in its intent that livestock grazing, and activities and the necessary facilities to support a livestock grazing program will be permitted to continue in National Forest wilderness areas, when such grazing was established prior to classification of an area as wilderness.

### **Congressional Grazing Guidelines**

It is the intention of the Congressional conferees that the guidelines and policies be considered in the overall context of the purposes and direction of the Wilderness Act of 1964 and this Act and that they be promptly, fully, and diligently implemented made available to Forest Service personnel at all levels and to all holders of permits for grazing in National Forest Wilderness areas:

1. There shall be no curtailments of grazing in wilderness areas simply because an area is or has been designated as wilderness, nor should wilderness designations be used as an excuse by administrators to slowly "phase out " grazing. Any adjustments in the numbers of livestock permitted to graze in wilderness areas should be made as a result of revisions in the normal grazing and land management planning and policy setting process, giving consideration to legal mandates, range condition, and the protection of the range resource from deterioration.

It is anticipated that the numbers of livestock permitted to graze in wilderness would remain at the approximate levels existing at the time an area enters the wilderness system. If land management plans reveal conclusively that increased livestock numbers or animal unit months (AUMs) could be made available with no adverse impact on wilderness values such as plant communities, primitive recreation, and wildlife populations or habitat, some increases in AUMs may be permissible. This is not to imply, however that wilderness lends itself to AUM or livestock increases and construction of substantial new facilities that might be appropriate for intensive grazing management in non-wilderness areas.

2. The maintenance of supporting facilities, existing in an area prior to its classification as wilderness (including fences, line cabins, water wells and lines, stock tanks, etc.), is permissible in wilderness. Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. This may include, for example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities. Such occasional use of motorized equipment should be expressly authorized in the grazing permits for the area



involved. The use of motorized equipment should be based on a rule of practical necessity and reasonableness. For example, motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such activities can reasonably and practically be accomplished on horseback or foot. On the other hand it may be appropriate to permit the occasional use of motorized equipment to haul large quantities of salt to distribution points. Moreover, under the rule of reasonableness, occasional use of motorized equipment should be permitted where practical alternatives are not available and such use would not have a significant adverse impact on the natural environment. Such motorized equipment uses will normally only be permitted to those portions of a wilderness area where they had occurred prior to the area's designation as wilderness or are established by prior agreement.

3. The replacement or reconstruction of deteriorated facilities or improvements should not be required to be accomplished using "natural materials", unless the material and labor costs of using natural materials are such that their use would not impose unreasonable additional costs on grazing permittees.

4. The construction of new improvements or replacement of deteriorated facilities in wilderness is permissible if in accordance with those guidelines and management plans governing the area involved. However, the construction of new improvements should be primarily for the purpose of resource protection and the more effective management of these resources rather than to accommodate increased numbers of livestock.

5. The use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is also permissible. This privilege is to be exercised only in true emergencies, and should not be abused by permittees.

In summary, subject to the conditions and policies outlined above, the general rule of thumb on grazing management in wilderness should be that activities or facilities established prior to the date of an area's designation as wilderness should be allowed to remain in place and may be replaced when necessary for the permittee to properly administer the grazing program. Thus, if livestock grazing activities and facilities were established in an area at the time Congress determined that the area was suitable for wilderness and placed the specific area in the wilderness system, they should be allowed to continue. With respect to areas designated as wilderness prior to the date of this Act, these guidelines shall not be considered as a direction to reestablish uses where such uses have been discontinued.

It is also the understanding of the conferees that the authorizing Committees intend to closely monitor the implementation of the guidelines through subsequent oversight hearings to insure that the spirit, as well as the letter, of the guidelines are adhered to by the Forest Service. Of course, the inclusion of these guidelines in this Joint Statement of Managers does not preclude the Congress from dealing with the

issue of grazing in wilderness areas statutorily in the future.

April 21, 2016

Senator John Barrasso  
Chairman  
Subcommittee on Public Lands, Forests  
and Mining  
U.S. Senate  
Washington, D.C. 20510

Senator Ron Wyden  
Ranking Member  
Subcommittee on Public Lands,  
Forests and Mining  
U.S. Senate  
Washington, D.C. 20510

**Hearing Statement on S. 1167, a bill affecting the Owyhee Canyonlands  
Wildernesses in Idaho**

Dear Senators Barrasso and Wyden, and Members of the Subcommittee:

On behalf of Wilderness Watch and Friends of the Clearwater, we are writing to express our strong opposition to Section 3 of S. 1167. Please make this statement part of the hearing record.

S. 1167 deals with six Wildernesses in the Owyhee Canyonlands area of Idaho. Congress designated these six areas as Wilderness as part of the 2009 Omnibus Public Lands Management Act, P.L. 111-11.

Section 3 of S. 1167 would allow ranchers to drive trucks, ATVs, or other motor vehicles into all six of the Owyhee Wildernesses "for livestock monitoring, herding, and gathering...." It is this provision to which our organizations vigorously object, and for the following reasons:

**1. Motor vehicles will significantly degrade the wilderness character of these six Wildernesses.** Allowing ranchers to routinely drive motor vehicles into these Wildernesses would degrade the wild character of the areas. Motor vehicle use is not allowed under the 1964 Wilderness Act (36 U.S.C. 1131-1136).

The Wilderness Act contains a prohibition on motor vehicles inside of designated Wildernesses. This prohibition is one of the strongest protections for Wilderness under the Act. Section 4(c) of the Wilderness Act states the following:

" [T]here shall be no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation within any such area."

This protection in the Wilderness Act protects an area's wilderness character, the preservation of which is the prime directive of the law. Section 3 of S. 1167 would negate this fundamental protection for the six Owyhee Canyonlands Wildernesses.

The quiet desert environment of the Owyhee Canyonlands Wildernesses would be shattered by motor vehicle traffic. Section 3 of S. 1167 threatens to make these six Wildernesses, covering over a half million acres, into something substantially less than real Wilderness.

**2. This provision is not needed.** Ranchers across the West conduct their livestock activities inside designated Wildernesses without trucks and motor vehicles. There is nothing about the Owyhee Wildernesses that would suggest ranchers here need special treatment not afforded to ranchers who use other Wildernesses for grazing their livestock.

The use of motor vehicles inside the Wildernesses would certainly be more *convenient* for the ranchers in the Owyhee Wildernesses, but convenience is not the same as a need. The Owyhee ranchers can conduct their livestock activities in designated Wilderness without trucks, ATVs, or other motor vehicles, just as ranchers in Wildernesses elsewhere across the West do.

**3. Limited motor vehicle use for livestock management is already allowed in Wildernesses, but section 3 of S. 1167 would go far beyond what is currently allowed and be unprecedented in the National Wilderness Preservation System.** Section 3 of S. 1167 goes far beyond what is allowed under either the 1964 Wilderness Act or the Congressional Grazing Guidelines.

Section 4(d)(4) of the Wilderness Act states:

“...the grazing of livestock, where established prior to the effective date of this Act, shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture.”

Under the Wilderness Act, some limited motor vehicle use has been allowed for livestock purposes.

In 1980, in an appendix to House Report 96-617, Congress elucidated what kinds of activities were permitted in Wilderness in what has become known as the Congressional Grazing Guidelines. Among many other provisions, the Congressional Grazing Guidelines include:

“Where practical alternatives do not exist, maintenance or other activities may be accomplished through the occasional use of motorized equipment. This may include, for example, the use of backhoes to maintain stock ponds, pickup trucks for major fence repairs, or specialized equipment to repair stock watering facilities. Such occasional use of motorized equipment should be expressly authorized in the grazing permits for the area involved. The use of motorized equipment should be based on rule of practical necessity and reasonableness. For example, motorized equipment need not be allowed for the placement of small quantities of salt or other activities where such

activities can reasonably and practically be accomplished on horseback or foot."

The guidelines further on also state:

"The use of motorized equipment for emergency purposes such as rescuing sick animals or the placement of feed in emergency situations is also permissible. The privilege is to be exercised only in true emergencies, and should not be abused by permittees."

As this language shows, some limited motor vehicle use for livestock purposes is already allowed in Wildernesses under the Congressional Grazing Guidelines. These guidelines were later reiterated by Congress for BLM-managed lands in 1990 in House Report 101-405. Public Law 111-11, which designated the Owyhee Wildernesses, incorporated the grazing guidelines as Appendix A of House Report 101-405. Section 3 of S. 1167, however, would allow routine motor vehicle use for all livestock purposes, and such unlimited motor vehicle use would be unprecedented in the entire National Wilderness Preservation System.

**4. This provision could be replicated and expanded in future wilderness bills.**

If the ranchers in the Owyhee Wildernesses receive motor vehicle access, ranchers all across the West who run livestock in other Wildernesses will also want the same access. This could lead to a corrosion of standards for the entire National Wilderness Preservation System.

Our research on special provisions in wilderness bills from across the country shows that such repetition and expansion of other wilderness-damaging provisions has already occurred for other issues in Wilderness. Congress shouldn't add to those problems with Section 3 of S. 1167.

Please remove Section 3 from S. 1167.

Sincerely,

George Nickas  
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Gary Macfarlane  
Ecosystem Defense Director  
Friends of the Clearwater  
P.O. Box 9241  
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April 21, 2016

Senator John Barrasso  
Chairman  
Subcommittee on Public Lands, Forests and Mining  
U.S. Senate  
Washington, D.C. 20510

Senator Ron Wyden  
Ranking Member  
Subcommittee on Public Lands, Forests and Mining  
U.S. Senate  
Washington, D.C. 20510

**RE: Hearing Statement on S. 1777, a bill to amend the Wild and Scenic  
Rivers Act**

Dear Chairman Barrasso and Ranking Member Wyden:

On behalf of Wilderness Watch, a national wilderness conservation organization, and Friends of the Clearwater, a Moscow, Idaho-based organization, we are providing this testimony on S. 1777, a bill to amend the Wild and Scenic Rivers Act. Wilderness Watch and Friends of the Clearwater are opposed to this legislation. Please make this testimony part of the hearing record.

S. 1777 is a sordid example of special interest legislation to benefit a single individual at the public's expense that will harm one of our nation's premier Wildernesses and Wild Rivers.

A bit of historical background may help put this bill in perspective. The 1980 Central Idaho Wilderness Act designated the 2.4 million-acre Frank Church-River of No Return Wilderness, and a 79-mile stretch of the Salmon River as a Wild River under the Wild and Scenic Rivers Act. The U.S. Forest Service unlawfully permitted a commercial outfitter to build a resort lodge at Smith Gulch in 1988, eight years after the area was designated Wilderness and as a Wild River. Conservationists challenged this decision in federal district court. In 2000, the federal court ruled that the lodge/resort was illegal and must be removed. In 2004, just 12 months before the lodge and cabins were to be removed and the site rehabilitated and after having failed to pass stand-alone legislation, Senator Larry Craig added a rider to the unrelated Consolidated Appropriations Act amending the Wild and Scenic Rivers Act to allow the illegal lodge and cabins to remain.

Not content with the special privileges afforded by having a private lodge on public land on the Wild Salmon River, the owner of the lodge now demands even more concessions from the public. S. 1777 would allow construction of new facilities and related maintenance activities that are incompatible with wilderness designation and wild river status. It would grant to this individual lodge owner yet another exception to the Wild and Scenic Rivers Act. This special privilege granted to the owner of the unlawfully built resort would come at the expense of the wild character of the Salmon River and the American public, which owns these lands and deserves to have them protected for their wild river and wilderness values.

Specifically S. 1777 would mandate that the Forest Service allow, without any ability to regulate, the use of motorized equipment, gasoline-powered electrical generators and associated electrical transmission facilities, hydroelectric generators and associated electrical transmission facilities, and solar energy facilities and associated transmission lines and facilities. This is not an exhaustive list. It is an expansion of existing authorizations, couched in terms of maintenance and replacement of existing practices and facilities. This is a far cry from the “rustic” structures that were supposedly approved in the 2004 legislation, and only serves to further degrade the character and integrity of the *Wild Salmon River*.

Elsewhere in the Wilderness and Wild and Scenic River systems outfitters and guides ply their trade without the privileges S. 1777 would grant to this individual operator. The legislation reeks of special interest favoritism that benefits what appears to be a politically connected commercial operator at the expense of the American public.

Adding insult to injury, the owner of the River of No Return Lodge who would benefit from this special interest legislation appears to have compiled a lengthy track record of violations and non-compliance. As the U.S. Forest Service noted in a 2014 memo, “Between 2009 and 2012, for example, at least 5 different non-compliance/suspension notices were sent from the [U.S. Forest Service] to [the operator] based on lack of bill payment, proof of insurance, reporting requirements, and other permit violations. In addition, in 2011 [the operator] was investigated by the Idaho Outfitter Guide Licensing Board and Idaho Department of Fish and Game for reported infractions of licensing board and/or game and fish violations, both of which were in violation of his permit.” See Attachment 2. As part of this less-than-stellar track record, the U.S. Forest Service terminated the operator’s special use permit in 2011 because of non-compliance issues, though it was later re-instated. See Attachment 2.

The fabled “River of No Return” running through the heart of the largest contiguous designated Wilderness outside Alaska was tragically degraded in 2004 when Congress amended the Wild and Scenic Rivers Act to allow the unlawfully constructed Smith Gulch resort to remain within the river corridor (Attachment #1, the attached chronology, spells out this history in detail). S. 1777 only serves to make an unfortunate situation worse. We urge you to reject this special interest legislation that robs citizens of their natural heritage and tax dollars. Congress should not only reject S. 1777, it should repeal

the “rider” that was passed in 2004 and restore the wild integrity to this remarkable Wilderness and wild river corridor.

Please do not advance S. 1777.

Sincerely,

George Nickas  
Executive Director  
Wilderness Watch  
P.O. Box 9175  
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Gary Macfarlane  
Ecosystem Defense Director  
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Attachment #1: Chronology of the *Wild and Scenic* Salmon River and the unlawfully constructed Smith Gulch outfitter resort

Attachment #2: U.S. Forest Service, Intermountain Region Informational Briefing Paper, June 5, 2014

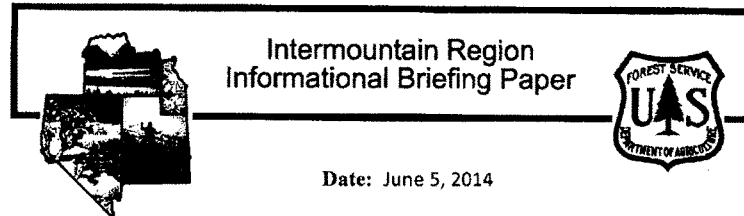


**Attachment #1****Chronology of the *Wild and Scenic* Salmon River  
and the unlawfully constructed Smith Gulch outfitter resort**

- 1931-36** The Forest Service administratively designates the lands surrounding the Salmon River as the Idaho Primitive Area and Salmon River Breaks Primitive Area. Primitive Area regulations provide that “there shall be no...occupancy under special use permits for hotels, stores, resorts, summer homes, organizational camps, hunting and fishing lodges or similar uses.”
- 1964** Wilderness Act passes. Among other provisions, the act gives statutory status to primitive area regulations.
- 1968** Wild and Scenic Rivers Act (WSRA) passes, creating a three-tiered classification system for qualifying rivers - wild, scenic, or recreational. Wild rivers receive the highest level of protection as “vestiges of primitive America,” and with “shorelines essentially primitive.” Salmon River designated as a study river.
- 1971** Regional Foresters Vern Hamre (Intermountain Region) and Neil Rahm (Northern Region) issue orders requiring that all permanent camps be removed from the Salmon River corridor to comply with Primitive Area regulations and the Wilderness Act. Five of the 8 camps are removed or burned.
- 1980** The Central Idaho Wilderness Act (CIWA) designates 2.4 million acres in central Idaho as the Frank Church-River of No Return Wilderness. It also designates the 79-mile stretch of the Salmon River within the Wilderness as a Wild River under the Wild and Scenic River's Act. CIWA requires that the river corridor be administered under the provisions of the WSRA.
- 1988** The Forest Service allows outfitter Norm Guth to construct a lodge and several cabins at Smith Gulch on the Wild Salmon River. By the time Salmon National Forest supervisor Richard Hauff signs the environmental assessment and notifies the public of the decision, construction is at least 75% complete.
- 1991** Wilderness Watch, Five Valleys Audubon, and William Worf file a lawsuit seeking review of the decision allowing the Guth Resort. The Forest Service admits that procedural errors were made and agrees to prepare an Environmental Impact Statement to “reexamine the need for the outfitter camp to exist at Smith Gulch.”
- 1992** Scope of the EIS is expanded to include the Arctic Creek and Stub Creek camps, both of which had developed into permanent lodge / cabin camps even though their permits allowed temporary outfitter camps only.

- 1995** Salmon National Forest supervisor George Matejko signs the EIS and Record of Decision. Fifteen-year permits are issued to the outfitters at Smith Gulch, Stub Creek and Arctic Creek.
- 1996** Wilderness Watch files an amended complaint with the Court challenging the presence of permanent structures at all three camps. The case was held for 4 years by the district judge without a ruling.
- 2000** Case is reassigned to Ninth Circuit Judge Sidney R. Thomas, sitting by designation, in July 2000.
- 2000** On September 19, 2000, Judge Thomas issues his ruling that the resorts violate the Wild and Scenic Rivers Act and must be removed. He remands the decision to the Forest Service to determine how to comply with the Court's order.
- 2003** Forest Service releases decision requiring that lodges and cabins be removed and the sites rehabilitated by December 31, 2005.
- 2004** Senator Larry Craig (R-ID) attaches a "rider" to Public Law 108-447, the "Consolidated Appropriations Act, 2005" that amended the Wild and Scenic Rivers Act by mandating the continued authorization of the permanent commercial facilities at Stub Creek, Arctic Bar, and Smith Gulch on the Wild and Scenic Salmon River.

## Attachment #2



**Topic:** River of No Return (Smith Gulch Cabin) Salmon-Challis National Forest (S-C NF)

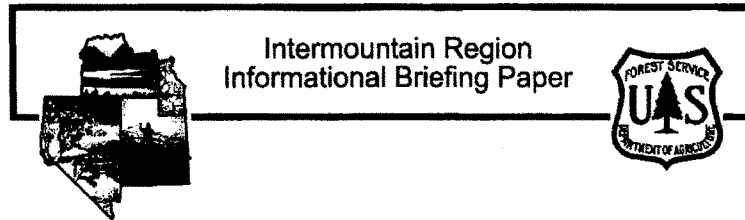
**Background:** In 2007, Kevin Yeates purchased the White Water West (formerly Smith Gulch Lodge) business and renamed it River of No Return Lodge (RONR). RONR is located on National Forest System lands and requires a special use authorization for use and occupancy; operation and maintenance of the Lodge and associated outfitter/guide services. Typically, lodge special use authorizations are issued for a 20-year period. Management aspects of RONR and two similar lodges on the Main Salmon River Corridor follow the Wild & Scenic River Act 16 U.S.C. §1274(a)(24)(D) which required authorization for the established use and occupancy as of June 6, 2003.

The Forest Service initially attempted to issue a temporary permit to Mr. Yeates for RONR with the goal of issuing a long-term permit. The S-C NF met with Mr. Yeates several times to discuss both in issuing a temporary and long-term permit. In July 2009 the S-C NF sent Mr. Yeates a temporary permit requesting signature for proper authorization for use and occupancy, but Mr. Yeates failed to sign or respond until September 2010. Signature was not provided and the temporary authorization was not issued until July 1, 2011. Repeated attempts to get a signature on the permit were unsuccessful until 2011 although RONR actively operated RONR since purchase.

There have been continued non-compliance issues with the RONR operation. Between 2009 and 2012, at least 5 different non-compliance/suspension notices have been sent from the SCNF to Yeates based on lack of bill payment, proof of insurance, reporting requirements and other permit violations. In addition, in 2011 Mr. Yeates was investigated by the Idaho Outfitter Guide Licensing Board and Idaho Department of Fish and Game for reported infractions of licensing board and/or game and fish violations, both of which are in violation of his permit. In July 2011, Holland & Hart LLP was retained by Mr. Yeates to assist with the RONR permit issues and operation.

A separate issue being addressed by S-C NF since 2011 is a RONR proposal requesting several facility and activity additions or improvements. Several proposal components were approved to include a water pump for fire suppression, however, several were denied such as use of motorized landscape equipment and conversion to electrical services. The S-C NF determined the denied requests were not in compliance with the Wilderness Act and the Wild & Scenic River Act and would require extensive NEPA analysis. The analysis would require Mr. Yeates pay Cost Recovery fees in order for the Forest Service to process.

Key Contact(s): Mel Bolling 801-625-5164 Kathleen Moore 801-625-5175



**Current Status(s):** S-C NF has been corresponding with RONR representative, William G. Meyers III, Holland & Hart, LLP, over the past few months regarding issuance of the long-term permit through 2031. The S-C NF anticipates having an executed permit for the lodge and outfitting services by mid-June 2014. The permit would be issued to authorize "operating and maintaining an existing lodge (hotel/motel) facility and associated structures as they existed as of June 6, 2003 with an established maximum capacity of 24 guests at any one time." A supplemental permit would authorize jet boating on the Wild and Scenic Main Salmon River and day use hunting outfitter & guide opportunities.

Key Contact(s): Mel Bolling 801-625-5164 Kathleen Moore 801-625-5175

April 21, 2016

Senator John Barrasso  
Chairman  
Subcommittee on Public Lands, Forests and Mining  
U.S. Senate  
Washington, D.C. 20510

Senator Ron Wyden  
Ranking Member  
Subcommittee on Public Lands, Forests and Mining  
U.S. Senate  
Washington, D.C. 20510

**Hearing Statement re:**

**S. 1167, a bill affecting the Owyhee Canyonlands Wildernesses in Idaho; and  
S. 1777, a bill to allow additional, commercial recreational developments at  
Smith Gulch on the Salmon Wild and Scenic River**

Dear Chairman Barrasso and Ranking Member Wyden:

On behalf of the undersigned organizations, we are submitting this testimony to express our strong opposition to two bills that will be heard today in your subcommittee. Please include this letter as part of the hearing record on S. 1167 and S. 1777.

**S. 1167, a bill affecting the Owyhee Canyonlands Wildernesses in Idaho**

This bill deals with six Wildernesses in the Owyhee Canyonlands area of Idaho that Congress designated as part of the 2009 Omnibus Public Lands Management Act, P.L. 111-11. The bill makes some minor boundary adjustments to three of these Wildernesses, to which our organizations do not object

But Section 3 of S. 1167 would allow ranchers to drive trucks, ATVs, or other motor vehicles to drive into all six of the Owyhee Wildernesses “for livestock monitoring, herding, and gathering....” It is this provision to which our organizations vigorously object, and for the following reasons:

**1. This provision will significantly degrade the wilderness character** of these six Wildernesses by allowing ranchers to routinely drive into these Wildernesses. Such activities are not allowed under the 1964 Wilderness Act (36 U.S.C. 1131-1136).

**2. This provision is unnecessary.** Ranchers across the West conduct their livestock activities inside designated Wildernesses without trucks and motor vehicles. There is

nothing about the Owyhee Wildernesses that would suggest ranchers here need special treatment not afforded to ranchers who use other Wildernesses for grazing their livestock.

**3. This provision would be unprecedented** in the National Wilderness Preservation System. It goes way beyond what is allowed under either the 1964 Wilderness Act or the 1980 Congressional Grazing Guidelines.

**4. This provision could be replicated and expanded in future wilderness bills**, thus leading to a corrosion of standards for the entire National Wilderness Preservation System. Such repetition and expansion of other wilderness-damaging provisions has already occurred for other issues in Wilderness, Congress shouldn't add to those problems with Section 3 of S. 1167.

Please remove Section 3 from S. 1167.

**S. 1777, a bill to allow additional, commercial recreational developments at Smith Gulch on the Salmon Wild and Scenic River**

This bill would allow additional commercial developments at Smith Gulch on the Salmon Wild and Scenic River in the Frank Church-River of No Return Wilderness. It is the epitome of a special interest bill that would commercially benefit a single entity, the River of No Return Lodge, at the expense of all Americans who value the Wild and Scenic River status of the Salmon River and the wilderness character of the Frank Church-River of No Return Wilderness in Idaho.

This bill should not be passed for the following reasons:

**1. It will further degrade the wild Salmon River and the wilderness character of the Frank Church-River of No Return Wilderness.** Specifically the bill would mandate that the Forest Service allow, without any ability to regulate, the use of motorized equipment, gasoline-powered electrical generators and associated electrical transmission facilities, hydroelectric generators and associated electrical transmission facilities, and solar energy facilities and associated transmission lines and facilities. This is not an exhaustive list. It is a significant expansion of existing authorizations, couched in terms of maintenance and replacement of existing practices and facilities.

**2. The federal courts ruled that this lodge had been illegally constructed in 2000.** A special rider was slipped into an unrelated spending bill in 2004 to allow this lodge to continue operation, but now the owner wants even more special favors.

**3. The River of No Return Lodge lies on public land within a designated Wilderness and Wild River corridor; those who visit should expect a rustic and primitive experience, not one replete with the accouterments of a modern lodge.** There are many other opportunities for that outside Wilderness.

**4. This bill would reward the lodge owner who has a history of non-compliance and violations** with U.S. Forest Service permitting requirements. As the U.S. Forest Service noted in a 2014 memo, “Between 2009 and 2012, for example, at least 5 different non-compliance/suspension notices were sent from the [U.S. Forest Service] to [the owner] based on lack of bill payment, proof of insurance, reporting requirements, and other permit violations. In addition, in 2011 [the owner] was investigated by the Idaho Outfitter Guide Licensing Board and Idaho Department of Fish and Game for reported infractions of licensing board and/or game and fish violations, both of which were in violation of his permit.”

For the reasons stated above, the undersigned groups oppose S. 1777.

Sincerely,

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Friends of the Clearwater  
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April 19, 2016

United States Senate  
Public Lands Subcommittee  
Washington, D.C.

Please make this statement a part of the hearing record for S. 1167.

Dear Energy and Natural Resources Committee Members:

I have been a resident of Idaho for 40 years. I moved to Idaho to enjoy the opportunities it provided for wild and undeveloped recreation, especially in Idaho's Wilderness areas. I enjoy the sense of adventure, solitude and lack of mechanized vehicles; characteristics inherent in designated Wilderness.

As a resident of Idaho, and a constituent of Senator Crapo, I am deeply saddened that he has sponsored S. 1167, legislation that is clearly designed to subvert the intent of the Wilderness Act not only in the Owyhee Wilderness but potentially in other Wilderness areas within Idaho.

I am writing to oppose S. 1167 for the following reasons:

1. S. 1167 goes far beyond what is permitted for ranching in the 1964 Wilderness Act and the Congressional Grazing Guidelines for Wilderness.
2. Motor vehicle use will degrade the physical and social character of these wilderness areas; increasing user conflicts.
3. Ranchers in other Wildernesses do not need to use motor vehicles. Those who graze livestock in the Owyhee Canyonlands Wildernesses do not deserve or require special treatment.
4. Allowing motor vehicles to be used for "grazing" is an open invitation for the use of motor vehicles for all manner of ranching activities under the guise of "grazing." This will create a management nightmare.
5. Should Owyhee grazers be allowed special treatment; ranchers in other Wildernesses will demand the same special treatment.

For all the above reasons, I oppose the use of motor vehicles in the Owyhee Wildernesses for livestock grazing purposes.

Sincerely,

*Steven L. Wolper*

April 18, 2016

TO: Committee on Energy and Natural Resources, Public Lands Subcommittee, US Senate

From: Chris Yoder

Subject: S. 1167 Comment for the April 21 Hearing Record

The Owyhee Canyon Lands Wilderness, established by the 2009 Omnibus Public Lands Management Act (OPLMA), was heavily compromised from the start, and subsequently during the dance of legislation ultimately producing a bill signed by the President.

My involvement in the Owyhee Canyon Lands began in the early 1980's when, as an Idaho resident, I monitored and critiqued BLM's Wilderness Inventory Process that produced the Wilderness Study Areas that became the foundation upon which the OPLMA was built.

I have walked the North Fork area, both Big and Little Jacks Creek and the Bruneau-Jarbridge. There is no doubt BLM's inventory excluded thousands of acres of Wilderness quality land. And then the legislative process produced more compromises, both in management directives compromising the spirit and substance of the 1964 Wilderness Act and in acreage.

I worked on staff of a Senate Committee for 12 years and I understand that compromises are a necessary part of the legislative process. I am however dismayed to learn that the ink on the OPLMA is (figuratively) barely dry before commodity interests are back at the legislative table repudiating the deal and working to undermine both the spirit and letter of the bill establishing these Wilderness area.

The very existence of continued grazing in Wilderness is a compromise. Likely necessary for enactment of the 1964 Wilderness Act. That does not mean however that the unconstrained use of motor vehicles should be allowed in the furtherance of grazing operations.

The provisions of the Wilderness Act, The 2009 Public Lands Management Act the Congressional Grazing Guidelines for Wilderness provide all the guidance needed for determining those activities and means appropriate for conduct gazing activities in the Owyhee Canyon Lands Wilderness areas.

S.1167, if enacted, would do far more than set an unnecessary and damaging precedent; it would tear to shreds the very fabric of the concept of Wilderness.

Thank you,

Chris Yoder  
5701 Rusk Avenue  
Baltimore, Maryland 21215