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S. HRG. 115–528

PENDING LEGISLATION

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, FORESTS, AND MINING

OF THE

COMMITTEE ON
ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

SECOND SESSION

ON

S. 483	**S. 2160**	**S. 3245**
S. 1572/H.R. 3279	**S. 2297**	**S. 3297**
S. 1787	**S. 2721**	**S. 3325**
S. 1959	**S. 2809**	**H.R. 2075**
S. 2078	**S. 2907**	

AUGUST 22, 2018

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Committee on Energy and Natural Resources

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PENDING LEGISLATION

WEDNESDAY, AUGUST 22, 2018

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 10:01 a.m. in Room SD–366, Dirksen Senate Office Building, Hon. Mike Lee, presiding.

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

Senator LEE [presiding]. The Subcommittee will come to order.

The Subcommittee on Public Lands, Forests, and Mining is holding its third legislative hearing of this year to receive testimony on 15 different pieces of legislation pending before the Senate.

There are a number of bills on the agenda today. In the interest of time, I will highlight just one of them as we begin our proceedings today.

First, I would like to mention my bill, S. 3297, the Washington County, Utah, Public Land Act. This is the companion to a House bill sponsored by my colleague, Congressman Chris Stewart. It is the product of years of public outreach and collaboration involving state, local, and federal officials, local residents, and recreation and conservation groups.

Washington County has been working diligently for more than 20 years to balance the needs of a rapidly growing population with the protections for the Mojave desert tortoise, a threatened species under the Endangered Species Act. The County's efforts began in earnest in 1996 when the state and local officials there partnered with BLM and the U.S. Fish and Wildlife Service to develop a countywide Habitat Conservation Plan, or HCP, to protect the tortoise while ensuring continued economic development and recreational access. Thanks to the County's efforts the region now boasts some of the highest desert tortoise populations in the animal's native range which spans parts of California, Nevada, Arizona and, of course, Utah. However, the HCP expired in 2016 and the County is currently administering it under a temporary extension while the County negotiates a renewal with the U.S. Department of the Interior.

At the same time, Washington County officials are continuing to prepare for substantial growth in their communities. The population of St. George, Utah, which is the largest city in Washington County, increased four percent between 2016 and 2017, making it

the fastest growing metropolitan area, not just in Utah but in the entire nation. To accommodate the growth, local officials have determined that it is necessary to construct new utility lines and a stretch of road north of St. George to alleviate downtown traffic congestion. Because of the rugged topography of the region, the only viable route for the road is through a small section of the HCP.

The County attempted to secure the necessary right-of-way for the road in 2009 when county officials worked with federal and state officials on a countywide land management bill that directed the Interior Department to "identify one or more alternatives for a northern transportation route in the county." That bill passed as part of the Omnibus Public Lands Management Act of 2009. Yet now, almost a decade later, the Department of the Interior has not permitted a northern transportation route that meets this rapidly growing County's needs.

My bill, S. 3297, would enhance protections for the desert tortoise and provide Washington County the flexibility it needs to manage its rapidly growing human population. The bill would renew the HCP agreement for 25 years and grant a right-of-way for the northern transportation corridor. The right-of-way in this bill was designed in consultation with federal and state tortoise biologists and traffic engineers to minimize habitat fragmentation. It would run just over four miles long and cross less than two miles of the HCP. In total, it would impact 0.2 percent of the entire HCP and displace between 10 and 20 tortoises which would be relocated elsewhere within the HCP. In addition, the bill would add almost 7,000 acres of prime desert tortoise habitat to the existing HCP which, according to recent surveys, would enhance protections for potentially hundreds of additional tortoises. In short, S. 3297 would be a win for both the County and for the desert tortoise.

I would also like to highlight S. 1572, the Helium Extraction Act, which is sponsored by my colleague from Utah, Senator Hatch. Helium is indispensable to our defense, space, medical, and tech industries and was recently included on the Department of the Interior's critical minerals list. However, domestic and global helium production has declined in recent years, even when demand for it seems to be on the increase. Additionally, all helium in the Federal Helium Reserve, which supplies more than 40 percent of domestic helium demand, will be sold by 2021. Taken together, these dynamics create significant uncertainty about how to meet future domestic helium needs. S. 1572 would help alleviate these concerns by boosting domestic production of helium on federal lands. Specifically, the bill would ensure that helium extracted from federal land would be treated the same way as oil and gas. This would enable extracting entities to extend their leases beyond their initial ten-year terms and ultimately encourage more consistent helium production. I support this bill, and I am glad it is included on our agenda this morning.

With that, we would be turning to Senator Wyden for his opening remarks. I understand that he is running behind for a moment. So until such time as Senator Wyden gets back, we are going to turn to a couple of other members who would like to be recognized to speak.

Senator Heinrich.

Senator HEINRICH. Chairman, should we let Senator Bennet give his opening remarks and then I would love to give some as well, but since he is here——

Senator LEE. That works.

Senator HEINRICH. Yes.

Senator LEE. We are grateful to have Senator Bennet from Colorado. Colorado is a great neighboring state to my State of Utah, as is New Mexico, even though we share only a tiny spot of land as our border.

Senator HEINRICH. So much common ground.

Senator LEE. Exactly, so much common ground.

[Laughter.]

Senator Bennet.

STATEMENT OF HON. MICHAEL F. BENNET, U.S. SENATOR FROM COLORADO

Senator BENNET. I thank you, Chairman Lee, very much for having me here, and Senator Heinrich, thank you for your courtesy.

We do, we live in the most beautiful part of the United States of America. So I think we should all celebrate that and that is actually what brings me here today. I am grateful to you for holding the hearing and giving me the chance to say a few words about the San Juan Mountains Wilderness Act.

Four months ago, I walked to the Senate Floor with San Miguel County Commissioner, Hilary Cooper, and her daughter, Mia, to introduce this bill. I asked Hilary to join me because this bill is a result of years of hard work from leaders like her in Southwest Colorado. Hilary asked her daughter, Mia, to join because this bill and the conservation of public lands is fundamentally about the legacy we pass on to the next generation of Americans.

Today, two other County Commissioners who helped shape this bill are here, Joan May from San Miguel County and Pete McKay from San Juan County, because they know how fundamental the San Juan Mountains are to our state's identity and our outdoor economy.

For nearly a decade, leaders like Hilary, Joan, and Pete have worked through a collaborative, ground up process to protect key areas in the San Juan Mountains. They have spent countless hours bringing together local businesses, ranchers, landowners, and outdoor enthusiasts to make sure the proposal reflects the diverse interests of the region, and the result is a balanced piece of legislation. If passed, the bill would protect 61,000 acres in the heart of the San Juan Mountains. It would preserve multiple alpine peaks, including two of our state's most striking fourteeners, Mount Sneffels and Wilson Peak. It would establish the McKenna Peak Wilderness, an area known for its sandstone badlands and forested mesas. It would also protect Ice Lake Basin, a beloved hiking destination in Silverton, Colorado, one that my friend, Commissioner McKay, hikes every summer as part of the Sheep Mountain Special Management Area. These special management designations allow for existing uses such as helicopter skiing in the Hard Rock 100 Endurance Race to continue in the area.

Overall, the San Juan Mountains Wilderness Area has an incredible amount of support. Ouray, San Miguel and San Juan Counties support this bill, along with the Governor of Colorado. Key local interests like the Telluride Ski Area and the San Miguel Bike Alliance support the bill. Even Ouray Silver Mines, the only active hard rock mine in the vicinity, supports the wilderness designation near them. I would ask to enter each of these support letters into the record.

Mr. Chairman, I would ask to put some letters into the record.

Senator LEE. Without objection.

Senator BENNET. Thank you, Mr. Chairman.

[Letters of support for Senate bill 2721 follow:]

Senator Corey Gardner
c/o betsy_bair@gardner.senate.gov and ann_mccoy-harold@gardner.senate.gov

Senator Michael Bennet
c/o John_Whitney@bennet.senate.gov and Patrick_Donovan@bennet.senate.gov

Congressman Scott Tipton
c/o brian.meinhart@mail.house.gov and Liz.Payne@mail.house.gov

May 14, 2018

Dear Senator Bennet, Senator Gardner and Congressman Tipton,

As elected officials we believe in balanced use of our public lands. The San Juan Mountains Wilderness Bill reflects a well-crafted and broadly supported range of uses by preserving quiet non-motorized areas for locals and visitors, protecting existing (and improving) mountain bike access, accommodating user groups and utility needs, and maintaining existing access to designated off-highway vehicle trails and roads and high use snowmobile corridors.

It has come to our attention that the Colorado Snowmobile Association, Colorado OHV Coalition and Trails Preservation Alliance are attempting to misinform you, their members and the general public about the San Juan Mountains Wilderness Bill.

As you know, the Bill includes areas in San Miguel, Ouray and San Juan Counties. The proposal has received support from our three Counties, the municipalities within our Counties, the Telluride Ski Resort and over 100 local business owners. Our Counties do not take these endorsements lightly. The endorsements from diverse user groups, business communities, ranchers, and HOAs, water users and the conservation community have generated unanimous support from all three of our Boards of County Commissioners. Specifically, we were impressed with the diligent efforts to engage, compromise and ultimately gain support from local stakeholders including the Ouray Silver Mines, San Miguel Bike Alliance, and Telluride Helitrax. These are operators who traditionally may not be aligned with Wilderness designations. Boundaries were moved and designations were changed to accommodate snowmobilers, mountain bikers, avalanche control and fire safety, ditch owners, mining interests, homeowners and more.

As elected officials we believe in the demand for and benefits of Wilderness and the other designations included in the San Juan Mountains Wilderness Bill and we are supportive of this bill because it provides and protects a balance of multi-use opportunities.

This Bill does not close any roads. It does not eliminate any existing, off-highway vehicle trails. After consulting with local snowmobile users, high use snowmobile corridors were intentionally excluded from the boundaries of the Bill. Organizers worked most recently with the local

mountain bike community to allow for future trail planning in the Sheep Mountain Special Management Area, which could actually **increase** approved mountain bike access in the future.

It appears that the organizations now voicing opposition to this Bill believe that all public lands should be open to motorized vehicles. Our Counties recently met to discuss the challenges of education, enforcement and funding for off-highway vehicles on our high-country passes. Our Counties recognize the economic benefits the off-highway vehicle community brings and our intention is not to restrict the use of existing trails and roads. However, we are facing challenges to fund much needed education and enforcement of County, State and Federal regulations to protect public safety and prevent resource damage in these fragile high-country environments.

Local motorized organizations and individuals in each of the Counties were consulted during the shaping of this Bill. It is unfortunate that these organizations, based in the front range, are now voicing their opposition. Their memo dated March 28, 2018, which includes blatantly false and misleading information, creates a reason to question their credibility and we ask that you do not form your opinion of this widely supported Bill from their false claims.

As elected officials working diligently to accommodate the legal and responsible use of off-highway routes in our region, we would welcome the input of these organizations as we seek solutions to address the challenges we face to mitigate the impacts on our trails, roads and environment. However, the false information included in their correspondence to you, their members and the general public opposing the San Juan Mountains Wilderness Bill makes us think twice about the veracity of their intentions.

We would like to again thank Senator Bennet for his ongoing support for the Bill and ask, on behalf of our constituents that Senator Gardner and Congressman Tipton continue to work with us to come to a place of support and sponsorship.

Hilary Cooper
San Miguel County Commissioner

Ben Tisdel
Ouray County Commissioner

Pete McKay
San Juan County Commissioner

STATE OF COLORADO

OFFICE OF THE GOVERNOR
136 State Capitol
Denver, Colorado 80203
Phone (303) 866-2471
Fax (303) 866-2003

John W. Hickenlooper
Governor

August 21, 2018

The Honorable Michael Bennet
United States Senator
261 Russell Senate Building
Washington, DC 20510

The Honorable Cory Gardner
United States Senator
354 Russell Senate Office Building
Washington, D.C. 20510

Dear Senators Bennet and Gardner:

I write to express my support for the San Juan Mountains Wilderness Act (S. 2721). Colorado places tremendous value on its natural landscapes, and this bill would do much to protect these critical places.

The importance to our state of maintaining wilderness areas cannot be exaggerated. Outdoor recreation in Colorado generates $28 billion in consumer spending and contributes $2 billion in state and local tax revenue. It also supports 229,000 jobs, providing $9.7 billion in wages and salaries to Coloradans, including in towns that will benefit directly from this legislation.

S. 2721 also enjoys broad bipartisan support and has been endorsed by a diverse group of Colorado citizens. Together, this coalition of business leaders, elected officials, citizens groups and others have united to express their support for this monumental bill.

I thank you for your attention to this issue, and I urge you to pass this legislation as quickly as possible.

Thank you,

John W. Hickenlooper
Governor

215832
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Michelle Nauer, Clerk & Recorder
Ouray County, CO RF $0.00
03-16-2016 08:43 AM Recording Fee $0.00

RESOLUTION # 2016-009

RESOLUTION

BOARD OF COUNTY COMMISSIONERS
OURAY COUNTY

Re: Sneffels Wilderness Expansion

WHEREAS, the Sneffels range of the San Juan Mountains in Ouray County is an area of extraordinary scenic, environmental, economic, and recreational value; and

WHEREAS, the existing Mount Sneffels Wilderness boundaries do not protect in perpetuity adjacent public lands in the Sneffels range which are capable and deserving of permanent Wilderness designation; and

WHEREAS, a proposal to expand the existing Mount Sneffels Wilderness boundaries to include these public lands has been presented to the Ouray County Board of Commissioners as represented in a map entitled "Whitehouse Expansion Of The Mount Sneffels Wilderness" and referenced in Ouray County Resolutions 2007-075 and 2011-007; and

WHEREAS, visitors and residents of Ouray County today enjoy these public lands for hiking, camping, photography, mountain climbing, hunting, skiing, scenic enjoyment and other wilderness uses; and

WHEREAS, recreation and other uses of the public lands of Ouray County are a vital part of the local economy; and

WHEREAS, these public lands provide important mid-elevation habitat for game and non-game wildlife and help connect wildlife habitat in the existing Mount Sneffels Wilderness Area to the west with habitat in the Big Blue Wilderness Area to the east; and

WHEREAS, these public lands within the proposed wilderness expansion legislation include important watershed areas for domestic and agricultural water sources including Beaver Creek, the Town of Ridgway's only source of potable water; and

WHEREAS, preservation of these public lands as designated Wilderness would better protect their scenic, environmental, economic, and recreational values in perpetuity from the adverse effects of future development; and

WHEREAS, the proposed wilderness expansion would protect all of Mount Sneffels, elevation 14,158'; and

WHEREAS, the currently unprotected north side of Mount Sneffels is one of Colorado's most iconic and most recognizable natural features and thus is the new background image on the newly redesigned Colorado Driver's Licenses; and

WHEREAS, the proposed Whitehouse Expansion of the Sneffels Wilderness Area does not include the Dallas Trail System so that mountain bikers can continue to enjoy this beautiful and challenging trail; and

WHEREAS, the proposed Whitehouse Expansion of the Sneffels Wilderness Area likewise does not include any roads currently open to motorized use; and

WHEREAS, ranching is an important part of the history and economy of Ouray County and portions of the proposed Whitehouse Expansion of the Sneffels Wilderness Area are currently used for livestock grazing; and

WHEREAS, the proposed Whitehouse Expansion of the Sneffels Wilderness Area is already managed by the US Forest Service in substantial measure as wilderness; and

WHEREAS, the designation as wilderness of the Whitehouse Expansion of the Sneffels Wilderness Area will make this special place part of a system of places wild and free for the permanent good of all; and

WHEREAS, Ouray County continues to support the specifics of the wilderness expansion:

- 8,375 acres will be added to the existing Mt. Sneffels Wilderness Area by the Liberty Bell and Last Dollar areas,

- 13,231 acres will be added to the existing Mt. Sneffels Wilderness Area by the Whitehouse area; and

WHEREAS, the proposed expansion has received approval from all of the local governments in Ouray, San Miguel, and San Juan Counties:

- Ouray County Board of County Commissioners
- Town of Ridgway
- City of Ouray
- San Miguel County Board of County Commissioners
- Town Council of Telluride
- Town of Ophir
- Town of Mountain Village
- San Juan County Board of County Commissioners; and;

WHEREAS, in November of 2009 the proposed wilderness expansion legislation was introduced to the 111th Congress as H.R. 3914: The San Juan Wilderness Act in June of 2010 was unanimously approved by the bipartisan U.S. House of Representatives Committee on Natural Resources; and

WHEREAS, in February of 2013 the proposed wilderness expansion legislation was introduced to the 113th Congress as S. 341: The San Juan Wilderness Act and in September of 2013 was passed with bipartisan support by the U.S. Senate Energy and Natural Resources Committee; and

WHEREAS, the process of the proposed wilderness expansion has been a model process led by local citizens and local governments, which has included early contact of all grazing allotment holders, mining claim owners, water rights owners, and other stakeholders; and

WHEREAS, the Board of County Commissioners has previously supported the San Juan Wilderness Act with Resolution 2011-007 attached hereto as *Exhibit A*; and

WHEREAS, a map of the proposed wilderness expansion legislation supported by Ouray County by Resolution 2011-007 and this Resolution is attached hereto as *Exhibit B*; and

WHEREAS, the Board of County Commissioners has previously supported the San Juan Wilderness Act with Resolution 2007-075 and this Resolution is attached hereto as *Exhibit C*; and

WHEREAS, we wish to see this model process and the San Juan Wilderness Expansion be successful.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

- That Congress enact legislation to designate the Whitehouse Expansion of the Sneffels Wilderness Area as permanent wilderness,

- That the legislation includes appropriate language to protect existing water rights including those of the Town of Ridgway, as well as reasonable motorized access to maintain such rights, and

- That the legislation includes appropriate language to permit livestock grazing to continue in the Whitehouse Expansion of the Sneffels Wilderness Area as provided under current law, including reasonable motorized access to facilitate use of livestock grazing; and

- That the Secretary retain statutory authority to take such measures as necessary to control fire, insects, and disease in the wilderness areas designated by the wilderness expansion legislation.

APPROVED AND ADOPTED THIS 15th DAY OF **March, 2016**.

Voting for: Commissioners Padgett, Tisdel + Batchelder
Voting against: None

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Lynn M. Padgett, Chair

Ben Tisdel, Vice-Chair

Don Batchelder, Commissioner

Attest:

Michelle Nauer, Clerk and Recorder
By: Hannah Hollenbeck, Deputy Clerk of the Board

RECEPTION#: 204908, 02/09/2011 at 10:15:24 AM, 1 OF 2 PAGES,
MICHELLE NAUER, OURAY COUNTY, CO. CLERK & RECORDER

RESOLUTION # 2011-007

RESOLUTION

BOARD OF COUNTY COMMISSIONERS
OURAY COUNTY

Re: Sneffels Wilderness Expansion

WHEREAS, the Sneffels range of the San Juan Mountains in Ouray County is an area of extraordinary scenic, environmental, economic, and recreational value; and

WHEREAS, the existing Mount Sneffels Wilderness boundaries do not protect in perpetuity adjacent public lands in the Sneffels range which are capable and deserving of permanent Wilderness designation; and

WHEREAS, a proposal to expand the existing Mount Sneffels Wilderness boundaries to include these public lands has been presented to the Ouray County Board of Commissioners as represented in a map entitled "Whitehouse Expansion Of The Mount Sneffels Wilderness" and referenced in Ouray County Resolution 2007-075; and

WHEREAS, visitors and residents of Ouray County today enjoy these public lands for hiking, camping, photography, mountain climbing, hunting, skiing, scenic enjoyment and other wilderness uses; and

WHEREAS, recreation and other uses of the public lands of Ouray County are a vital part of the local economy; and

WHEREAS, these public lands provide important mid-elevation habitat for game and non-game wildlife and help connect wildlife habitat in the existing Mount Sneffels Wilderness Area to the west with habitat in the Big Blue Wilderness Area to the east; and

WHEREAS, these public lands include important watershed areas for domestic and agricultural water sources including Beaver Creek, the Town of Ridgway's only source of potable water; and

WHEREAS, preservation of these public lands as designated Wilderness would better protect their scenic, environmental, economic, and recreational values in perpetuity from the adverse effects of future development; and

WHEREAS, the proposed Whitehouse Expansion of the Sneffels Wilderness Area does not include the Dallas Trail System so that mountain bikers can continue to enjoy this beautiful and challenging trail; and

WHEREAS, the proposed Whitehouse Expansion of the Sneffels Wilderness Area likewise does not include any roads currently open to motorized use; and

WHEREAS, ranching is an important part of the history and economy of Ouray County and portions of the proposed Whitehouse Expansion of the Sneffels Wilderness Area are currently used for livestock grazing; and

WHEREAS, the proposed Whitehouse Expansion of the Sneffels Wilderness Area is already managed by the US Forest Service in substantial measure as wilderness; and

WHEREAS, the designation as wilderness of the Whitehouse Expansion of the Sneffels Wilderness Area will make this special place part of a system of places wild and free for the permanent good of all; and

WHEREAS, Ouray County continues to support the specifics of the wilderness expansion:

- 8,375 acres will be added to the existing Mt. Sneffels Wilderness Area by the Liberty Bell and Last Dollar areas,
- 13,231 acres will be added to the existing Mt. Sneffels Wilderness Area by the Whitehouse area; and

WHEREAS, the proposed expansion has received approval from all of the local governments in Ouray, San Miguel, and San Juan Counties; and

WHEREAS, In June of 2010 the proposed wilderness expansion legislation was unanimously approved by the bipartisan U.S. House of Representatives Committee on Natural Resources; and

WHEREAS, the process of the proposed wilderness expansion has been a model process led by local citizens and local governments, which has included early contact of all grazing allotment holders, mining claim owners, water rights owners, and other stakeholders by former Congressman Salazar and his staff; and

WHEREAS, we wish to see this model process and the San Juan Wilderness Expansion be successful.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

- That Congress enact legislation to designate the Whitehouse Expansion of the Sneffels Wilderness Area as permanent wilderness,
- That the legislation includes appropriate language to protect existing water rights including those of the Town of Ridgway, as well as reasonable motorized access to maintain such rights, and
- That the legislation includes appropriate language to permit livestock grazing to continue in the Whitehouse Expansion of the Sneffels Wilderness Area as provided under current law, including reasonable motorized access to facilitate use of livestock grazing.

APPROVED AND ADOPTED THIS 1st DAY OF FEBRUARY, 2011.

Voting for: Commissioners Albritton and Padgett
Voting against: Commissioner Fedel

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Heidi M. Albritton, Chair

Lynn M. Padgett, Vice-Chair

F. Mike Fedel, Commissioner

Attest: OURAY COUNTY SEAL COLORADO

Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board

RECEPTION#: 196465, 11/06/2007 at 11:55:47 AM, 1 OF 2 PAGES,
MICHELLE NAUER, OURAY COUNTY, CO. CLERK & RECORDER

RESOLUTION # 2007-075

RESOLUTION

BOARD OF COUNTY COMMISSIONERS
OURAY COUNTY

Re: Sneffels Wilderness Expansion

WHEREAS, the Sneffels range of the San Juan Mountains in Ouray County is an area of extraordinary scenic, environmental, economic, and recreational value; and

WHEREAS, the existing Mount Sneffels Wilderness boundaries do not protect in perpetuity adjacent public lands in the Sneffels range which are capable and deserving of permanent Wilderness designation; and

WHEREAS, a proposal to expand the existing Mount Sneffels Wilderness boundaries to include these public lands has been presented to the Ouray County Board of Commissioners as represented in a map entitled "Whitehouse Expansion Of The Mount Sneffels Wilderness"; and

WHEREAS, visitors and residents of Ouray County today enjoy these public lands for hiking, camping, photography, mountain climbing, hunting, skiing, scenic enjoyment and other wilderness uses; and

WHEREAS, recreation and other uses of the public lands of Ouray County are a vital part of the local economy; and

WHEREAS, these public lands provide important mid-elevation habitat for game and non-game wildlife and help connect wildlife habitat in the existing Mount Sneffels Wilderness Area to the west with habitat in the Big Blue Wilderness Area to the east; and

WHEREAS, these public lands include important watershed areas for domestic and agricultural water sources including Beaver Creek, the Town of Ridgway's only source of potable water; and

WHEREAS, preservation of these public lands as designated Wilderness would better protect their scenic, environmental, economic, and recreational values in perpetuity from the adverse effects of future development; and

WHEREAS, the proposed Whitehouse Expansion of the Sneffels Wilderness Area does not include the Dallas Trail System so that mountain bikers can continue to enjoy this beautiful and challenging trail; and

WHEREAS, the proposed Whitehouse Expansion of the Sneffels Wilderness Area likewise does not include any roads currently open to motorized use; and

WHEREAS, ranching is an important part of the history and economy of Ouray County and portions of the proposed Whitehouse Expansion of the Sneffels Wilderness Area are currently used for livestock grazing; and

WHEREAS, the proposed Whitehouse Expansion of the Sneffels Wilderness Area is already managed by the US Forest Service in substantial measure as wilderness; and

WHEREAS, the designation as wilderness of the Whitehouse Expansion of the Sneffels Wilderness Area will make this special place part of a system of places wild and free for the permanent good of all.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF OURAY COUNTY, COLORADO, AS FOLLOWS:

- That Congress enact legislation to designate the Whitehouse Expansion of the Sneffels Wilderness Area as permanent wilderness,
- That the legislation includes appropriate language to protect existing water rights including those of the Town of Ridgway, as well as reasonable motorized access to maintain such rights,
- That the legislation includes appropriate language to permit livestock grazing to continue in the Whitehouse Expansion of the Sneffels Wilderness Area as provided under current law, including reasonable motorized access to facilitate use of livestock grazing.

APPROVED AND ADOPTED THIS 5th DAY OF **NOVEMBER, 2007**.

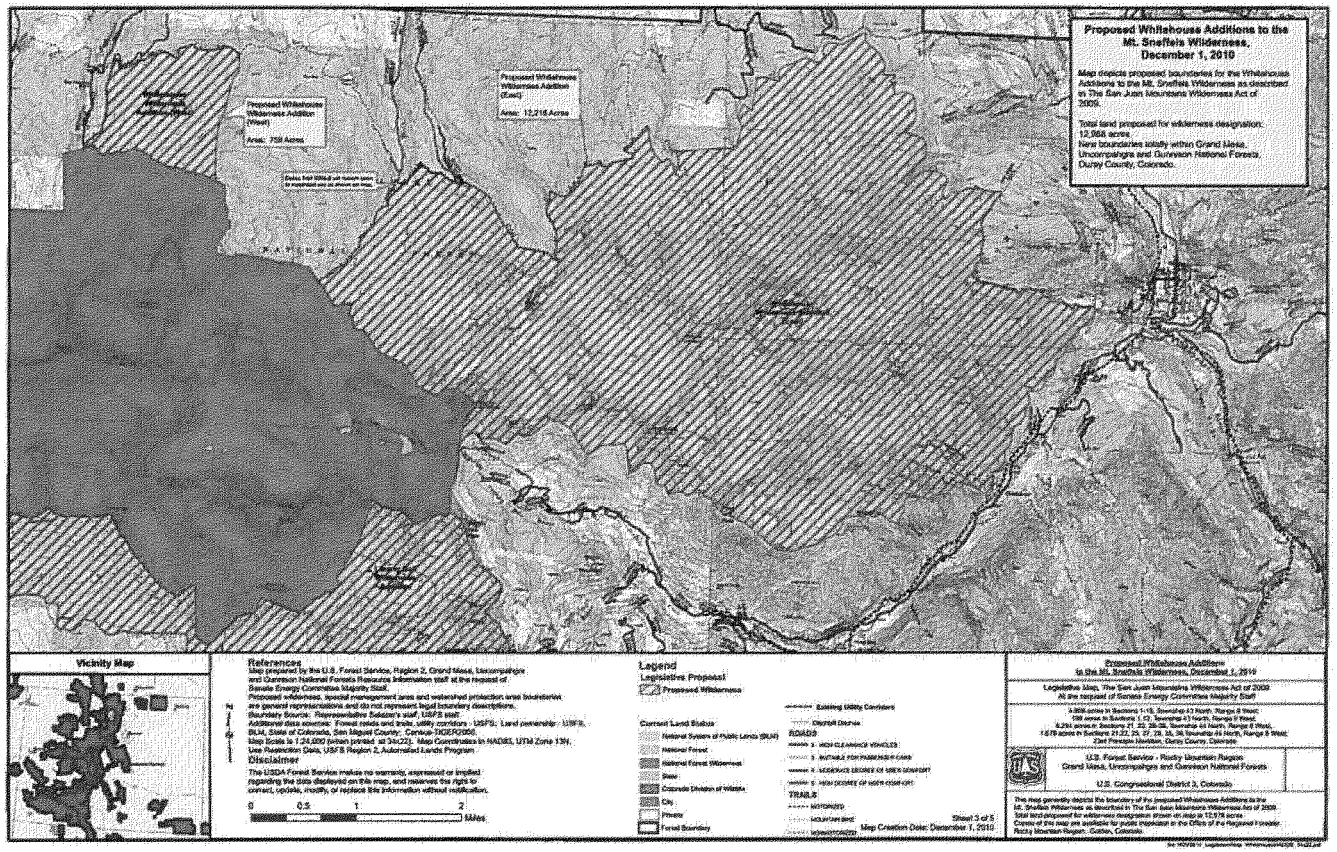
OURAY COUNTY SEAL COLORADO

Attest:

Michelle Nauer, Clerk and Recorder
By: Linda Munson-Haley, Deputy Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
OF OURAY COUNTY, COLORADO

Don Batchelder, Chair


Proposed Whitehouse Additions to the Mt. Sneffels Wilderness, December 1, 2010
Map depicts proposed boundaries for the Whitehouse Additions to the Mt. Sneffels Wilderness as described in The San Juan Mountains Wilderness Act of 2009.
Total land proposed for wilderness designation: 12,968 acres
New boundaries totally within Grand Mesa, Uncompahgre and Gunnison National Forests, Ouray County, Colorado.
Proposed Whitehouse Wilderness Addition (West)
Area: 759 Acres
Proposed Whitehouse Wilderness Addition (East)
Area: 12,216 Acres
Vicinity Map
References
Map prepared by the U.S. Forest Service, Region 2, Grand Mesa, Uncompahgre and Gunnison National Forests Resource Information staff at the request of Senate Energy Committee Majority Staff.
Proposed wilderness, special management area and watershed protection area boundaries are general representations and do not represent legal boundary descriptions.
Boundary Source: Representative Salazar's staff, USFS staff.
Additional data sources: Forest roads and trails, utility corridors - USFS; Land ownership - USFS, BLM, State of Colorado, San Miguel County; Canvas-2GER2005.
Map Scale is 1:24,000 (when printed at 34x22). Map Coordinates in NAD83, UTM Zone 13N.
Use Restriction Data, USFS Region 2, Automated Lands Program
Disclaimer
The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.
0 0.5 1 2 Miles
Legend
Legislative Proposal
Proposed Wilderness
Current Land Status
National System of Public Lands (BLM)
National Forest
National Forest Wilderness
State
Colorado Division of Wildlife
City
Private
Forest Boundary
Existing Utility Corridors
Ditches/Ditches
ROADS
1 - HIGH CLEARANCE VEHICLE
2 - BUTTONLE FOR PASSENGER CARS
3 - SEDERSE DEGREE OF USER COMFORT
4 - HIGH DEGREE OF USER COMFORT
TRAILS
MOTORIZED
MOUNTAIN BIKE
NONMOTORIZED
Sheet 3 of 5
Map Creation Date: December 1, 2010
Proposed Whitehouse Additions to the Mt. Sneffels Wilderness, December 1, 2010
Legislative Map, The San Juan Mountains Wilderness Act of 2009
At the request of Senate Energy Committee Majority Staff
U.S. Forest Service - Rocky Mountain Region
Grand Mesa, Uncompahgre and Gunnison National Forests
U.S. Congressional District 3, Colorado

Ouray Silver Mines, Inc.
1900 Main St. Unit I
PO Box 564
Ouray, CO 81427

February 1, 2018

The Honorable Michael Bennet
261 Russell SOB
Washington, DC 20510
Dear Senator Bennet,

We are pleased to hear of the progress being made on the San Juan Wilderness Act and have appreciated the support from both San Miguel and Ouray Counties for the concerns we had previously outlined regarding the details of the proposal.

We wish to reiterate that we understand the rationale for the proposal and wish to work in cooperation with local, county, state and federal entities to preserve the environment in a reasonable, effective and sustainable manner, especially when it comes to practical matters such as safety.

With San Miguel County's agreement to the boundary reduction on the San Sophia Ridge and the addition of the provisions to allow for proper avalanche control and mitigation, we are pleased to lend our name in support for the Liberty Bell and Whitehouse wilderness areas when you introduce the revised version of this bill to Congress.

We greatly appreciate the opportunity, now and in the future, to work productively in cooperation with the local community to achieve mutually beneficial objectives.

We are available to work with your office should you need our support on this matter.

Respectfully Yours,

Brian Briggs
CEO
Ouray Silver Mines, Inc.

Approved by the Board of Directors of Ouray Silver Mines, Inc.

David Kaplan **Elliot Rothstein**

Phone: (970) 325-9830 ◆ Fax: (970) 325-9824

SAN JUAN COUNTY
COLORADO

1557 GREENE STREET
P.O. BOX 466
SILVERTON, COLORADO 81433
PHONE/FAX 970-387-5766 sanjuancounty@frontier.net

March 9, 2016

The Honorable Michael Bennet
458 Russell Senate Office Building
Washington, DC 20510

Dear Senator Bennet:

San Juan County would like to express our support regarding proposed legislation for the San Juan Mountains Wilderness and Special Management Area. We are on record in support of previously proposed legislation and will continue to be supportive of new legislation. We are hopeful that our Colorado delegation would be successful in approving this important legislation.

Over three years of dialogue, analysis, and compromise among a wide array of stakeholders, including San Juan County (as well as landowners, water and agriculture interests, and many others), led to proposed legislation. The previous bill was carefully crafted to accommodate a variety of interests and existing uses.

We look forward to working with you and other stakeholders on this proposal, and urge you to introduce and move legislation forward in the current session of Congress.

Thank you again for your interest in protecting the San Juan Mountains.

Sincerely,

Ernest F. Kuhlman, Chairman
Board of County Commissioners

San Miguel Bike Alliance
P.O. 2082 Telluride CO 81435

August 17th 2018

Senator Michael Bennet
261 Russell Senate Building
Washington, DC 20510

Dear Senator Bennet:

We write to support the proposed San Juan Mountains Wilderness Act. Here in Telluride, the proximity to public land and wilderness is very pronounced and some bikers have some concerns about additional wilderness designation. San Miguel Bike Alliance supports this bill as a balanced piece of legislation that will protect our ecosystem in the long term. A reason for our support is the amount of work and compromise that has gone into this legislation with the mountain biking community. The final wilderness and special management area boundaries were chosen with great care to allow for both current and future mountain bike use. Specific to us in the Telluride region the bill will allow for new potential bike trail corridors that have long been identified as potentially viable trail locations. Where wilderness expansion will take effect is on land that is largely too steep for biking for all but a few and no existing mountain bike trails are located in those proposed wilderness areas.

San Miguel Bike Alliance appreciates the positions of other bike advocates fully opposed to wilderness proposals, but in our case the mountains do dictate a reality of where we will be able to travel, and many options still remain for us to gain mechanized access. We support the passage of the San Juan Mountains Wilderness Act and we look forward to working with all stakeholder to improve non-motorized travel options in the future.

Best regards,

Max Cooper

Max Cooper
San Miguel Bike Alliance President

SAN MIGUEL COUNTY

BOARD OF COMMISSIONERS

ELAINE FISCHER ART GOODTIMES JOAN MAY

August19, 2015

The Honorable Michael Bennet
261 Russell Senate Office Building
Washington, D.C. 20510

Dear Senator Bennet:

We are writing you concerning our long-standing support for the San Juan Mountains Wilderness Act, and in the hope that you will take the lead on the legislation moving forward. As you know, the bill was first introduced in the House in 2009 by former Representative John Salazar, and soon thereafter by former Senator Mark Udall and yourself. Both the House and Senate bills were marked up and reported, but never saw a final vote.

The bills were based on years of work by regional citizens and local governments, and continue to enjoy broad and deep support in the region. San Miguel, Ouray, and San Juan Counties remain in full support, as well as numerous affected stakeholders and well over 120 local businesses. Advocates worked diligently over many years to fine-tune the proposal to ensure that it won't negatively effect users of the areas proposed for protection. Given the amount of work put into this proposal, and the level of support after many years, we consider this a major piece of unfinished business in the region.

You have been a great champion of community based land protection initiatives, and you skillfully shepherded the Hermosa Creek legislation to enactment – we congratulate you for that. We respectfully request that you take on the San Juan Mountains legislation and navigate it through the Senate. We stand ready to assist you in any way to bring the San Juan Mountains legislation to completion.

Thank you very much,

SAN MIGUEL COUNTY, COLORADO
BOARD OF COUNTY COMMISSIONERS

Joan May

Joan May, Chair

cc: Scott Tipton, US Representative 3rd District Colorado
Cory Gardner, US Senator Colorado

P.O. BOX 1170 • Telluride, Colorado 81435 • (970) 728-3844 • FAX (970) 728-3718

TELLURIDE

Honorable Michael Bennet
261 Russell Senate Office Building
Washington DC 20510
c/o John Whitney <John_Whitney@bennet.senate.gov>

October 15, 2016

Dear Senator Bennet,

The Telluride Ski and Golf Company would like to formally express our support for the San Juan Mountains Wilderness bill. The Telluride Ski Resort is surrounded by what many believe are the most beautiful public lands and scenic vistas in Colorado. We have been voted as the resort with the best views in North America many years in a row. Our national and international marketing campaigns feature these scenic vistas. The public lands designations included in the San Juan Mountains Wilderness bill, specifically additions to the Lizard Head and Mt Sneffels Wilderness Areas are included in these valuable view corridors. We would like to see these views protected in perpetuity and believe that the San Juan Mountains Wilderness bill is the way to do it.

The Telluride Ski Area is both the main economic engine and the largest job provider in the Telluride Region. The economic benefits provided by this bill will permeate throughout the entire region and across Colorado. In addition, the public lands protections will also provide equally valuable environmental benefits. As a ski area we are monitoring snow levels, temperature fluctuations, water quantity, extreme weather events and forest health. These are a few of the impacts that will directly affect the resort and the surrounding region. We are taking steps within our region to develop resiliency efforts to help us adapt to the changing climate and the ecosystems service benefits provided by protecting our rivers and forests will be another highly valued benefit from the San Juan Mountains Wilderness bill.

Finally, we would like to applaud the lengthy locally based collaboration that created this proposal over the last decade. We are happy to join our neighboring municipalities, the Towns of Telluride, Mountain Village and Ophir and San Miguel, San Juan and Ouray Counties as well as over 120 regional businesses in supporting the San Juan Mountains Wilderness proposal.

On behalf of the Telluride Ski and Golf Company, I believe that the San Juan Mountains Wilderness bill will be good for our industry, our local economy and our community. Following the 50th Anniversary of the Wilderness Act and the 100th Anniversary of the National Park Service people all across America reiterated their support for the cultural, recreational and ecological resources our public lands provide. Residents and business owners of Colorado have overwhelmingly expressed support for the protection of public lands. At the local level, this bill has received strong and diverse support over the years. We ask that you introduce this important legislation this session and help it move through Congress. If we can assist in achieving this common goal, please count on our support.

Sincerely,

Bill Jensen
CEO
Telluride Ski and Golf

Resolution No. 16-03

Resolution of the Town Council of Ridgway, Colorado
Endorsing the Whitehouse Expansion for the Sneffels Wilderness Area

Whereas, the Sneffels range of the San Juan Mountains in Ouray County is an area of extraordinary scenic, environmental, economic, and recreational value; and

Whereas, the existing Mount Sneffels Wilderness boundaries do not protect in perpetuity adjacent public lands in the Sneffels range which are capable and deserving of permanent wilderness designation; and

Whereas, a proposal to expand the existing Mount Sneffels Wilderness boundaries to include these public lands has been presented to the Ridgway Town Council as represented in a map entitled "Whitehouse Expansion Of The Mount Sneffels Wilderness"; and

Whereas, visitors and residents of Ouray County today enjoy these public lands for hiking, camping, photography, mountain climbing, hunting, skiing, scenic enjoyment and other wilderness uses; and

Whereas, recreation and other uses of the public lands of Ouray County are a vital part of the Town's economy; and

Whereas, these public lands include important watershed areas for domestic and agricultural water sources including Beaver Creek, the Town of Ridgway's only source of potable water; and

Whereas, preservation of these public lands as designated Wilderness would better protect their scenic, environmental, economic, and recreational values in perpetuity from the adverse effects of future development; and

Whereas, the proposed Whitehouse Expansion of the Sneffels Wilderness Area does not include the Dallas Trail System so that mountain bikers can continue to enjoy this beautiful and challenging trail; and

Whereas, the proposed Whitehouse Expansion of the Sneffels Wilderness Area likewise does not include any roads currently open to motorized use; and

Whereas, the proposed Whitehouse Expansion of the Sneffels Wilderness Area is already managed by the US Forest Service in substantial measure as wilderness; and

Whereas, the designation as wilderness of the Whitehouse Expansion of the Sneffels Wilderness Area will make this special place part of a system of places wild and free for the permanent good of all.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO that the Town Council recommends that Congress enact legislation to designate the Whitehouse Expansion of the Sneffels Wilderness Area as permanent wilderness, and that the legislation include appropriate language to protect existing water rights including those of the Town of Ridgway, as well as existing water collection and diversion infrastructure, subject to access by the Town for maintenance and repair purposes.

PASSED AND APPROVED this 11th day of May, 2016.

TOWN OF RIDGWAY

John Clark, Mayor

ATTEST

Pam Kraft, MMC
Town Clerk

TOWN OF MOUNTAIN VILLAGE
455 Mountain Village Blvd. Suite A
Mountain Village, CO 81435
970-369-6406
970-728-4342 Fax
mvclerk@mtnvillage.org

June 16, 2016

Honorable Michael Bennet
261 Russell Senate Office Building
Washington, DC 20510

Dear Senator Bennet:

The Town of Mountain Village would like to express our support for the San Juan Mountains Wilderness Bill. Mountain Village is surrounded by the Telluride Ski Resort and the public lands beyond its boundaries. The winter and summer recreational activities on the Telluride Ski Resort are a significant benefit to our residents and visitors. Moreover, the scenic beauty of the public lands beyond our ski area continues to be the top attraction for our guests. The public land designations included in this proposal will establish lasting protection for both the scenic beauty and the critical environmental benefits of clean air and clean water these lands offer.

We recognize the lengthy locally based, collaborative process that created this proposal and would like to join our neighboring municipalities, the Towns of Telluride and Ophir, and San Miguel, San Juan and Ouray Counties in supporting the San Juan Mountains Wilderness proposal.

On behalf of the Town of Mountain Village, we believe that the public lands protection created by the San Juan Mountains Wilderness Bill will be a valuable benefit to our residents and visitors as well as the State of Colorado in general. We ask that you introduce this legislation soon and help it move through Congress. If there is any way we can assist in achieving this common goal, please count on our support.

Sincerely:

Dan Jansen, Mayor
Town of Mountain Village

Cc: John Whitney
Senator Corey Gardner
Congressman Scott Tipton
Gail Schwartz

TOWN OF OPHIR
EST. 1881

Honorable Michael Bennet
261 Russell Senate Office Building
Washington, DC 20510
Attn: John_Whitney@bennet.senate.gov

May 5th, 2016

Dear Senator Bennet,

The Town of Ophir would like to express our appreciation for your continued commitment to the San Juan Mountains Wilderness Bill. As you know, Ophir citizens have been actively involved in the lengthy effort to crafting this broadly supported land protection legislation and we continue to hold onto the hope that one day soon these lands will be designated.

The U.S. Forest Service and BLM lands included in this bill, most notably the Sheep Mountain Special Management Area immediately adjacent to the Town of Ophir, provide critical ecosystem services such as clean air , clean water and wildlife habitat. Furthermore they provide critical quiet recreation opportunities for our residents and visitors. On a larger scale, this Bill will provide economic benefits to the entire State of Colorado. Initially the majority of Ophir residents were in favor of the Sheep Mountain Special Management Area being designated Wilderness, nevertheless we fully support the collaborative effort to craft a bill that avoided conflicts with various user groups in our region. After broad stakeholder input, the negotiated compromise resulted in a better Bill that we hope Congress will support as well.

On behalf of the Town of Ophir, we believe that the public lands protection created by the San Juan Mountains Wilderness Bill will provide multiple benefits to our residents and visitors. We ask that you introduce this legislation soon and help it move through Congress. Please let us know what we can do to help.

Sincerely,

Corinne Platt
Mayor, Town of Ophir

Randy Barnes
Town Manager, Town of Ophir

P.O Box 683, Ophir, CO 81426
admin@town-ophir.co.gov
970.728.4943
fax 970.728.2880

TOWN OF OPHIR
EST. 1881

The Honorable Michael Bennet
261 Russell Senate Office Building
Washington, DC 20510

May 7, 2018

Dear Senator Bennet,

The Town of Ophir would like to express its continued support for the San Juan Mountains Wilderness Bill. We commend you for introducing the bill, and ask that you endeavor to move it forward into law.

Ophir has long been a supporter of this bill, and while we believe that the full extent of the areas outlined in the previous version of the bill represents lands worthy of protection, we accept and support the bill in its current form.

We have reluctantly accepted some of these changes, such as the boundary revision to accommodate potential mining activity in upper Mill Creek Basin, while being key collaborators on others, such as the creation of a mountain bike trail use zone at the mouth of Swamp Canyon in the Ophir Valley.

This zone represents an innovative solution to user-created trails in a proposed protected area. It was formulated with great foresight and we believe that if managed properly, it will reduce user conflict while maintaining existing use.

Thank you for your tireless efforts on behalf of our community and for protecting this unique place. Please let us know if there is any way in which we may better facilitate the passage of the San Juan Bill into law.

Sincerely,

Corinne Platt
Mayor, Town of Ophir
970-728-4695
mayor@town-ophir.co.gov

P.O. Box 250
1360 Main Street
Silverton, Colorado 81433
970-387-5522

June 15th, 2016

The Honorable Michael Bennet
United States Senate
261 Russell Senate Office Building
Washington, DC 20510

Dear Senator Michael Bennet:

The elected Board of Trustees for the Town of Silverton, Colorado would like to express our strong support for the proposed legislation for the San Juan Mountains Wilderness and Special Management area. The Town of Silverton sits near the boundary of this area. We stand to enjoy economic and social benefits from this legislation. We are hopeful our Colorado federal elected officials will support this measure on our behalf.

For over three years this proposed designation has been analyzed and debated with all relevant stakeholders and interests. The bill, as we understand it, represents the best in American public discussion and compromise. We respect the fact that the legislation represents a broad spectrum of interests and existing uses. It is noteworthy that our local government partners, the San Juan County, Colorado Commissioners have unanimously supported this endorsement, as well.

We urge you to introduce this bill and work to move it forward through the Senate and Congress for a successful passage. In doing so, you are expressing leadership for our beautiful mountains, their varied uses and our local economic sustainability.

Respectfully submitted,

On behalf of the Town of Silverton Board of Trustees,

Christine M. Tookey

Christine M. Tookey, Mayor

Office of the Mayor
Sean Murphy, Mayor

April 22, 2016

Honorable Michael Bennet
261 Russell Senate Office Building
Washington, DC 20510

Dear Senator Bennet,

The Town of Telluride would like to express our continued support for the San Juan Mountains Wilderness Bill. We very much appreciate your long-term commitment and past sponsorship of this package of land protection designations that will benefit our regional economy, our environment and the well-being of our residents and visitors.

This proposal, initiated almost ten years ago, is the outcome of a lengthy community based collaboration, including extensive research, broad outreach and dialogue. These efforts resulted in substantial compromise by a wide variety of affected interests, including local governments, federal and state land managers, private landowners, water facility and utility operators, outfitters and many others.

The San Juan Mountains Wilderness Bill continues to enjoy broad support across the three counties and municipalities adjacent to the proposed areas due in large part to the careful boundary selection process to avoid conflicts with pre-existing uses.

On behalf of the Town of Telluride, I believe that the public lands protection created by the San Juan Mountains Wilderness Bill will be a valuable benefit to our residents and visitors as well as the State of Colorado in general. We ask that you introduce this legislation soon and help it move through Congress. If there is any way we can assist in achieving this common goal please count on our support.

Sincerely,

Sean Murphy

Sean Murphy
Mayor, Town of Telluride

P.O. Box 397 • Telluride, CO 81435 • 646-522-9900 • *smurphy@telluride-co.gov*

TOWN OF TELLURIDE

Office of the Mayor
Sean Murphy, Mayor

The Honorable Michael Bennet
261 Russell Senate Office Building
Washington, D.C. 20510

April 25, 2017

Dear Senator Bennet:

The Town of Telluride would like to reaffirm its long-standing support for the San Juan Mountains Wilderness Bill. This land protection proposal will directly benefit our regional economy, our environment, and the health and well-being of both our residents and our visitors. We thank you for your past sponsorsh and support for the proposal, and urge you to introduce legislation this Congress.

The Town of Telluride believes that now is the time to reintroduce this bill. The extensive work that has already gone into the bill ensures that there is consistent support across our region, and we are truly hopef that Senator Gardner and Congressman Tipton will join you this year in sponsoring the San Juan Mountains legislation and move it through Congress to enactment. This bill has been a long time coming, and the protection it will afford the incredible landscapes of our area are even more sorely needed in this these times.

On behalf of the Town of Telluride, our residents and visitors, we ask that you introduce this important piec of legislation and work to move it through Congress. Thank you for your dedication to protecting our most important landscapes. We are ready to assist in any way to see this proposal become reality.

Sincerely,

Sean Murphy

Sean Murphy
Mayor

P.O. Box 397 • Telluride, CO 81435 • 646-522-9900 • *smurphy@telluride-co.gov*

TROUT UNLIMITED
Steve Moyer
Vice President of Government Affairs

June 25, 2018

U.S Senator Michael Bennet
261 Russell Senate Office Building
Washington, DC 20510

Re: San Juan Mountains Wilderness Act (S.2721).

Dear Senator Bennet:

On behalf of Trout Unlimited and our more than 300,000 supporters across the country, including our 11,000 members in Colorado, we write to you in support of the San Juan Mountains Wilderness Act (S. 2721). This bill, the result of over 15 years of local community collaboration, includes important protections for the headwaters of the San Miguel, the Uncompahgre and the Animas watersheds. It also includes protections for some of the state's most iconic peaks including Mount Sneffels and Wilson Peak.

As a leading advocate for the conservation of fish and wildlife habitats we enthusiastically support the 61,000 acres of protections that are included in the bill. In addition, as the bill proceeds through the Congressional process we have identified some additional protections for high quality fishery habitats in the San Miguel watershed that we believe would strengthen the bill and garner support from the broader sportsmen's community and the outdoor industry.

The conservation of these important areas in the San Juan Mountains enjoys widespread support from local communities, businesses, county and city elected officials. We thank you for your leadership in developing this legislation and we look forward to working with your office – and with Senator Gardner and Representative Tipton - to advance a bipartisan proposal to gain needed protections for these important areas.

Sincerely,

David Nickum
Executive Director, Colorado Trout Unlimited

Senator BENNET. Let me just close by saying this bill is a credit to the diligence and vision of the people of Southwest Colorado who care deeply about the future of our public lands and the San Juan Mountains.

Thank you for considering this bill today, Mr. Chairman, and I look forward to working with members of the Committee to advance it in the weeks ahead.

Thanks again to my colleague from New Mexico for his courtesy as well.

Senator LEE. Thank you.

Senator Heinrich.

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

Senator HEINRICH. Thank you, Chairman.

I want to thank you for holding this hearing today. In particular, with regard to two bills that are important to New Mexicans and our public lands. Senator Tom Udall and I recently introduced legislation to permanently protect the Chaco Canyon area from federal oil and gas development. Chaco Canyon is both a world-class cultural resource and a place of immense importance to New Mexico's native communities. It is one of only three world heritage sites in New Mexico as well as a sacred site still in use by local tribal communities to this day.

This legislation will help make permanent protections for portions of the greater Chaco landscape that fall outside of the park boundary and preserve the dark night sky from light pollution. This landscape is incredibly complicated with state, private, tribal, and individually allotted lands checkerboarded together around this unique landscape and the park itself.

For a number of years now there has been an understanding between the BLM, the industry, local communities, tribes, and historic preservation advocates that no development would happen within ten miles of the park boundary in order to minimize impacts on the park itself, on its viewshed, and on related cultural resources. This legislation formalizes that understanding. It is an important piece of a complete solution to protect the greater Chaco landscape, and I look forward to hearing from the Bureau of Land Management today about the agency's plans for this region.

Second, Senator Flake and I have introduced legislation to improve the process for land exchanges between state trust lands and western states and the federal public land management agencies. Our bill would address the checkerboard land ownership pattern that is all too common in the West by exchanging state land inholdings within federal conservation areas, like parks and wilderness areas, for lands of equal value that are more likely to produce revenue for the schools and hospitals that benefit from development of state trust lands.

We have seen the need for these kinds of exchanges in places like the Rio Grande del Norte National Monument and the Sabinoso Wilderness, and I look forward to working with the Committee to make improvements to the existing exchange process.

Thank you to the Committee for the consideration of both these bills. I look forward to hearing from all of our witnesses today, Mr. Chair.

Senator LEE. Great. Thank you.

Seeing that we do not have any other members right now to make opening statements, it is now time to hear from our witnesses. We have three great witnesses joining us today, and we welcome them to come up and sit at the table. The first is Mr. Glenn Casamassa, the Associate Deputy Chief of the U.S. Forest Service. We welcome you, sir. The second is Mr. Christopher McAlear, the Assistant Director of the National Conservation Lands and Community Partnerships at the Bureau of Land Management. And the third is Ms. Marilynne Keyser, the President of Friends and Neighbors of the Deschutes Canyon Area. Welcome.

At the end of witness testimonies members will be able to ask questions. Your full written testimony will, of course, be made part of the record for this hearing. Please keep your statements, if you can, to five minutes so that we can have time for questions. I look forward to hearing your testimony.

Mr. Casamassa, please proceed.

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

Mr. CASAMASSA. Chairman Lee, Ranking Member Wyden, members of the Subcommittee, thank you for inviting me to testify on behalf of USDA and the Forest Service regarding the bills under consideration here today. My written testimony has been provided for the record, and I'll be focusing on the eight bills that affect national forest management.

To begin, Senate bill 2297, the Custer County Airport Conveyance Act, which would convey national forest lands for market value considerations for the continued operation of the Custer County Regional Airport. Portions of the airport already occupy the lands in question which have lost their national forest character and conveyance would allow for improved management of this important regional asset.

Regarding Senate bill 2078, the Advancing Conservation and Education Act, USDA supports adjustments in land ownership that benefit the management of the National Forest System while allowing states to better manage land grant parcels for their original purposes. As the bill applies to the Forest Service, it would provide a method that is not available under existing authority to achieve these goals. Thus, we are not in a position to judge the effects of Senate bill 2078 on the public lands so we defer to the BLM on its views on this bill.

With Senate bill 3245, the Lake Fannin Conveyance Act, the Forest Service would like to continue working with representatives from Fannin County, the bill sponsors, and the Subcommittee to explore a long-term, financially sustainable solution for maintenance and use of the historic facilities at Lake Fannin that may not require a conveyance of the lands. We believe we are making progress toward that goal.

The USDA supports Senate bill 3325, the Eligibility for National Grasslands for Grazing Leases and Permits, which would extend to existing grazing management policies to National Grasslands and the National Forests in the Eastern U.S. We would like to work with the sponsor and the Subcommittee on minor corrections and additional language to help clarify the management of grazing permits.

I would also like to work with the sponsors and Subcommittee on minor technical corrections to Senate bill 2160, the Protect Collaboration for Healthier Forests Act. USDA supports the idea of arbitration as a tool to help streamline project decisions while maintaining public engagement and input. We appreciate the bill provides a way to test arbitration in a pilot program with a manageable project environment and within specified sideboards.

Senate bill 483, the Wild Olympic Wilderness and Wild and Scenic Rivers Act, would designate new wilderness, expand existing wilderness, establish wilderness areas and designate certain wild and scenic rivers in the Olympic National Forest in Washington. USDA supports the intent of this legislation to recognize the importance of wilderness and wild and scenic rivers but has some concerns we would like to work with the Subcommittee and the bill sponsors to address. We defer to the Department of the Interior for their views on the bill.

Senate bill 1959, the Central Coast Heritage Protection Act, designates land in the Los Padres National Forest in California as wilderness, makes additions to existing wilderness, and designates potential wilderness areas, scenic areas, and a national recreation trail. We appreciate the ongoing, multiyear efforts of the sponsor and Subcommittee toward improving the manageability of the multiple areas identified in this legislation. And while we support certain designations, we would like to continue to work with the sponsor and the Subcommittee on other provisions within the bill.

Senate bill 2721, the San Juan Mountains Wilderness Act, would designate additions to existing wilderness, create special management areas, and withdraw certain lands from the mining and mineral leasing laws on the Grand Mesa, Uncompahgre and Gunnison National Forests. USDA appreciates the sponsor's collaborative approach and the local involvement on these. The Forests are currently revising their Land and Resource Management Plan which would include formal wilderness recommendations to Congress when finalized. Consequently, while all these areas considered have wilderness characteristics, USDA feels that a formal position would be premature while the public analysis process continues. Further, USDA supports domestic energy and mineral production, including critical minerals, as an important use of the National Forest System, while we stand ready to provide environmental, social and economic analysis as Congress weighs the important considerations and consequences of permanent withdrawal. USDA defers to the BLM for their views on this bill as it affects the public lands.

This concludes my prepared statements. Thank you for the opportunity to be here today, and I look forward to answering any questions you may have.

[The prepared statements of Mr. Casamassa follow:]

Statement of Glenn Casamassa
Associate Deputy Chief, National Forest System
U.S. Forest Service, United States Department of Agriculture
Before the
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
Concerning
S. 483 Wild Olympics Wilderness and Wild and Scenic Rivers Act of 2018
August 22, 2018

Mr. Chairman and Members of the Subcommittee, thank you for the opportunity to testify before you today on S. 483, the Wild Olympics Wilderness and Wild and Scenic Rivers Act of 2018.

S. 483 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. USDA supports the intent of this legislation to recognize the importance of wilderness areas and wild and scenic rivers, 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.

USDA supports designation of suitable rivers as part of 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. Two of these rivers (the Duckabush River and the Dungeness River, which is comprised of the Dungeness and Dungeness-Gray Wolf Rivers) were previously recommended for designation through the agency's land management planning process. 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 for future restoration or habitat improvement work to ensure that the designations appropriately support fisheries and water quality management activities. In addition, we want to ensure that the designations are properly integrated into the system with reasonable time to develop Comprehensive River Management Plans establish detailed boundaries, and determine classifications in cooperation with the National Park Service and the interested public. USDA would like to highlight the challenges of the requirement in Section 3(d) of the Wild and Scenic Rivers Act, which mandates Comprehensive River Management Plans three-years after designation, and to suggest exemption from this requirement to align with scheduled revisions of Land and Resource Management Plans.

Two of the nineteen rivers proposed for Wild and Scenic River designation in the bill (the Big Quilcene and the South Fork Calawah) were previously found through the agency's land management planning process, to be ineligible for inclusion in the National Wild and Scenic

Rivers System because no outstandingly remarkable values could be identified. We would like to work with the subcommittee and bill sponsor to understand how the river values are outstandingly remarkable.

USDA looks forward to working with the subcommittee and bill sponsor on boundary modifications to ensure that the boundaries are crafted to best support the Agency's ability to preserve wilderness character and the public's ability to comply with wilderness regulations where they apply. Our experience is that boundaries that follow topographic features like contour lines, creeks, and ridgetops are more manageable than boundaries based on age-class differences in timber stands, which can be difficult to describe and survey. Additionally, the bill includes previously-harvested areas and roadways within "Potential Wilderness" designations. USDA will work with the subcommittee and bill sponsor to ensure adequate restoration of wilderness character in these areas prior to designation.

The Forest Service 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.

Thank you for the opportunity to testify on this issue, and I welcome any questions.

Statement of Glenn Casamassa
Associate Deputy Chief, National Forest System
U.S. Forest Service, United States Department of Agriculture
Before the
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
Concerning
S. 1959 – Central Coast Heritage Protection Act
August 22, 2018

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. 1959, the Central Coast Heritage Protection Act.

We recognize and appreciate the ongoing multi-year efforts of the sponsor and subcommittee toward improving the manageability of the multiple areas identified in this legislation. S. 1959 designates certain National Forest System (NFS) lands on the Los Padres National Forest in California as wilderness, creates additions to existing wildernesses, and designates Potential Wilderness Areas, Scenic Areas, and a National Recreation Trail. The legislation directs the Forest Service to study the feasibility of connecting the northern and southern portions of the Los Padres National Forest using a trail corridor, the feasibility of opening a new trail to an existing off-highway vehicle trail system, and the possibility of improving non-motorized recreation trail opportunities on certain lands. Finally, the bill includes a provision to ensure Tribes have access to wilderness, scenic areas, and potential wilderness areas for traditional cultural and religious purposes.

Specifically, the bill includes additions to eight designated wilderness areas and one new wilderness designation for a total of 167,413 acres of NFS lands; provisions for two Potential Wilderness areas that would convert to two additions to designated wilderness areas within 20 years for a total of 41,937 acres; additions to three existing wild and scenic rivers and designation of three new wild and scenic rivers, adding a total of 230.8 miles to the National Wild and Scenic Rivers System; provisions creating the Condor Ridge and Black Mountain Scenic Areas comprising 41,837 acres; and creating the Condor National Recreation Trail. USDA is generally supportive of the 24 additions to eight existing wilderness areas listed in Sections 3(a)(4) to 3(a)(11), the designation of the new Diablo Caliente wilderness in Section 3(12), and Sections 4 and 7 designating the Machesna Mountain Potential Wilderness and the Fox Mountain Potential Wilderness areas. USDA would like to work with the subcommittee on minor technical corrections required to ensure that the acres listed in the legislation match the acres shown on the maps referenced in the bill. Also, USDA would like to ensure a consistent and deliberate approach to mapping the areas proposed for wilderness to ensure maximum manageability of the wilderness, including forest health and resiliency.

Sections 4(b) and 7(b) require maps and legal descriptions for the boundaries of the potential wilderness areas, and Sections 4(g) and 7(g) require updated maps and legal descriptions when the trail(s) have been reconstructed, realigned or rerouted. Until the areas are designated as wilderness, USDA would like to suggest that the "Machesna Mountain Potential Wilderness Areas" map and the "Fox Mountain Potential Wilderness Area" map (both dated October 4, 2017) serve as boundary maps. Once the areas convert to wilderness, updated final boundary maps and legal descriptions reflecting these additions and the realigned trails would be completed for the Machesna Mountain and the Fox Mountain Wilderness areas.

Sections 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. USDA would like to work with the subcommittee to refine the potential wilderness boundaries to permit possible fuel treatments around the periphery of the boundaries, and better management of the areas. USDA notes that Section 4(d)(1) of the Wilderness Act allows for control of fire, insect, and disease.

Section 5(l) authorizes the installation and maintenance of climatological collection devices in wilderness areas for flood warning and flood control. USDA 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 alternative areas that can meet the needs and objectives of climatological data collection.

USDA supports the designations in Section 6 of three new wild and scenic rivers (Indian Creek, Mono Creek, and Matilija Creek) as well as the additions to three existing wild and scenic rivers (Sespe Creek, Sisquoc River, and Piru Creek) for a total of 230.8 new miles added to the National Wild and Scenic Rivers System. The Los Padres National Forest has determined that portions of Sespe Creek and Piru Creek are suitable for designation, and has determined that portions of Matilija Creek are 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. USDA 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 of the other segments that would be designated by the bill as eligible or suitable, USDA does not oppose any of these wild and scenic river designations. Finally, USDA would like to highlight the challenges of the requirement in Section 3(d) of the Wild and Scenic Rivers Act, which mandates Comprehensive River Management Plans within three years of designation, and suggest exemption from this requirement to align with scheduled revisions of Land and Resource Management Plans.

Section 9 designates the Condor National Recreation Trail. The Department suggests a technical correction to the name of the trail as the appropriate designation under section 5(a) of the National Trails System Act would be a "Scenic" trail designation, rather than a national recreation trail. Recreation trails are generally not designated by Congress, but rather by the Secretaries of Interior and Agriculture, whereas under section 5(a) of the National Trails System Act, Congress may designate national scenic and national historic trails. The Department would also like to clarify the intent of the bill sponsor as to whether mechanized equipment and motorized transport will be allowed on the Trail in the non-wilderness segments, including use of mechanical/motorized tools to maintain the trail such as chainsaws.

Section 12(b) would require the Secretary to ensure that 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 portions of areas designated by the bill to protect the privacy of tribal traditional cultural and religious activities in the area. USDA understands that implementation of this provision is at the discretion of the Secretary to determine whether the requested closure is appropriate, and that access would be provided to the extent practicable in order to maintain the wilderness character and access for recreation.

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

Statement of Glenn Casamassa
Associate Deputy Chief, National Forest System
U.S. Forest Service, United States Department of Agriculture
Before the
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
Concerning
S. 2078 – Advancing Conservation and Education Act
August 22, 2018

Chairman Lee, Ranking Member Wyden, members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 2078 – Advancing Conservation and Education Act. I am Glenn Casamassa, Associate Deputy Chief for the National Forest System (NFS), USDA Forest Service.

S. 2078 would authorize the Secretary of the U.S. Department of the Interior (DOI) to create a process to allow States to relinquish State land grant parcels wholly or primarily within eligible areas in the eleven contiguous western States and Alaska in exchange for select public land under the jurisdiction of DOI's Bureau of Land Management (BLM) within the State.

The bill defines "eligible areas" as lands within the outer boundaries of units or components of the National Park, National Wilderness Preservation, National Wildlife Refuge, or National Landscape Conservation Systems; areas identified BLM as having wilderness characteristics; certain designated lands within the National Forest System; and sentinel landscapes designated by USDA, DOI, or the U.S. Department of Defense.

The exchanges would be for equal value, and the bill establishes requirements for lands conveyed by a State to the Secretaries of the Interior and Agriculture regarding hazardous materials, water rights, grazing permits, road rights-of-way and other valid existing rights.

USDA supports adjustments in land ownership that benefit the management of the National Forest System, while allowing states to better manage land-grant parcels for their original purposes. As S. 2078 applies to the Forest Service, it would provide a method that is not available under existing land exchange authorities to achieve these twin goals by allowing the conveyance of State lands for National Forest System purposes in exchange for public lands under BLM management.

Because we are not in a position to judge the effect of S. 2078 on public lands, we defer to DOI for its views on the effect of S. 2078 regarding lands within its jurisdiction.

Thank you again for the opportunity to testify on this bill and I look forward to your questions.

Statement of Glenn Casamassa
Associate Deputy Chief for National Forest Systems,
U.S. Forest Service, United States Department of Agriculture
Before the
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
Legislative Hearing on
S. 2160 "Protect Collaboration for Healthier Forests Act"
August 22, 2018

Chairman Lee, Ranking Member Wyden, members of the Committee, I am Glenn Casamassa, Associate Deputy Chief for the U.S. Department of Agriculture (USDA) Forest Service. Thank you for the opportunity to speak with you today about the pilot program as described in S. 2160.

Current leadership at agency and department levels are supportive of the idea of arbitration as a tool to help streamline project decisions. This legislation provides a way to test arbitration within a manageable project environment and within specific sideboards.

More specifically, this bill would limit the types of projects to those developed within a specified collaborative process, or Collaborative Forest Landscape Restoration Program (CFLRP), part of a community wildfire protection plan, or have a purpose to reduce hazardous fuels or mitigate insect and disease infestation, and are located in a Wildland Urban Interface.

In keeping within the scope of a pilot, this bill would apply only to the Forest Service's Northern Region and would authorize only two projects per year to be designated for arbitration. This program would be in effect for 5 years.

There are minor technical corrections we would recommend and would be happy to work with the committee staff.

Thank you again for the opportunity to testify on this bill and I look forward to your questions.

Statement of Glenn Casamassa
Associate Deputy Chief, National Forest System
U.S. Forest Service, United States Department of Agriculture
Before the
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
Concerning
S. 2297 – Custer County Airport Conveyance Act
August 22, 2018

Chairman Lee, Ranking Member Wyden, members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 2297 – Custer County Airport Conveyance Act. I am Glenn Casamassa, Associate Deputy Chief for the National Forest System (NFS), USDA Forest Service.

S. 2297 would convey, for market value consideration, all right, title, and interest in approximately 65.7 acres of National Forest System land on the Black Hills National Forest to Custer County, South Dakota for the continued operation of the Custer County Regional Airport.

USDA supports S. 2297. Airport infrastructure authorized under a special use permit currently occupies the subject NFS lands which are consequently not generally available for NFS multiple-use purposes. Conveying the lands would allow Custer County greater flexibility in operating the facility which provides an important service to residents and visitors in western South Dakota.

Thank you again for the opportunity to testify on this bill and I look forward to your questions at the appropriate time.

Statement of Glenn Casamassa

Associate Deputy Chief, National Forest System

U.S. Forest Service, United States Department of Agriculture

Before the

Senate Committee on Energy and Natural Resources

Subcommittee on Public Lands, Forests and Mining

Concerning

S. 2721, the "San Juan Mountains Wilderness Act"

August 22, 2018

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to provide the views of the Department of Agriculture on S. 2721, the "San Juan Mountains Wilderness Act."

S. 2721 would designate several parcels of the Grand Mesa, Uncompahgre, and Gunnison National Forests totaling approximately 22,888 acres as wilderness under the National Wilderness Preservation System. These parcels would be additions to the existing Lizard Head and Mount Sneffels wilderness areas.

S. 2721 would also designate the Sheep Mountain and Liberty Bell East areas as Special Management Areas to be managed to maintain or improve the area's existing wilderness character for potential inclusion in the National Wilderness Preservation System.

Additionally, S. 2721 would permanently withdraw 6,590 acres of National Forest System lands in Naturita Canyon on the Uncompahgre National Forest from entry, appropriation, or disposal under the public land laws; location, entry, and patent under the mining laws; and operation under the mineral leasing and geothermal leasing laws.

USDA defers to the Department of the Interior regarding the proposal to designate approximately 8,600 acres of Bureau of Land Management (BLM) lands as the McKenna Peak Wilderness and the release of the Dominguez Canyon Wilderness Study Area.

We thank Senator Bennet for his collaborative approach and appreciate the local involvement and stakeholder contributions to this bill. The Grand Mesa, Uncompahgre, and Gunnison National Forests are currently revising their Forest Plan. During the plan revision process, the Forest is working with the public to identify lands that may be suitable for inclusion in the National Wilderness Preservation System and determine whether to recommend any areas for wilderness designation. Only Congress can designate areas as wilderness, and plan revision, including public involvement, plays an important role in evaluating lands for consideration by Congress. The Forest initiated its wilderness review process in January 2018. The draft wilderness evaluation report and supporting materials were published on August 6th. The draft environmental impact statement is scheduled to be released in the spring of 2019 with a final decision on the Forest Plan, including recommendations for wilderness designation, to be made sometime in the fall of 2020.

Due to this ongoing public process, USDA believes a formal position on wilderness designations would be premature at this time. Specific considerations regarding the current management situation for the wilderness additions and special management areas are as follows.

Lizard Head Wilderness Additions

The Lizard Head Wilderness lies astride the San Miguel Mountains, 10 miles southwest of Telluride on the Uncompahgre and San Juan National Forests. The proposed wilderness additions include five parcels, encompassing approximately 3,141 acres of National Forest System lands adjacent to the existing wilderness. The Forest Plan, completed in 1983, does not recommend any of the areas for wilderness designation. However, wilderness designation would not be inconsistent with the current management of the area. No summer motorized recreation is currently allowed and effects to winter motorized recreation would be minimal as there is little snowmobile use of the area.

Mount Sneffels Wilderness Additions

The Mount Sneffels Wilderness comprises more than 16,500 acres on the Uncompahgre National Forest between the communities of Telluride and Ouray. The proposed wilderness additions include four parcels that encompass approximately 19,747 acres of National Forest System lands adjacent to the existing wilderness. As with the Lizard Head Additions, even though this area was not recommended for wilderness designation in the current Forest Plan, designation is generally aligned with Forest Plan direction and would have minimal effects on summer and winter recreation.

Liberty Bell East Special Management Area

S. 2721 would designate 792 acres of National Forest System lands located north of the town of Telluride as a special management area on the Grand Mesa, Uncompahgre, and Gunnison National Forests.

We would like to work with the sponsor and the subcommittee to address some technical aspects of the bill regarding language to maintain the suitability of the area for potential inclusion in the National Wilderness Preservation System while still providing for uses such as helicopter access for recreation and the use of bicycles, in the special management area.

Sheep Mountain Special Management Area

S. 2721 would designate 21,675 acres of National Forest System lands located south of the town of Ophir as a special management area. About 10,930 acres are within the Uncompahgre National Forest and 10,745 acres are within the San Juan National Forest. This area contains some lands purchased recently with funds provided by Congress as part of the Ophir Valley Land and Water Conservation Fund project. Currently the Forest Plan identifies half of the area to be managed for semi-primitive non-motorized recreation and the other half for other recreation purposes.

Naturita Canyon Mineral Withdrawal

National Forest System lands that would be withdrawn are within Naturita Canyon on the Uncompahgre National Forest, about five miles south of the community of Norwood. Naturita Canyon is relatively low-elevation river drainage (7,000 feet elevation) with steep canyon walls 1,000 feet in height.

USDA supports domestic energy and mineral production, including critical minerals, as important uses of the NFS. Presidential Executive Orders (EO) 13817, A Federal Strategy to Ensure Secure and Reliable Supplies of Critical Minerals, issued on December 20, 2017 and EO 13783, Promoting Energy Independence and Economic Growth, issued on March 28, 2017 reinvigorate USDA's responsibility to provide access and remove barriers to energy and locatable mineral development, including critical mineral commodities.

USDA's Forest Service stands ready to provide environmental, social, and economic analysis as Congress weighs the important considerations and consequences of permanent withdrawal.

In relation to all of the proposals included in S. 2721, USDA seeks to manage all activities in balance with the other natural resources, values, and economic drivers found on and around the national forests, which include hazardous fuels reduction, forest resiliency, community protection, and rural prosperity.

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

Statement of Glenn Casamassa
Associate Deputy Chief, National Forest System
U.S. Forest Service, United States Department of Agriculture
Before the
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
Concerning
S. 3245 – Lake Fannin Conveyance Act
August 22, 2018

Chairman Lee, Ranking Member Wyden, members of the Subcommittee, thank you for the opportunity to present the views of the U.S. Department of Agriculture (USDA) regarding S. 3245 – Lake Fannin Conveyance Act. I am Glenn Casamassa, Associate Deputy Chief for the National Forest System (NFS), USDA Forest Service.

S. 3245 would convey, without consideration, all right, title, and interest in approximately 2,025 acres of National Forest System land on the Caddo National Grassland in Texas to Fannin County, Texas for public purposes.

USDA appreciates the interest of Fannin County in acquiring these lands for sustainable operation of recreation facilities in the area. Forest Service staff have conducted economic studies in the past seeking ways to improve revenue under existing authorities as a means to maintain and operate the recreation facilities adjacent to the lake. Results of those studies show significant challenges in achieving this goal. We have engaged regularly with County officials, including twice in the past two months, exploring alternatives that could provide a shared solution without requiring legislation to convey the land. County officials have indicated support for a long-term historic property lease that could provide for sustainable management of the historic recreation facilities valued by the community, and tangible steps have been taken that could allow for implementation within the next several months. This or other potential alternatives could meet the County's interests, and would be consistent with longstanding federal policy that market value consideration should be paid to the United States for conveyance of federal lands owned by all Americans.

USDA hopes to continue to work with the committee, the bill's sponsor, and the community on creative solutions for our shared goal of long-term sustainable management.

Thank you again for the opportunity to testify on this bill and I look forward to your questions.

Statement of Glenn Casamassa
Associate Deputy Chief for National Forest Systems,
U.S. Forest Service, United States Department of Agriculture
Before the
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
Legislative Hearing on
S. 3325 "Eligibility of National Grasslands for Grazing Leases and Permits"
August 22, 2018

Chairman Lee, Ranking Member Wyden, members of the Committee, I am Glenn Casamassa, Associate Deputy Chief for the U.S. Department of Agriculture (USDA) Forest Service.

S. 3325 would provide for the continuation of the terms and conditions of any grazing permit issued by the Secretary of Agriculture that expires, is transferred, or is waived until the environmental analysis for a new permit is completed.

Currently, section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752) requires that terms and conditions in a grazing permit that expires, is transferred, or is waived be continued under a new permit until environmental analysis under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other applicable laws is completed. However, this authority applies only to grazing permits on lands within National Forests in the sixteen contiguous Western States. S. 3325 would expand the authority to include grazing permits issued on all National Forest System lands, including National Grasslands and National Forests in the east.

USDA supports S. 3325.

USDA would like to work with the subcommittee to address minor technical concerns with the bill. We also would like to work with the subcommittee on additional technical changes that would help clarify the management of grazing permits.

Thank you again for the opportunity to testify on this bill, and I look forward to your questions.

Senator LEE. Thank you, Mr. Casamassa.

Mr. McAlear.

STATEMENT OF CHRISTOPHER MCALEAR, ASSISTANT DIRECTOR, NATIONAL CONSERVATION LANDS & COMMUNITY PARTNERSHIPS, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Mr. MCALEAR. Thank you, Mr. Chairman, and good morning to you and members of the Subcommittee. Thank you for the opportunity to present testimony today.

I'm Chris McAlear, the Assistant Director for the National Conservation Lands and Community Partnerships at the Bureau of Land Management.

I'll briefly summarize the written statements concerning nine bills on today's agenda related to the Department of the Interior.

Senate bill 1572, the Helium Extraction Act, would amend the Mineral Leasing Act to allow the continued production of helium from oil and gas leases. The BLM supports Senate bill 1572 as it allows for the development of this critical resource and supports the Administration's priority of securing reliable supplies of critical minerals.

Senate bill 1959, the Central Coast Heritage Protection Act, establishes or expands a number of conservation designations on lands managed by BLM and the Forest Service in Central California, including three new wilderness areas within the Carrizo Plain National Monument. The Department would like the opportunity to work with sponsors and the Subcommittee to address some issues and technical concerns.

Senate bill 2078, the Advancing Conservation and Education Act, addresses the scattered nature of state land parcels in 13 Western states by establishing a new mechanism for the states to relinquish state trust land and federally designated conservation areas and select replacement land in exchange. The Department supports the goals of Senate bill 2078 which are consistent with the Secretary's priorities to improve recreation, public access and conservation stewardship.

Senate bill 2721, the San Juan Mountain Wilderness Area, establishes or expands a number of conservation designations of lands managed by the BLM and the Forest Service in Colorado, including the McKenna Peak Wilderness in San Miguel County. The Department would like to work with sponsors to address some issues and technical concerns.

Senate bill 2809, the Emory County Public Land Management Act, provides direction for the future management of certain federal lands in Emory County, Utah. The Department supports Senate bill 2809 which we believe is consistent with the Secretary's priorities to improve recreation, public access, and collaborative conservation. We welcome the opportunity to work with sponsors and the Subcommittee on a few clarifying amendments and technical issues.

Senate bill 2907, the Chaco Canyon Heritage Protection Act, would withdraw land surrounding the Chaco Cultural Natural Historical Park in Northwestern New Mexico. Striking the appropriate balance for public land use is an important mission that the De-

partment takes seriously. We want to work with the sponsors to identify the best approach to protecting this specific special area as the BLM continues to evaluate and update its land management plan.

Senate bill 3297, the Washington County, Utah, Public Land Act, would require that the BLM renew and amend the desert tortoise Habitat Conservation Plan, amend three resource management plans, and designate transportation and utility corridors through the Beaver Dam Wash and Red Cliffs National Conservation Areas. The Department supports the bill's goal of providing economic certainty to the communities of Washington County. We would like to work with the sponsor on a few clarifying amendments, timeframes, and to ensure consistency of implementation with other laws.

H.R. 2075, the Crooked River Fire Protection Act, modifies the eastern boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area and releases approximately 830 acres from WSA management. The Department supports H.R. 2075 which is consistent with the Secretary's priority of being a good neighbor and better serving local communities in the West.

Senate bill 1787 would reauthorize the USGS National Cooperative Geologic Mapping Program, which is the nation's authoritative source of production for geologic maps. The Department supports the reauthorization of this important program. I will bring any questions you have about Senate bill 1787 back to the USGS for response.

Thank you again for this opportunity to testify, and I'm happy to answer any questions.

[The prepared statements of Mr. McAlear follow:]

Statement of
Christopher McAlear
Assistant Director
National Conservation Lands & Community Partnerships
Bureau of Land Management
U.S. Department of the Interior

Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands, Forests, and Mining
S. 1572, Helium Extraction Act of 2017
August 22, 2018

Thank you for the opportunity to testify on the Federal helium program managed by the Bureau of Land Management (BLM), and on S. 1572, Helium Extraction Act of 2017. S. 1572 would amend the Mineral Leasing Act of 1920 (MLA) to provide a mechanism for industry to produce helium from Federal lands. The Department of the Interior (Department) appreciates the opportunity to review S. 1572 and supports this legislation.

We also appreciate the sponsors' interest in the BLM's helium program and would welcome the opportunity to work with the sponsor to improve management of this valuable commodity and to ensure that Federal agencies retain assured access for future national security, biomedical, and other technical purposes.

Background

The BLM plays a key role in the careful management and stewardship of the only significant long-term storage facility for crude helium in the world, known as the Federal Helium Reserve (Reserve). Helium is a critical, non-renewable natural resource that is important in military reconnaissance, medical imaging, space exploration, fiber optics manufacturing, welding, and commercial diving. Helium is a by-product of oil and natural gas production and is usually captured by stripping it from the natural gas. Geologic conditions in Texas, Oklahoma, and Kansas make the natural gas in these areas some of the most helium-rich in the United States, often ranging from 0.5 to 1.5 percent of the gas extracted during production.

History of the Federal Helium Program

Because of helium's potential to lift military reconnaissance devices high above battlefields, the Federal government's interest in the resource dates back to World War I. Recognizing this key military use for helium, the Mineral Leasing Act of 1920 reserved to the Federal government all helium produced on Federal lands – a reservation that remains in effect today. After World War I, recognition of the potential for helium recovery in the Texas Panhandle, Western Oklahoma, and Kansas led to the development of the Federal helium program focused in that area. In 1929, the Bureau of Mines commissioned the Amarillo Helium Plant and Cliffside Gas Field Facility near Amarillo, Texas, to produce helium-bearing natural gas from a naturally occurring geologic field known as the Bush Dome Reservoir.

After World War II, Federal use of helium shifted toward space exploration. The 1960 Helium Act Amendments changed the program's mandate from exclusive government production of

helium to conservation of the resource by encouraging private natural gas producers to sell extracted crude helium to the Federal government for storage in the Bush Dome Reservoir. In 1996, the Helium Privatization Act (HPA) required the BLM (successor to Bureau of Mines) to make available for sale the vast majority of the stockpile of crude helium from the Reserve, in a manner to avoid market disruption. The BLM fully implemented this direction. In 1996, the Bush Dome Reservoir stored approximately 30.5 billion cubic feet (Bcf) of helium; by April 2017, about 4.4 Bcf of Federally owned helium and about 3.2 Bcf of privately owned helium remained in the Reserve.

The BLM's Helium Operations

The BLM's current helium program operates not only the original storage and pipeline system, but also a crude helium enrichment unit, owned by private industry refiners, that facilitates transmission of helium to private helium operations on the BLM's helium pipeline. The BLM also conducts domestic and, to a lesser extent, international helium resource evaluation and reserve tracking to determine the extent of available helium resources.

The BLM is responsible for selling helium from the Reserve to private entities at market-based prices determined by industry surveys and auctions. Federal users (e.g., the Departments of Energy and Defense, NASA, and the National Institutes of Health, among others), which primarily use helium for research and operations, may access Federal helium at a discounted rate through the current helium "In-Kind" program managed by the BLM. The In-Kind price is calculated as a discount from sales and auction prices. Federal agencies and their contractors generally purchase all of their refined helium from private suppliers who, in turn, purchase an equivalent amount of crude helium from the Reserve. In 2016, Federal agencies purchased about 122 million cubic feet (MMcf) of helium through the In-Kind program.

After funding operations, the BLM returned $115 million to the U.S. Treasury in 2016. The Federal Helium Program operates using a revolving fund not subject to annual appropriations. All revenue generated from the helium program is deposited in the fund. This includes revenue derived from auctions and sales of helium from the Federal Helium Reserve, oil and gas residue sales from the crude helium enrichment process, storage and transportation fees, and royalty and fees sales from helium produced on Federal lands.

The Helium Stewardship Act of 2013 (Public Law 113-40)

Continuing Congressional interest in privatizing the helium market ultimately resulted in enactment of the Helium Stewardship Act (HSA) of 2013. The HSA established September 30, 2021, as the sunset date for the Federal helium program. For the years preceding the sunset date, the HSA created a set of phased authorities for the BLM's management of the Reserve, establishing a "glide path" by which auctions and sales from the Reserve would draw down the amount of helium until there remained only 3 Bcf of helium, which would be reserved solely for Federal users.

Helium Sales & Auctions

The BLM is implementing the HSA's statutory directives to sell helium from the Reserve to a level of 3 Bcf of recoverable helium (not including privately stored helium) by 2021. This will be accomplished with annual sales and auctions of decreasing volumes through 2021. The BLM

expects to reach the 3 Bcf milestone after this sale. Anyone meeting the statutory definition of a "qualified bidder" may participate in the helium auctions. A qualified bidder is a person seeking to purchase helium for the person's own use, refining, or resale to users.

The BLM offered helium volumes in three distinct sales in FY 2017 for delivery in FY 2018:

- The "FY 2018 Delivery Phase B Auction," conducted in July 2017, of 500 MMcf in 30 lots, for $59.7 million. The helium that was auctioned represented over 55 percent of the total volume that the BLM will make available from the Reserve in FY 2018. This met the 55 percent requirement mandated in the HSA.
- The "FY 2018 Delivery Phase B Non-Allocated Sale," conducted in August 2017, of 40 MMcf for $4.76 million.
- The "FY 2018 Delivery Phase B Allocated Sale," conducted in August 2017, of 360 MMcf for $42.8 million.

The total volume of helium sold, excluding In-Kind helium, was 900 MMcf, and the total revenue generated from helium sales in FY 2017 was $107.2 million. The BLM intends to hold the next sale and auction on August 31, 2018, for delivery in FY 2019. At this sale, 210 MMcf will be offered at auction, an additional 9 MMcf will be offered at the "Phase B Non-Allocated Sale," and 81 MMcf will be offered at the "Phase B Allocated Sale" for a total of 300 MMcf.

Helium Production on Federal Lands

Helium commonly exists as a minor component of most natural gas plays. Natural gas typically is transported by pipeline to a processing plant where it is separated into marketable components, which could include helium if it is present in sufficient amounts. Because the helium from leases on Federal lands is reserved to the United States (i.e., there is no authority under the MLA to lease helium), natural gas lessees now can enter into contracts with the BLM to provide for the processing and sale of the helium. This type of arrangement occurs, for example, near Kemmerer, Wyoming, where helium produced from Federal lands partially supplies an ExxonMobil helium refinery.

Similar contracts can enable the recovery of helium as a primary gas in combination with a BLM oil and gas lease, and is feasible where the gas composition in a reservoir consists of relatively higher helium concentration in a low Btu gas stream. For example, the BLM approved an Application for Permit to Drill (APD) for a 1,100-foot exploratory well in the Harley Dome gas field in eastern Utah and an associated right-of-way to transport the produced gas via a surface pipeline to a new gas processing plant. With sufficient quality and quantity of helium, the proponent constructed a four-inch, 7,183-foot pipeline to a small plant where the helium is removed from the gas stream and compressed for truck transport. The well is located five miles west of the Utah-Colorado border on Federal lands in northern Grand County and the helium extraction plant is located 1.4 miles from the well on private property.

Helium Extraction Act of 2017

S. 1572 would amend the MLA to define helium as a natural gas for purposes of lease extension. This would have the practical effect of allowing helium production when there are no economic

quantities of oil and gas being produced from the leases (which would trigger expiration of the leases under the current MLA).

The BLM supports S. 1572 as it not only opens up public lands to helium development but also supports the administration's priorities to secure reliable supplies of critical minerals, including helium.

Report to Congress – Moving Forward / Future Needs

To prepare for the sunset of the Federal helium program, the HSA directed the Department, with other agencies, to prepare a Report to Congress on a plan to provide for an orderly transition to a privatized helium system by 2021. The HSA required that the Report offer a Federal Agency Helium Acquisition Strategy, including a description of a 20-year Federal strategy for securing access to helium that minimizes any potential supply disruptions for Federal users. This Report was transmitted to the Congress on April 1, 2016. As discussed in the 2016 Report, the BLM is on track for this transition.

When the transition to a privatized system occurs, Federal users will no longer be able to meet their helium requirements through the Federal Helium Reserve and the In-Kind program, and will need to find new sources of helium. Federal defense and research access to helium would rely on the private helium market, and market prices. This will likely result in increased costs to meet Federal helium requirements for defense and homeland security uses, and in planned aerospace programs. The Report to Congress recommends that a new Royalty In-Kind program be created which would provide Federal agencies with an assured source of helium into the future. Under a new Royalty In-Kind program, rather than the royalties that BLM currently receives, the BLM would track the equivalent helium volumes at each refining plant. The refiner would subsequently make that amount available to Federal agencies. Federal agencies could then enter into contracts with refiners to obtain helium.

Conclusion

Thank you for the opportunity to present this testimony. The Department welcomes further discussion about the BLM's helium program and its role in meeting future helium needs for the country. I would be glad to answer any questions you may have.

Statement for the Record
U.S. Geological Survey
Before the
Senate Committee on Energy and Natural Resources
On S. 1787, National Geologic Mapping Reauthorization Act
August 22, 2018

The vision of the USGS National Cooperative Geologic Mapping Program (NCGMP), first authorized by Congress in 1992, is to create an integrated, three-dimensional, digital geologic framework of the United States and its territories to address the Nation's changing resource needs. The NCGMP's mission is to characterize, interpret, and disseminate the geologic framework model of the Nation through geologic mapping and derivative research, to support the responsible use of land, water, energy, and minerals, and to mitigate the impact of geologic hazards on society, thereby facilitating national security and economic growth through informed Earth resource management.

The partnership program between USGS and the Association of American State Geologists is composed of four parts. The first is FEDMAP, which funds new science that supports the mapping of geological and geophysical processes and structures, as well as topical mapping applications. Second is STATEMAP, which provides funds to the State geological surveys that are matched at least 1:1 with State funding to support the development of geologic maps across the country. Next is EDMAP, which has provided almost $10 million since 1992 to support over 1,200 students' STEM education, thereby training the next generation of geologic mappers. The National Geologic Map Database, brings together these mapping functions to provide all geologic maps and related reports, data, and summaries to the public, for their use in economic development and decision making. For example, the information provided through the National Geologic Map Database is essential for understanding the potential for critical minerals throughout the national geologic framework. This Database is a mandated effort of the USGS and the Association of American State Geologists, and has for 22 years been a noteworthy example of successful State-Federal collaboration to improve efficiencies in managing information for public use.

NCGMP is the authoritative source for production of geologic maps in the Nation. Each of the four parts of NCGMP is essential to making geologic maps that are accessible and useful for scientists, decision-makers, and the public. The Department of the Interior believes the expiring authorization should be extended.

Statement of
Christopher McAlear
Assistant Director
National Conservation Lands & Community Partnerships
Bureau of Land Management
U.S. Department of the Interior

Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands, Forests, & Mining
S. 1959, Central Coast Heritage Protection Act
August 22, 2018

Thank you for the opportunity to testify on S. 1959, the Central Coast Heritage Protection Act. The bill would designate three wilderness areas within the Carrizo Plain National Monument managed by the Bureau of Land Management (BLM). S. 1959 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. Finally, the bill designates the Condor National Recreation Trail across the Los Padres National Forest and small portions of BLM-managed public lands.

Secretary Zinke, through Secretarial Orders 3347, 3356, and 3366, has pledged to expand access to America's public lands, to increase hunting, fishing, and recreational opportunities nationwide, and to enhance conservation stewardship. In addition, Secretary Zinke is focused on restoring full collaboration and coordination with local communities and making the Department of the Interior (Department) a better neighbor.

As a matter of policy, the Department strongly supports Congressional action to resolve issues of wilderness designation and release of WSAs on public lands across the West, and we welcome opportunities to further those efforts. However, we also want to ensure that designating new wilderness areas on public lands that are outside of existing WSAs is the most appropriate land management tool, and that such designations would not unnecessarily impede public access or limit outdoor recreational opportunities. The Department would like the opportunity to work with the sponsors and the Subcommittee to address a number of issues and technical concerns outlined in this statement.

Background

The Carrizo Plain National Monument (Monument), which includes over 206,000 acres of public lands, was designated on January 17, 2001. The Monument, located only a few hours from Los Angeles in San Luis Obispo and Kern Counties, California, features the white alkali flats of Soda Lake, Painted Rock, open grasslands, and a broad plain rimmed by mountains. When conditions are right, numerous wildflowers can carpet the valley floor. In addition, the Chumash, Salinian, and Yokuts Tribes have called this area home for at least the last 10,000 years. 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 44,500 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 required by the Federal Land Policy and Management Act of 1976 (FLPMA).

S. 1959, Central Coast Heritage Protection Act

Wilderness (Sections 3-5, 7)

S. 1959 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). Each of these areas generally serves as habitat for a variety of plant and animal life, including tule elk, upland game birds, and other species managed by CDFW. They also provide many recreational opportunities, such as hunting, hiking, camping, and – due to their remoteness – provide visitors with outstanding opportunities to be alone with nature.

Only Congress can determine whether to designate WSAs as wilderness or to release them for other multiple uses. The WSAs included in the proposed wilderness designations have been pending final resolution by Congress since 1991. The Department, therefore, supports Congress settling the status of these lands, which would provide certainty to public land users in central California.

Pursuant to the priorities outlined by Secretary Zinke, we would welcome the opportunity to work with the sponsors and the Subcommittee to ensure that wilderness designation on public lands outside of existing WSAs is the most appropriate mechanism to adequately protect these areas. Alternative management approaches could conserve sensitive resources while still accommodating other uses and activities permitted on BLM-managed lands.

If Congress opts to proceed with designation of these lands as wilderness, we would like to work on minor and technical amendments to this section, including boundary adjustments to enhance manageability and to ensure that the proposed designations are consistent with existing WSAs and areas managed for wilderness characteristics under the 2010 Carrizo Plain RMP.

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. As with the proposed designations within the Monument, the Department would like to work with the sponsors to ensure that wilderness designation on public lands outside of existing WSAs is the most appropriate

mechanism to adequately protect these areas. If Congress opts to designate these areas as wilderness, we would like to work with the sponsors on a clarifying amendment to this section.

Wild & Scenic Rivers (Section 6)
Section 6 of S. 1959 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 Department would like to work with the sponsors to address some technical concerns with this section, 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 Department 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 Department supports the designation of this trail, which would increase recreational opportunities, but we would like the opportunity to more closely review the proposed route and work with the sponsors 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 Department defers to the U.S. Department of Agriculture regarding these provisions. The Department has no objection to section 12, which addresses use by members of Native American tribes.

Conclusion
Thank you again for the opportunity to testify on S. 1959, the Central Coast Heritage Protection Act. We look forward to working with the sponsors and the Subcommittee to address the issues and technical concerns outlined above as this bill moves through the legislative process.

Statement of
Christopher McAlear
Assistant Director
National Conservation Lands & Community Partnerships
Bureau of Land Management
U.S. Department of the Interior

Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands, Forests, & Mining
S. 2078, Advancing Conservation and Education Act
August 22, 2018

Thank you for the opportunity to testify on S. 2078, the Advancing Conservation and Education Act. This bill would establish a new mechanism to allow western States to relinquish State trust land within Federally designated conservation areas and select replacement land from lands administered by the Bureau of Land Management (BLM) land within the respective States.

The Department of the Interior (Department) recognizes the significant work of the bill sponsors in the Senate and House to resolve a long-standing problem facing Federal and State land managers throughout the West: the often conflicting needs of Federal agencies charged with managing lands designated for conservation purposes and of State agencies charged with meeting differing management mandates.

Secretary Zinke, through Secretarial Orders 3347, 3356, and 3366, has pledged to expand access to America's public lands, to increase hunting, fishing, and recreational opportunities nationwide, and to enhance conservation stewardship. In addition, Secretary Zinke is focused on restoring full collaboration and coordination with local communities and making the Department a better neighbor.

The Department supports the goals of S. 2078, which we believe has the potential to address some long-standing management issues in a manner that would be consistent with the Secretary's priorities to improve recreation, public access, and collaborative conservation. We would welcome the opportunity to work with the sponsors and the Subcommittee to address a number of issues outlined in this statement.

Background

In 1976, with the passage of the Federal Land Policy and Management Act (FLPMA), Congress directed the BLM to retain management of most public lands, thereby reducing the acreage that had been available for disposal in earlier years. Under FLPMA, the BLM is directed to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

The admission of Ohio into the Union in 1803 marked the beginning of Congressional action to provide land to the individual States through their Enabling Acts. Beginning in 1848, new States

tended to receive two sections of land in each township,[1] generally sections 16 and 36. That increased to four sections with the admission of Utah, Arizona, and New Mexico, which generally received sections 2, 16, 32, and 36. When Alaska entered the Union in 1959, rather than being assigned specific sections, the provisions of the Alaska Statehood Act entitled the State to select over 103 million acres of Federal land.

Each of the thirteen States covered by S. 2078 – Alaska, Arizona, California, Colorado, Idaho, Montana, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming – has State laws governing the management of these lands. On the whole they are dedicated to providing revenue to benefit education and other State purposes. While the somewhat random disbursement of sections may have seemed logical in the 19th and early 20th centuries, today it has given us an ownership pattern of lands that makes management difficult and challenging for both the States and the Federal government. These ownership patterns can also prove confusing for the many users of the public lands.

Today, many of these State sections – nearly 3 million acres with over half of those acres in Alaska – lie within conservation units established by Congress and the President. Among these are State lands within national parks, wildlife refuges, national monuments, national conservation areas, and designated wilderness areas. While these conservation designations only apply to Federal lands within those designated areas, the ability of States to fully access or develop the resources of these inholdings may be limited.

The BLM has the authority under section 206 of FLPMA to exchange public land with States or other entities if the Secretary of the Interior "determines that the public interest will be well served by making that exchange." Furthermore, FLPMA requires that all exchanges be of equally valued lands as determined by appraisals conducted according to the Federal Uniform Appraisal Standards.

S. 2078

S. 2078, the Advancing Conservation and Education Act, addresses the scattered nature of State land parcels in 13 western States by establishing a new mechanism for the States to relinquish inholdings within Federally-designated conservation units and then allowing the States to subsequently select replacement land from other BLM-administered lands within the States. The Department supports the goals of S. 2078 and would like to work with the sponsors to achieve these goals consistent with FLPMA and other resource management laws.

The Department appreciates several major improvements that the sponsors have incorporated in S. 2078 from prior versions of the legislation. For example, we note the addition of provisions regarding the protection of Indian rights and interests, road rights-of-way, and other valid existing rights and the extension of various time frames. We would welcome the opportunity to work with the sponsors and Congress to address a few additional issues outlined below.

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[1] The rectangular survey system was established by the Land Ordinance of 1785. It established a system of townships made up of 36 individual sections measuring one square mile. Each section is made up of 640 acres.

Valuation & Cost
The Department strongly supports the completion of major land exchanges that consolidate ownership of scattered tracts of land, thereby easing BLM and State land management tasks. The Department is also committed to continuing its adherence to the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice. We recommend that any appraisal process be managed by DOI's Appraisal and Valuation Services Office, which provides credible, timely, and efficient valuation services to ensure public trust in Federal real property transactions. We also recognize that it may be appropriate to consider alternative methods for low-value parcels and environmental review as envisioned by this legislation.

The Department appreciates that the costs of conveyances under the bill would be split equally between the State and Federal government and that the value of the State land grant parcels and the public land to be conveyed would be equal or made equal. However, the Department recommends that the bill be modified to provide the Secretary with discretion to equalize values of these lands by adjusting the acres involved in addition to using an equalization payment or establishing a ledger account as provided by the bill. While the BLM has successfully used ledger accounts for very large exchanges in the past, they can make transactions more challenging to complete.

Lands Available for Exchange
FLPMA directs that public lands should generally be retained in public ownership. However, section 203 of FLPMA allows the BLM to identify lands as potentially suitable for disposal by sale that meet specific criteria through its land use planning process. Such determinations are made after full public participation and are consistent with all applicable laws. Under FLPMA, disposal of the lands is discretionary and the BLM must first consider local conditions and needs.

S. 2078 specifies and prioritizes which lands the States may relinquish and which lands they may select. The bill defines "eligible areas" as State lands within Congressionally-designated wilderness; NPS units; units of the National Wildlife Refuge System; lands within the BLM's National Conservation Lands, including national conservation areas and wilderness study areas; conservation units within the National Forest System; and areas identified in BLM Resource Management Plans as having wilderness characteristics. States may relinquish inholdings within these units and select public land in other areas to receive in exchange. The Department welcomes the opportunity to consolidate holdings in these designations.

Likewise, we support flexibility on the selecting side within certain parameters. For example, the Department recommends that a priority be placed on lands already identified as potentially suitable for disposal through the land use planning process. Additionally, we believe a priority should be placed on exchanging out to the State unencumbered mineral estate where the Federal government is not the surface landowner, as well as areas in a checkerboard land ownership pattern and Federal lands interspersed with other lands, which may be isolated or difficult to manage.

While the legislation places some public lands off-limits for selection – such as lands within conservation designations and currently designated as Areas of Critical Environmental Concern

– and permits the Secretary to disapprove of State applications in certain circumstances, we would like to discuss other lands that we should consider limiting access to for selection. For example, the BLM has numerous developed recreation sites outside of conservation units, including campgrounds, trailheads, and designated off highway vehicle play areas. Taxpayer funds and user fees have been used to develop such sites, which often receive high visitation and are popular with the public. Similarly, we recommend that the sponsors consider limiting selection of areas that would adversely affect access for recreational hunting, fishing and shooting, migration corridors for big game, or designated winter habitat. In addition, we would like to work with the sponsors on clarifying amendments regarding boundaries, traditional cultural property, and artificial division of parcels, as well as language clarifying that public lands withdrawn for military purposes or under an administrative segregation would not be available for State selection and that parcels acquired by the United States would be subject to the laws and regulations governing the eligible area in which it is located.

S. 2078 also makes available lands with high mineral and energy development and transmission potential for States to potentially select. This could include lands currently leased for oil and gas development, lands under consideration for future leasing, and lands with existing mining claims, among others. The Department notes that transferring lands with associated or developed oil and gas mineral estate raises issues of both valuation and protection of valid existing rights.

The Department also notes that public lands selected by the States may already be in use for a wide variety of purposes, including grazing, hunting, fishing, wildlife habitat, and recreation. Incorporating the State selection process into the BLM's on-going land use planning process could help to avoid some of these potential conflicts.

Finally, the Department recommends that the bill be amended to include language indemnifying the Department in the event that the United States obtains land contaminated with hazardous materials.

Timeframes
The Department appreciates that the timeframes included in S. 2078 have been extended from those of earlier versions of this legislation. We would like to work with the sponsors on an amendment to the regulatory process outlined in section 5, which we believe will aid implementation.

State Variations
Finally, there are issues to be considered in S. 2078 that affect individual States differently. For example, Arizona's State constitution requires that State lands may only be disposed of through auction to the highest bidder or by exchange with other governmental entities. This bill technically does not provide for exchanges, but rather relinquishment and selection. In Alaska, the BLM is continuing to fulfill its obligations to transfer millions of acres of mandated entitlements under the Native Allotment Act of 1906, the Alaska Native Claims Settlement Act of 1971, and the Alaska Statehood Act. If passed as currently drafted, S. 2078 could have the effect of slowing the pace of completion of these important entitlements. Finally, the Department recommends that each relinquishment and selection under the bill include a clear

purpose and rationale to help inform long-term management planning by Federal and local governments.

Conclusion

The Department supports the goals of S. 2078, which we believe has the potential to address some long-standing management issues in a manner that would be consistent with the Secretary's priorities to improve recreation, public access, and conservation stewardship. The Department looks forward to continuing to work with the sponsors and the Subcommittee as this bill moves forward through the legislative process.

Statement of
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Bureau of Land Management
U.S. Department of the Interior

Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands, Forests, & Mining
S. 2721, San Juan Mountains Wilderness Act
August 22, 2018

Thank you for the opportunity to testify on S. 2721, the San Juan Mountains Wilderness Act, which provides direction for the future management of Federal lands in Colorado's San Miguel, Ouray, and San Juan Counties. S. 2721 designates the McKenna Peak Wilderness on lands managed by the Bureau of Land Management (BLM) and releases the remainder of the Dominguez Canyon Wilderness Study Area (WSA) from further wilderness study under section 603(c) of the Federal Land Policy and Management Act of 1976 (FLPMA), thereby making these lands available for other multiple uses. The bill also designates two new special management areas comprising approximately 22,500 acres and expands three wildernesses by approximately 23,000 acres on lands managed by the U.S. Forest Service.

Secretary Zinke has pledged to expand access to America's public lands, to increase hunting, fishing, and recreational opportunities nationwide, and to enhance conservation stewardship through Secretarial Orders 3347, 3356, and 3366. To advance those goals, Secretary Zinke focuses on restoring full collaboration and coordination with local communities and making the Department of the Interior (Department) a better neighbor.

As a matter of policy, the Department supports Congressional action to resolve issues of wilderness designation and release of WSAs on public lands across the West, and we welcome opportunities to further those efforts. However, there may be alternative approaches for managing the lands identified in S. 2721. We would like the opportunity to work with the sponsor and the Subcommittee to determine if wilderness and special management area designations are the best mechanism for managing these important resources and uses. The Department defers to the Department of Agriculture regarding provisions in the bill concerning the lands and interests they administer.

Background

The McKenna Peak WSA covers nearly 20,000 acres of BLM-managed lands in San Miguel and Dolores Counties in southwestern Colorado. The Department notes that this area generally serves as habitat for a diversity of plant and animal life, including mule deer, elk, pronghorn antelope, mountain lions, and bald and golden eagles. The WSA also provides important opportunities for hunting, hiking, horseback riding, snowshoeing, and cross-country skiing.

S. 2721

Section 3 of the bill designates approximately 8,600 acres of the existing BLM-managed McKenna Peak WSA as wilderness. Only Congress can determine whether to designate WSAs as wilderness or to release them for other multiple uses. The McKenna Peak WSA has been pending final resolution by Congress since 1991. The Department, therefore, supports Congressional action to settle the status of these lands, which would provide certainty to public land users in Colorado.

We note, however, that section 3 covers only those areas of the WSA in San Miguel County. The remaining almost 11,000 acres of the WSA in Dolores County are not addressed in the legislation. These acres would remain in WSA status, pending Congressional action. The Department recommends that the sponsor and the Subcommittee consider addressing this portion of the WSA as well. If this area is not to be designated as wilderness, we believe that it should be released from WSA status. In addition, we would like to work with the sponsor on a few modifications to this section, including adjustments to the boundary to follow existing natural resource and topographical features instead of the county line, which would enhance manageability.

Section 6 of S. 2721 provides for the release from WSA status of those portions of the Dominguez Canyon WSA that were not designated as wilderness under Title II, Subtitle E of Public Law 111-11, the Omnibus Public Land Management Act of 2009. Section 2403 of that Act designated the Dominguez Canyon Wilderness Area. However, small portions of the underlying WSA totaling approximately 3,035 acres were neither designated wilderness nor released from WSA status, which would allow the consideration of other multiple uses. This release would benefit the BLM's ongoing management by removing narrow strips and scattered tracts of remaining WSA. These areas remain within the Dominguez-Escalante National Conservation Area (NCA), also designated by Public Law 111-11, and would be managed consistent with the rest of the NCA.

In addition to this needed WSA release, the Department recommends that the sponsor consider whether to release other small WSAs and Instant Study Areas (ISAs) in Colorado that were not included in previous wilderness designations, including the Black Ridge Canyons, Bill Hare Gulch, North Sand Hills, Needle Rock, and High Mesa Grassland areas. Each of these areas are challenging for the BLM to manage because of their small size and proximity to existing development. Release of these areas would provide important opportunities for multiple uses and recreational access, including hunting and fishing, hiking, camping, and horseback riding, among others.

Conclusion

Thank you for the opportunity to testify. The Department looks forward to continuing to work with the sponsor and the Subcommittee as this bill moves forward through the legislative process.

Statement of
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Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands, Forests, & Mining
S. 2809, Emery County Public Land Management Act of 2018
August 22, 2018

Thank you for the opportunity to testify on S. 2809, the Emery County Public Land Management Act of 2018, which provides direction for the future management of Federal lands in Emery County, Utah. S. 2809 designates 10 new wilderness areas, establishes the San Rafael Swell Western Heritage and Historic Mining National Conservation Area (NCA) and the Jurassic National Monument, and designates 54 miles of Wild and Scenic Rivers. The bill also provides for a number of land conveyances, authorizes an exchange with the State of Utah's School and Institutional Trust Lands Administration (SITLA), and establishes a cooperative management area, among other provisions.

The Department of the Interior (Department) recognizes the significant work of Senator Hatch and Representative Curtis on S. 2809, and we appreciate the many improvements they have made from previous iterations of this proposal. Working with local governments and the public, they have reached consensus on challenging resource issues and management concerns in Emery County, Utah.

Secretary Zinke, through Secretarial Orders 3347, 3356, and 3366 has pledged to expand access to America's public lands, to increase hunting, fishing, and recreational opportunities nationwide, and to enhance conservation stewardship. In addition, Secretary Zinke is focused on restoring full collaboration and coordination with local communities and making the Department a better neighbor. The Department supports S. 2809, which we believe is consistent with the Secretary's priorities to improve recreation, public access, and collaborative conservation. We would welcome the opportunity to work with the sponsor and the Subcommittee to address a few issues outlined in this statement.

As a matter of policy, the Department strongly supports Congressional action to resolve issues of wilderness designation and release of wilderness study areas (WSAs) on public lands across the West, and we welcome opportunities to further those efforts. We defer to the Department of Agriculture regarding provisions in the bill concerning the lands and interests they administer.

Because of the complexity of this legislation and the importance of these issues to the Department, this statement will address each of the bill's provisions individually.

Background
Emery County, located in east central Utah, covers approximately 4,500 square miles and is home to about 11,000 people. The lands managed by the Bureau of Land Management (BLM) in this region range from rolling uplands and snow-capped peaks to free-flowing rivers and colorful red-rock canyons, which are rich in prehistoric and cultural sites. This varied terrain provides habitat for a broad array of wildlife, including mule deer, pronghorn antelope, bighorn sheep, and several sensitive bird and fish species. The public lands in Emery County provide popular destinations for outdoor enthusiasts, including off-highway vehicle users, hikers, mountain bikers, rock climbers, and hunters. Many of these public lands also provide opportunities for grazing, energy development, and other commercial activities.

S. 2809, Emery County Public Land Management Act of 2018
S. 2809 establishes the San Rafael Swell Western Heritage and Historic Mining NCA and the Jurassic National Monument. The bill also creates 10 new wilderness areas, releases portions of existing WSAs, and designates approximately 54 miles of Wild and Scenic Rivers. Finally, S. 2809 provides for a number of land conveyances, authorizes an exchange with the State of Utah, and establishes a cooperative management area, along with other miscellaneous provisions.

San Rafael Swell National Conservation Area (Title I)
Title I of S. 2809 establishes the approximately 336,500-acre San Rafael Swell Western Heritage and Historic Mining NCA on BLM-managed public lands. The proposed NCA would be subject to valid existing rights. The San Rafael Swell features brightly colored and wildly eroded sandstone formations, deep canyons, and giant plates of stone tilted upright through massive geologic upheaval. The fins and folds of the San Rafael Reef jut through the southeast side of the area and feature dramatic cliffs, pinnacles, the knobs of Goblin Valley, and twisted canyons. As a result, this area provides significant opportunities for hiking, biking, off-highway vehicle recreation, horseback riding, canyoneering, and river running, among many others.

Title I of the bill also requires the Secretary, through the BLM, to develop a Resource Management Plan (RMP) for the NCA within three years of enactment. Specifically, the bill requires that the RMP describe the appropriate uses of the NCA, be developed with extensive public input, and take into consideration any information developed in studies of the land within the NCA. The Department values and appreciates working closely with partners and looks forward to continuing to work with local government agencies and organizations on the management of the NCA.

Finally, Title I of the bill establishes an advisory council to assist the BLM with the preparation of the RMP for the NCA. The Department has supported advisory councils for many NCAs and similar designations, and we believe that the local input and involvement that they provide is beneficial in the management of public lands.

The Department would welcome the opportunity to work with the sponsor and the Subcommittee on a number of modifications to Title I that we believe would enhance implementation, including boundary adjustments for manageability and clarifying amendments related to maps, road construction, grazing and related infrastructure, public safety, archeological resources, water

rights, casual collection, and time frames. We would also like to work with the sponsor on language clarifying the specific purposes for which the NCA would be designated.

Wilderness & Wild and Scenic River Designations (Titles II & III)
Title II of S. 2809 would designate 10 new wilderness areas on over 529,000 acres of Federal land in Emery County. The designations are on lands managed primarily by the BLM (approximately 509,000 acres) and the U.S. Forest Service (approximately 20,000 acres). The Department notes that the BLM-managed lands proposed for wilderness designation by Title II of the bill generally serve as habitat for a diversity of plant and animal life and provide important opportunities for hiking, hunting, rock climbing, horseback riding, and other forms of outdoor recreation in eastern Utah. Title II would also release approximately 14,800 acres of BLM-managed lands from WSA status, allowing these areas to be managed according to the existing BLM land use plans. These lands are small portions of WSAs that were not designated wilderness by this or previous legislation.

We recognize the hard work of the sponsor and other members of the Utah delegation in seeking consensus on BLM wilderness designations and WSA releases. Only Congress can determine whether to designate WSAs as wilderness or to release them for other multiple uses. The WSAs included in the proposed wilderness designations have been pending final resolution by Congress since 1991. The Department, therefore, strongly supports Congress settling the status of these lands, which would provide certainty to public land users in Emery County.

The Department would welcome the opportunity to work with the sponsor and the Subcommittee on a few modifications to Title II, including boundary modifications to the proposed wildernesses to improve manageability and clarifying amendments to the map language, grazing allotment review, water rights and resource facilities, existing withdrawals, casual collection, and time frames. The Department also notes that there are existing power site classification and reserve withdrawals within some of the lands proposed for wilderness designation.

Further, the Department notes that for many years Congress has referred to House Report 98–40 to clarify intent with regard to fuels management. Despite this, prior to this Administration, there has been a reluctance to use the authority in the Wilderness Act to adequately manage for wildfire. The Department recommends that the language be amended to explicitly state the types of activities that Congress envisions within this authorization to ensure clear intent with respect to active and efficient management.

Title III of the bill would designate approximately 54 miles of the Green River as wild, scenic, and recreational rivers corridors under the Wild and Scenic Rivers Act. The Department would like to work with the sponsor on technical changes, including language identifying beginning and ending points for individual river segments and enhancing manageability.

Public Land Management, Disposals, & SITLA Exchange (Title IV)
Section 402 of S. 2809 requires the Secretary to enter into an agreement under the Recreation and Public Purposes Act (R&PP Act) with the Division of Parks and Recreation of the Utah Department of Natural Resources for approximately 9,350 acres of BLM-managed lands to expand Goblin Valley State Park. Section 401 of the bill designates the Temple Mountain

Cooperative Management Area (CMA) on approximately 7,800 acres of public lands surrounding the enlarged park and the proposed Crack Canyon Wilderness, for the purpose of promoting and managing outdoor recreation and conserving the recreational and scenic resources of the area. Section 401 further authorizes the Secretary, at the State of Utah's request, to enter into a cooperative agreement whereby the CMA would be managed by the Division of Parks and Recreation of the Utah Department of Natural Resources.

The Department supports minor conveyances for the expansion or establishment of public parks in various western states. We would like the opportunity to work with the sponsor and the Subcommittee on a few modifications to the proposed Goblin Valley State Park expansion, including boundary adjustments for improved manageability and clarifying amendments regarding cultural and historic resources, potential conflicts with wild horse herd management areas, unpatented mining claims, the specific mechanism for conveyance, and consistency with the requirements of the R&PP Act.

Section 403 of S. 2809 designates approximately 2,500 acres of BLM-managed public lands as the Jurassic National Monument. The BLM currently manages a portion of this area as the Cleveland-Lloyd Dinosaur Quarry to protect and conserve its unique paleontological resources, which includes the densest concentration of Jurassic-era dinosaur bones in the world. The Department supports this designation and would welcome the opportunity to work with the sponsor on a few modifications to improve manageability, including boundary adjustments and clarifying amendments.

Section 404 of the bill would authorize the Secretary to sell public lands within Emery County that have been identified as potentially suitable for disposal in the applicable land use plan as of the date of enactment. Any proceeds from the sale of land would be deposited into a special U.S. Treasury account, which would be available to the Secretary to acquire from willing sellers any land or interests in land within the proposed wildernesses or the San Rafael Swell NCA.

Section 405 of the bill would transfer four parcels of public land – encompassing approximately 2,700 acres – to State and local governmental entities for a variety of public purposes and includes a standard reversionary clause to ensure that they are used for their intended purpose. This section also includes language requiring that any hazardous contamination be remediated by the applicable local government entity prior to reversion. The Department has previously supported legislated, no-cost public purpose conveyances if they meet standards under the R&PP Act and are determined to be appropriate for transfer out of Federal ownership. The Department would like to work with the sponsor on a few amendments to this section, including boundary adjustments for manageability and protection of known cultural and historic resources, time frames, mapping requirements, and language more clearly defining the specific public purposes for each of the conveyances.

Section 406 of S. 2809 authorizes the State of Utah to relinquish inholdings within the proposed wildernesses and San Rafael Swell NCA and select BLM-managed public lands that are not part of the BLM's National Conservation Lands, areas of critical environmental concern (ACECs), special recreation management areas, and (with some exceptions) acquired lands to receive in

exchange. The purpose of these exchanges would be to consolidate ownership of isolated State parcels and to transfer public lands to the State for economic development.

Under this section, the land exchanges would be completed subject to valid existing rights, and appraisals would be conducted. The Secretary or the State may assume all of the costs or other responsibilities associated with the exchange and make adjustments to the relative values involved in the conveyance of land to compensate the Secretary or the State, as applicable, for assuming these costs or other responsibilities. If the value of the lands proposed for exchange is not equal, they must be made equal by the State or Secretary making a cash equalization payment to the other party or through the use of a ledger account.

The Department supports the completion of major land exchanges that consolidate ownership of scattered tracts of land, thereby easing BLM and State land management tasks. We would like the opportunity to work with the sponsor and Subcommittee to incorporate standard appraisal and equalization of values language into the exchange contemplated by section 406. This language would allow the Department to continue its adherence to the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice. The Department recommends that any appraisal process be managed by DOI's Appraisal and Valuation Services Office, which provides credible, timely, and efficient valuation services to ensure public trust in Federal real property transactions. While it may be appropriate to consider alternative methods for low-value parcels and environmental review as envisioned by this legislation, we believe in general that adhering to existing Federal Land Policy and Management Act (FLPMA) processes as much as possible is important.

The Department would also welcome the opportunity to work with the sponsor on a few modifications to the land exchange outlined in section 406, including language clarifying whether it is subject to section 206 of FLPMA, areas eligible for selection, timing of the withdrawal, grazing considerations, and time frames.

Conclusion

The Department greatly appreciates the sponsor's ambitious effort to address difficult resource and land management issues in Emery County, Utah. We support S. 2809, which we believe is consistent with the Secretary's priorities to improve recreation, public access, and conservation stewardship. The Department looks forward to continuing to work with the sponsor and the Subcommittee as this bill moves forward through the legislative process.

Statement of
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Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands, Forests, and Mining
S. 2907, Chaco Cultural Heritage Area Protection Act
August 22, 2018

Thank you for the opportunity to present the views of the Department of the Interior (Department) on S. 2907, the Chaco Cultural Heritage Area Protection Act of 2018, which would withdraw approximately 192,000 Federal surface acres and approximately 315,000 acres of Federal subsurface mineral estate surrounding the Chaco Culture National Historical Park (CCNHP) in Northwestern New Mexico from public land laws, mining, mineral, and geothermal leasing laws.

Under President Trump and Secretary Zinke's leadership the Bureau of Land Management (BLM) has made it a top priority to responsibly develop the vast domestic energy resources on public lands to create jobs, lower costs for working Americans, and build a strong economy, freeing us from dependence on foreign resources. In Fiscal Year 2017, the Federal disbursement from responsible mineral development to the State of New Mexico alone was over $455 million, of which approximately 95 percent came from oil and gas operations. The Secretary also recognizes there are some places that may benefit from protections. Striking the appropriate balance for public lands use – whether it be energy development, recreation, grazing, or historic preservation – can be a challenge, but it is a mission the Department takes seriously.

We would like to work with the sponsors to discuss and identify the best approach to protecting this special area as the BLM continues to evaluate and update its land management plan.

Oil & Gas Operations on Public Lands

Nationwide, the BLM has 26 million surface acres currently under lease for oil and gas development, including over 94,000 active wells on about 24,000 producing leases. The BLM oversees onshore oil and gas development on Federal lands and lands held in trust for the benefit of various tribes. Collectively, these lands contain world-class deposits of energy and mineral resources, which power millions of homes and businesses and support the broader economy. Sales of onshore oil and gas from Federal and Indian lands accounted for approximately 5.3 percent of all oil and 9.3 percent of all natural gas production in the United States in Fiscal Year (FY) 2017. The Department's most recent economic study estimates the Federal onshore oil and natural gas program alone provides approximately $42 billion in economic output and supported approximately 200,000 jobs nationwide.

Further, the BLM is a key revenue producer for Federal and state governments by providing a significant non-tax source of funding to state and Federal treasuries, and is an important

economic driver for local communities across the country. In FY 2017, production from Federal lands generated approximately $2.2 billion in Federal royalties, rental payments, and bonus bids. Roughly 48 percent of this revenue is shared with the state where the oil and gas activity is occurring, while the rest goes to the U.S. Treasury. States and counties in turn often use these funds to support the building and maintaining of roads, schools, and other important community needs.

Farmington Planning Process

The BLM and Bureau of Indian Affairs (BIA) are currently preparing a Resource Management Plan (RMP) Amendment with an associated Environmental Impact Statement (EIS) in the Farmington area to address issues relating to oil and gas adjacent to the CCNHP. The initial scoping period, announced in February 2014, offered the public an opportunity to comment on planning criteria and issues related to the BLM's RMP Amendment/EIS. Due to the significant cultural resources in the area, the BIA formally joined the EIS process as a joint lead agency and will use the EIS as the analytical basis for decisions pertaining to the leasing of Tribal trust and individual Indian allotted minerals within the Planning Area.

The RMP Amendment/EIS will analyze the impacts of additional development in what was previously considered a fully developed oil and gas play within the San Juan Basin in northwestern New Mexico. The Mancos Shale/Gallup Formation was analyzed in the 2002 Reasonable Foreseeable Development Scenario and current Farmington 2003 RMP/EIS. Subsequent improvements and innovations in horizontal drilling technology and multi-stage hydraulic fracturing have enhanced the economics of developing this stratigraphic horizon. The southern part of the BLM's Farmington Field Office (FFO) boundary continues to draw considerable interest. The RMP will update management of BLM-administered lands and mineral estate and evaluate alternatives and issues related to the BIA's authority over mineral leasing and associated activity decisions in the planning area.

Farmington Lease Sales

While BLM and the BIA continue to work on the Mancos-Gallup RMPA/EIS, parcels continue to be nominated near the CCNHP. In March, the BLM had planned to hold a lease sale for 25 parcels of Federal minerals administered by the BLM FFO, covering approximately 4,430 acres. These 25 parcels are located more than 10 miles from the CCNHP and are administered by the BLM, BIA, and private landowners. Parcels that had been nominated within 10 miles of the CCNHP were deferred in the March 2018 lease sale notice.

In also keeping with the Administration's priorities of being a good neighbor and building trust with tribal governments, Secretary Zinke deferred the March 8, 2018 New Mexico oil and gas lease sale following feedback from tribes, state preservation experts, and other stakeholders. This was done to allow the BLM to continue its review of the impact on cultural resources and historic properties. The BLM continues to consult with interested parties, and will prepare the Section 106 Class 1 report. Further, there are an additional 13 parcels within the FFO area being studied for the December 2018 lease sale that are a result of Expressions of Interest received by the BLM.

S. 2907, Chaco Cultural Heritage Area Protection Act

S. 2907, Chaco Cultural Heritage Area Protection Act would withdraw approximately 192,000 Federal surface acres and approximately 315,000 acres of Federals subsurface mineral estate surrounding the CCNHP from public land laws, mining and mineral, and geothermal leasing laws.

The Department understands the sensitivities of the cultural resources in this area, as well as the importance of tribal consultation in the oil and gas leasing program. As noted above, the BLM and BIA are currently in the process of developing the Mancos-Gallup RMPA/EIS, which is evaluating the appropriate actions and alternative management for this area. It would be premature for the Department to fully support or oppose a permanent legislative solution without fulfilling our obligations under the National Historic Preservation Act of 1996, which occurs under the RMP and lease sale administrative process.

This Administration is committed to being a good neighbor and building trust with tribal governments. As such, we welcome the opportunity to work with the sponsors to discuss and identify the best approach to protecting this special area.

Conclusion

Thank you for the opportunity to present the Department's views on S. 2907. I would be happy to answer any questions.

Statement of
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Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands, Forests, & Mining
S. 3297, Washington County, Utah, Public Land Act
August 22, 2018

Thank you for the opportunity to testify on S. 3297, the Washington County, Utah, Public Land Act. The bill would require the Secretary of the Interior (Secretary) to renew the Desert Tortoise Habitat Conservation Plan with an amendment; amend the Resource Management Plans (RMP) for the Bureau of Land Management's (BLM) St. George Field Office and the Beaver Dam Wash and Red Cliffs National Conservation Areas (NCA); and designate transportation and utility corridors through these two NCAs. S. 3297 also authorizes the acquisition of non-Federal land within the NCAs and in the area included in the Habitat Conservation Plan amendment through an exchange.

The Department recognizes the work of Senator Lee and other members of the Utah delegation to address a wide array of resource issues and management concerns in Washington County. Secretary Zinke is committed to restoring full collaboration and coordination with local communities, working with partners to promote multiple use on public lands, and making the Department a better neighbor. The Department supports working with local communities to help meet the bill's goals of providing economic certainty to Washington County. We would welcome the opportunity to work with the sponsor and the Subcommittee on a few clarifying amendments, timeframes, and to ensure consistency of implementation with other laws.

Background

Washington County, Utah, covers nearly 2,500 square miles and is among the fastest growing counties in the country, with a population increase of 52 percent between 2000 and 2010. Population growth has direct impacts on public lands within the County and poses management challenges for a variety of resources. For over 20 years, the BLM has worked closely with Washington County, the State of Utah, area Tribes, and Federal agency partners to manage sensitive resources in a way that prevents conflicts and facilitates continued growth. As part of this effort, Washington County and the U.S. Fish and Wildlife Service (USFWS) undertook a public process, including meetings between private landowners and State and Federal land managers, to develop a Habitat Conservation Plan (HCP) that allowed for continued growth while ensuring protection of the threatened Mojave desert tortoise. The HCP Implementation Agreement, signed by Washington County, the State of Utah, the City of Ivins, the BLM, and the USFWS in February 1996, established the Red Cliffs Desert Reserve (Reserve), a multi-jurisdictional wildlife reserve of 61,022 acres largely composed of Federal and State lands. The HCP expired in 2016, and Washington County has requested an extension of the permit with an amendment to facilitate the Northern Corridor Highway route through the Reserve. The

County is in ongoing discussions with the USFWS to renew the HCP. This includes consideration of the proposed highway construction.

Omnibus Public Land Management Act of 2009
In early 2009, Congress passed H.R. 146, the Omnibus Public Land Management Act (Public Law 111-11, hereafter referred to as "OPLMA" or "the Act"), which included major provisions affecting future land management in Washington County, Utah. The Act established the Beaver Dam Wash and Red Cliffs NCAs to be managed by the BLM, and designated new wilderness areas to be managed by the BLM, U.S. Forest Service, and National Park Service.

The Congressionally-designated boundary of the Red Cliffs NCA encompasses approximately 44,725 acres of public land managed by the BLM, comprising about 70 percent of the land base for the Reserve, with additional State and private lands. The Act also states that the purposes of the Red Cliffs NCA are "to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources."

OPLMA also directed the BLM to identify one or more alternatives for a "northern transportation route in the County" as part of a comprehensive travel management plan and in consultation with Washington County, the City of St. George, and other local governments.

St. George Resource Management Plans
Based on the Congressional direction in OPLMA, the BLM prepared RMPs for the Beaver Dam Wash and Red Cliffs NCAs. As required by the Act, the BLM also prepared an amendment to the St. George Field Office RMP to identify and manage priority biological conservation areas and to facilitate the development of a comprehensive travel management plan. The BLM signed Records of Decision completing this planning process on December 21, 2016.

S. 3297, Washington County, Utah, Public Land Act
S. 3297 requires the Secretary to amend and renew the Desert Tortoise Habitat Conservation Plan and to amend the RMPs for the St. George Field Office and the Beaver Dam Wash and Red Cliffs NCAs. In addition, the bill requires the Secretary to grant transportation and utility corridors through both NCAs, allows the Secretary to acquire water rights, and includes a number of other miscellaneous provisions.

Desert Tortoise Habitat Conservation Plan Amendment & Renewal (Section 3)
Section 3 of S. 3297 requires the Secretary (after receipt of a proposal from Washington County) to renew the HCP, issue associated permits for a period of 25 years, and accept an amendment to the Reserve, which would expand it by approximately 6,900 acres ("Zone 6") as depicted on the legislative map, and allow for construction of a highway through the Reserve. Under the bill, Washington County would facilitate the management of Zone 6 in conformity with the HCP, and the Secretary would manage the Federal lands in Zone 6. Concurrently with the HCP amendment and renewal, the Secretary would be required to amend, within two years, the St. George Field Office RMP to manage Federal lands within Zone 6, provide for the management of species consistent with the HCP, and include certain Utility Development Protocols.

The USFWS has been working with Washington County, the BLM, and other partners to explore options to meet the transportation needs of the County and address the requirements of the Endangered Species Act for renewal of the HCP. A primary consideration is how to meet the original intent of OPLMA while minimizing impacts to desert tortoise. County, State, and Federal biologists are currently analyzing potential measures to reduce the impact of the highway, such as bridging and culverts. Washington County has proposed to offset remaining impacts by adding Zone 6 to the Reserve, of which the BLM manages about 3,500 acres and the State manages about 3,200 acres. This area is separated from the Reserve boundary by three miles but has tortoise densities comparable to the area that would be affected by the proposed highway.

The Department will work cooperatively to address potential conservation strategies raised in Section 3 of S. 3297, as well as issues and impacts associated with the proposed highway construction through the ongoing plan renewal process.

Section 3 states that Washington County would facilitate the management of the proposed Zone 6 area, which is currently composed of lands managed by the State of Utah, private property, and BLM-managed public lands. The Department would like to work with the sponsor to clarify the timeline for the HCP. In addition, we would like to work with the bill's sponsor and the Subcommittee to clarify the intent and scope of certain language in section 3 of the bill as related to application of mitigation credits. Finally, the Department would welcome the opportunity to develop a legislative map for this section that meets the sponsor's needs.

Resource Management Plan Amendments (Section 4)
Section 4 of S. 3297 requires the BLM, within one year, to amend the RMPs for the Red Cliffs and Beaver Dam Wash NCAs and the St. George Field Office. This section further requires that these RMP amendments be: 1) in accordance with section 202(c)(9) of the Federal Land Policy and Management Act of 1976 (FLPMA); 2) in coordination and cooperation with Washington County, Utah, St. George City, other political subdivisions within the County, and the Washington County Water Conservancy District; and 3) consistent with the bill's other provisions and the HCP.

The Department recommends minor technical modifications to this section to ensure that the language is consistent with the sponsor's intent regarding the time frame for completing the planning process. The Department also recommends that the RMPs be completed at the same time as the HCP to enhance coordination efforts. We look forward to working with State, Tribal, and local government partners on this important planning process.

Red Cliffs & Beaver Dam Wash National Conservation Areas (Sections 5 & 6)
Section 5 of the bill designates a 150-foot wide transportation and utility corridor in each direction from the centerline of State Route 18 through the Red Cliffs NCA; allows the Secretary to acquire water rights within the NCA if permitted by State law to ensure adequate management of the designated areas for campgrounds, visitor facilities, and other recreational uses; and requires the Secretary to grant to the State of Utah or to one or more units of local government a 300-foot wide right-of-way for the northern transportation and utility route as referenced in OPLMA and as identified on the legislative map. Section 5 also directs the Secretary to adhere

to certain Utility Development Protocols for new and existing utility management within the NCA.

Section 6 of S. 3297 designates a 150-foot wide transportation and utility corridor in each direction from the centerline of old U.S. 91 through the Beaver Dam Wash NCA; allows the Secretary to acquire water rights within the NCA if permitted by State law to ensure adequate management of the designated areas for campgrounds, visitor facilities, and other recreational uses; and states that access to utilities and grazing permits and maintenance of utilities located within the NCA shall be preserved. This section also directs the Secretary to adopt Utility Development Protocols for the construction, operation, maintenance, and replacement of utilities within the NCA that are no more restrictive than those developed for the Red Cliffs NCA. These protocols must comply with the National Environmental Policy Act, including the identification and consideration of potential impacts to fish and wildlife resources and habitat.

The Department is committed to being a good neighbor and to restoring full collaboration with local communities. As such, we support working with the local community to best achieve this section's goals of providing economic certainty to and meeting the infrastructure needs of Washington County. The Department notes that the legislative map referenced in section 5 does not reflect current land status data. We would welcome the opportunity to develop such a map for this section.

The Department appreciates that S. 3297 permits the Secretary to acquire water rights from willing sellers to ensure adequate management of the designated areas – both the lands within the NCAs and the public lands included in the Reserve. If acquired, water rights would be used for campgrounds, visitor facilities, recreation resources, livestock grazing, and administrative uses that are in conformance with Utah water law.

The Department notes that the current RMPs for the Red Cliffs and Beaver Dam Wash NCAs authorize 150-foot wide transportation and utility corridors along S.R. 18 and old U.S. 91 through the NCAs. The current RMP for the Beaver Dam Wash NCA also authorizes livestock grazing consistent with section 1975(e)(4) of OPLMA in a manner that conserves, protects, and enhances the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources of the NCA.

Acquisition of Non-Federal Land

Section 7 of S. 3297 authorizes the Secretary to acquire non-Federal land within the NCAs and Zone 6 through an exchange carried out in accordance with section 309 of Division I of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333). The exchange required by this section would not be subject to section 102 of the National Environmental Policy Act, and appraisals would not consider the presence of threatened or endangered species or designated critical habitat.

The Department would welcome the opportunity to work with the sponsor and the Subcommittee on a few modifications to section 7, including language permitting acquisition of inholdings by donation and purchase from willing sellers and language clarifying whether the proposed exchange is subject to section 206 of FLPMA. In addition, the Department recommends that the

State of Utah be allowed to select lands outside of Washington County for exchange, which we believe would improve flexibility for both the State and the BLM. Finally, the Department would like the opportunity to work with the sponsor to incorporate standard appraisal language into the exchange. This language would allow the Department to continue its adherence to the Uniform Appraisal Standards for Federal Land Acquisition and Uniform Standards of Professional Appraisal Practice. The Department recommends that any appraisal process be managed by DOI's Appraisal and Valuation Services Office, which provides credible, timely, and efficient valuation services to ensure public trust in Federal real property transactions.

Conclusion

The Department is committed to working with State, Tribal, and local partners to manage public lands in Washington County. We are also committed to working with local communities to address the infrastructure needs of growing rural economies. As such, the Department would welcome the opportunity to work with the sponsor and the Subcommittee on necessary modifications to the bill as it moves forward through the legislative process. Thank you for the opportunity to provide this statement.

Statement of
Christopher McAlear
Assistant Director
National Conservation Lands & Community Partnerships
Bureau of Land Management
U.S. Department of the Interior

Senate Committee on Energy & Natural Resources
Subcommittee on Public Lands, Forests & Mining
H.R. 2075, Crooked River Ranch Fire Protection Act
August 22, 2018

Thank you for the opportunity to testify on H.R. 2075, the Crooked River Ranch Fire Protection Act. The bill modifies the eastern boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area (WSA) in Jefferson County, Oregon, and releases approximately 832 acres from WSA management.

The Department of the Interior recognizes the significant work of various stakeholders to attempt to reach a consensus on the future management of public lands in this area, particularly with respect to balancing the protection of unique resources within the WSA with actions to address wildland fire risk for nearby communities. We appreciate the work of the sponsor to address concerns raised in our previous testimony.

The Department supports H.R. 2075, which we believe is consistent with the Secretary's priority of being a good neighbor and better serving local communities. We also strongly support the sponsor's goal of reducing hazardous fuels and preventing wildfires that may impact the communities adjacent to this WSA. The Department determined that a portion of the WSA may fall under the administrative jurisdiction of the U.S. Department of Agriculture. As such, we would like to work with the sponsor on an amendment to the bill that we believe will aid implementation. The Department looks forward to continuing to work with the sponsor and local stakeholders to resolve land management issues within and surrounding the WSA.

Background

The Deschutes Canyon-Steelhead Falls WSA was part of the original intensive wilderness inventory conducted in 1978 by the Bureau of Land Management (BLM) in Oregon. This WSA is a long narrow area located along the upper Deschutes River, within and adjacent to the Forest Service-administered Crooked River National Grasslands, and consists of approximately 10,230 acres of forest lands managed by the Forest Service and approximately 3,240 acres of public land managed by the BLM. The area is surrounded by the Crooked River Ranch (a private subdivision) to the east, Lake Billy Chinook to the north, low-density rural populations to the south, and farmlands to the west. The portions of the Deschutes River within this WSA have been protected under the Wild and Scenic Rivers Act since 1988.

H.R. 2075, the Crooked River Ranch Fire Protection Act

H.R. 2075 requires the Secretary of the Interior to reduce the size of the Deschutes Canyon-Steelhead Falls WSA by approximately 832 acres to "facilitate fire prevention and response

activities to protect adjacent private property, and for other purposes." By releasing these 832 acres from WSA status, this area would be managed by the BLM for the full range of non-wilderness multiple uses under the Federal Land Policy and Management Act of 1976 (FLPMA). The Department has recently determined that the some of the BLM-managed lands that would be impacted by H.R. 2075 may fall under the administrative jurisdiction of the Forest Service. In order to ensure that the legislation fully achieves its objective, the BLM would like to work with the sponsor on a technical change that would address this discrepancy.

The Department shares the sponsor's goal of reducing fire threats that may impact the life and safety of people and private property near the WSA. We also recognize the significant work of stakeholders to reach a consensus on the future management of public lands in this area, particularly with respect to balancing the protection of natural resources within the WSA with actions to address wildland fire risk. The Department notes that under FLPMA, the Wilderness Act, and agency policy, mechanical vegetation treatments, including pre-fire treatments, are allowed in WSAs as long as they meet the non-impairment standard or its emergency or restoration exceptions.

As a matter of policy, the Department strongly supports Congressional action to resolve issues of wilderness designation and release of WSAs on public lands across the West, and we welcome opportunities to further those efforts. Only Congress can determine whether to designate WSAs as wilderness or to release them for other multiple uses. As such, the Department also supports Congress settling the status of the remainder of the Deschutes Canyon-Steelhead Falls WSA, which would provide certainty to public land users this area. In addition, the Department would like to work with the sponsor to include standard WSA release language in the bill. This would enable the BLM to manage the lands to be released consistent with local land use plans. It is the local planning process through which the BLM makes important decisions on management of these lands, including, among other things, conventional and renewable energy production, grazing, mining, off-highway vehicle use, hunting, and the consideration of natural values.

Conclusion

The Department of the Interior appreciates the work of the sponsor, the Subcommittee, and stakeholders on public land management issues in and around the Deschutes Canyon-Steelhead Falls WSA. The Department supports H.R. 2075, which we believe is consistent with the Secretary's priority of being a good neighbor and better serving local communities. We look forward to continuing to work with the sponsor and the Subcommittee to address some technical issues as this bill moves through the legislative process.

Senator LEE. Thank you, sir.
Ms. Keyser.

STATEMENT OF MARILYNNE KEYSER, PRESIDENT, FRIENDS AND NEIGHBORS OF THE DESCHUTES CANYON AREA

Ms. KEYSER. Thank you.

My name is Marilynne Keyser. I'm a 17-year resident of Crooked River Ranch in central Oregon. Crooked River Ranch is an unincorporated, 11,000-acre, residential community governed by an HOA, a homeowners' association. My husband and I chose to build our home on the rim of the Deschutes Canyon because of its proximity to the Deschutes Canyon-Steelhead Falls Wilderness Study Area. I'm also the President of the Friends and Neighbors of the Deschutes Canyon Area, also known as FANs.

Thank you for the opportunity to provide testimony on House bill 2075. FANs is a local stewardship organization based at Crooked River Ranch that was started six years ago by neighbors who love the incredible river canyons bordering Crooked River Ranch and believe in the importance of local involvement in public lands management. With our nearly 400 members and an additional 600 participants and volunteers, our mission is to preserve and restore the wild landscapes of the Whychus-Deschutes area, which includes the Deschutes Canyon-Steelhead Falls Wilderness Study Area that will be impacted by H.R. 2075.

FANs has long recognized the need to implement fire risk reduction measures on both public and private lands in and around Crooked River Ranch. We worked for over a year with others in the community, including the fire chief, the HOA Board President and the appropriate federal agencies to develop a collaborative concept that would ensure Crooked River Ranch is better protected from wildfire while also resolving the status of the entire WSA.

A concept emerged from those meetings that is a true win-win solution. The approach would result in fire risk mitigation activities in the form of fuels treatment on BLM lands adjacent to Crooked River Ranch, wilderness protection for certain qualified public lands, and release of certain lands from WSA status.

Our organization is not opposed to WSA release. In fact, it was FANs representatives on the working group that introduced the idea as a part of the collaborative process. But we have several serious concerns about the approach of H.R. 2075.

First, removing 832 acres from the WSA alone will not ensure that necessary fuels reduction to reduce fire risk will take place and that the fragile rim habitat will be protected. FANs believes that the released lands should be designated as a special management area to prioritize fire prevention and define appropriate and responsible recreation for the area.

Two, abandoning the local stakeholder process, H.R. 2075 simply adopts a single recommendation while ignoring the remainder. FANs believes that this action ignores Oregon's long history of balanced and locally-driven legislation that enjoys broad support.

Three, the bill does not resolve the status of the public lands currently managed as the Deschutes Canyon-Steelhead Falls WSA. FANs believes that the land that would remain after the release of the 832 acres should be permanently protected as wilderness.

Four, the bill does not address protection for Lower Whychus Creek, a tributary of the Deschutes River. Many organizations are working to preserve this central Oregon jewel, including the Deschutes Land Trust, that has acquired much of the private land holdings. FANs believes that the public lands in the lower reaches of Whychus Canyon need to be permanently protected as either wilderness or a wild and scenic river.

Although the public lands impacted by H.R. 2075 are located in our backyard at Crooked River Ranch, Whychus-Deschutes contains outstanding recreation opportunities, one of the highest concentrations of cultural sites and artifacts in our region, and critical habitat for native plants, fish, and wildlife. All of these resources are currently threatened by illegal off-road vehicle abuse, recreation overuse, and vandalism. Certain public lands in this area need and deserve permanent protection.

Finally, public land managers must have the direction and the resources to tackle these complex and serious issues. FANs believes a comprehensive solution based on true local collaboration is possible for this area. I urge the Committee to expand this bill to address the concerns of all the stakeholders of this incredible wild landscape.

Thank you for giving me the opportunity to testify on H.R. 2075, and I'm willing to entertain any questions.

Thank you.

[The prepared statement of Ms. Keyser follows:]

Marilynne Keyser
President, Friends and Neighbors of the Deschutes Canyon Area
Testimony RE: HR 2075
Public Lands, Forest, and Mining Subcommittee
Energy and Natural Resources Committee
U.S. Senate

August 22, 2018

My name is Marilynne Keyser and I am a 17-year resident of Crooked River Ranch in central Oregon and president of the Friends and Neighbors of the Deschutes Canyon Area, also known as FANs. Thank you for the opportunity to provide testimony on HR 2075, the Crooked River Ranch Fire Protection Act. FANS is an all-volunteer grassroots organization at Crooked River Ranch started by neighbors who value the public lands surrounding our community and believe in the importance of local involvement in managing federal lands. With our nearly 400 members, we focus on the stewardship and protection of the Whychus-Deschutes area, which includes the Deschutes Canyon-Steelhead Falls Wilderness Study Area (WSA) that will be impacted by HR 2075.

We have several serious concerns about the approach of HR 2075. The title of the bill itself is misleading, and we do not believe that HR 2075 as it's currently written will achieve its stated goal of protecting Crooked River Ranch from wildfire. We urge you to instead pursue a comprehensive approach to address fire risk on public lands in our area that also addresses the many complex issues on this wild landscape.

Our organization is not opposed to WSA release, but the way it is being done in HR 2075 has short circuited a local stakeholder process. Removing 832 acres from the WSA, as HR 2075 proposes, will not automatically result in better fire protection for Crooked River Ranch. The Bureau of Land Management's policy for the WSA is already to suppress all fires aggressively, using both aerial and mechanical means, because of the close proximity of homes. In order to be effective and supported by the community, release of public lands from WSA status must be accompanied by other land management designations and a management plan to address the broad array of issues impacting the Whychus-Deschutes area.

FANs has long recognized the need to implement fire risk reduction measures on both public and private lands in and around Crooked River Ranch. That is why we were active participants in a working group of local stakeholders, including the Fire Chief and Homeowner's Association President, that began meeting in 2015 to discuss wildfire and public lands management. Working over a year, this group developed a collaborative approach that would give Crooked River Ranch the tools to protect itself from wildfire while also addressing longstanding questions

about the management of Whychus-Deschutes, one of the most scenic, wild places in Central Oregon.

A concept emerged that is a true win-win solution. It includes urgently needed, common sense actions that would measurably improve the safety of the community and simultaneously protect unique public lands that provide great cultural, ecological and recreational value.

There is also a clear need to reduce wildfire risk more broadly on other public lands throughout the Whychus-Deschutes region. Neighboring landowners outside of Crooked River Ranch have asked for measures to help them prevent catastrophic fire from threatening property and human safety. HR 2075 does nothing to address the needs of stakeholders outside of Crooked River Ranch.

Although the public lands impacted by HR 2075 are located in Central Oregon, the Whychus-Deschutes area is treasured by people throughout Oregon and beyond. These canyons contain outstanding recreation opportunities, one of the highest concentrations of cultural sites and artifacts in our region, and critical habitat for native plants, fish and wildlife. All of these resources are currently threatened by illegal off-road vehicle abuse, recreation overuse, and vandalism. Certain public lands in this area need and deserve permanent protection. Any land released from WSA status and certain other lands within Whychus-Deschutes should be designated as a special management area to protect these threatened resources.

Finally, we need to ensure land managers have the direction and resources they need to tackle these complex and serious issues. FANs volunteers have donated thousands of hours to helping the BLM restore and maintain our public lands. We hope to have the opportunity in the future to help with the implementation of solutions to reduce fire risk and protect critical resources on public lands.

Thank you for giving me this opportunity to testify on HR 2075. I urge you to consider expanding this bill to address the concerns of all the stakeholders of this incredible wild landscape.

Marilynne Keyser, President, Friends and Neighbors of the Deschutes Canyon Area

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Senator LEE. Thank you, Ms. Keyser.

Thanks to each of you for your opening statements.

Before we begin five-minute rounds of questions, we have now been joined by our Ranking Democrat, Senator Wyden, and we are going to turn some time over to him.

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

Senator WYDEN. Thank you very much, Mr. Chairman. I will be brief. I know colleagues have been waiting as well.

I just want to take a couple minutes to talk about a bill that is very important in my home state. It is called the Crooked River Ranch Fire Protection Act. We really got into this issue—my wife and I and our kids had just had the good fortune of having great snow at [Mt.] Bachelor and we came down from the mountain and we basically had a town meeting. The whole family was there in January 2015 in Bend, and we had not really even gotten out of our snow boots when this legislation came up, the Crooked River Ranch Fire Protection Act.

And, well, let's cut to the bottom line here. We all feel very, very strongly about protecting the West from fire. These are not your grandfather's fires.

Senator Heinrich and my colleague from Nevada, Senator Cortez Masto, understand how important this is. These are galloping fires that cross rivers, so we have to have strong protections to deal with fire and that is central to this question.

Representative Walden introduced the Crooked River Ranch Fire Protection Act. There are a number of challenges that face residents at Crooked River Ranch. Many of the homes at Crooked River Ranch are adjacent to the Deschutes Canyon-Steelhead Falls Wilderness Area and one of the region's most iconic landscapes. The Crooked River legislation adjusts the boundary of the wilderness study area in the hopes that fire prevention can be made more aggressive to protect the neighboring homes within the Ranch.

And as I said, Senator Cortez Masto, Senator Heinrich, myself, Senator Flake, Senator Daines, we all are there in terms of dealing with fire. That is what the legislation to end fire borrowing was all about. That is what the Forest Service did last week in response to my request, basically laying out a program for prioritizing reducing hazardous fuels in the most dangerous areas.

So you have a big group of Western Senators that are on the program, but there is another set of issues that we have to address. And that is, for example, what is going to happen to homes and backyards if the public land nearby is not managed properly? And the community wants to work with us, wants to work with the Congressman from the area, Congressman Walden, to deal with these issues.

I want to close by welcoming Marilynne Keyser, who cut short a vacation and various family plans to get here. She has been coming to our town meetings and we want a citizen-driven solution to this, but then one that incorporates everyone's input.

I also want to welcome Mr. Casamassa. He is going to be the next Region 6 Director. We look forward to working with him at home.

One last point, if I might. Senator Hatch's Emory County bill—my partner on the Senate Finance Committee, has been working on this for many years in working to balance conservation and other management uses. Everybody knows public lands bills, and we westerners know you never get everything you want. You never get everything you believe you ought to have, but the question is, can you find a path to actually go forward and address concerns? I have indicated to Chairman Lee that I am going to work very closely with him to see if we can work this out with Chairman Hatch who is retiring at the end of this year. I think this is an important effort and I want to work with the two of you, both friends, to get it done.

Thank you.

Senator LEE. Thank you very much, Senator Wyden.

We will now begin five-minute rounds of questioning, alternating between Republicans and Democrats.

I would like to start with Mr. McAlear.

As I mentioned in my opening statement, the Omnibus Public Lands Management Act of 2009 directed the Bureau of Land Management to identify alternatives for a northern transportation route through Washington County, Utah. Now the Records of Decision have been finalized for all of the resource management plans in the County but, nonetheless, no route was identified. Can you tell me why the Bureau of Land Management did not comply with that specific requirement before signing the Records of Decision?

Mr. MCALEAR. Thank you, Senator.

This Administration and Secretary Zinke are committed to ensuring that the Department be a good neighbor to its communities across the rural West, and we look forward to working with you, St. George, and Washington County on a more constructive way to address these important infrastructure needs going forward.

Senator LEE. But, again, it has been a while since this has happened. I would like to remind the Bureau that the 2009 bill, in addition to the fact that it was passed almost a decade ago, required the development of a comprehensive travel management plan including, specifically, the identification of a northern transportation route in Washington County, within three years. That part of it was required by that law to be done within three years, and it has now been nearly a decade since that bill was passed. When will the BLM finally identify alternatives for that route?

Mr. MCALEAR. So the BLM is currently working to resolve this issue. We are working not only through this bill but also working on getting the Habitat Conservation Plan renewed. And this Administration and Secretary Zinke support getting this infrastructure in place for the County.

Senator LEE. Okay.

I want to impress upon you, as much as I am capable of communicating, and I do so respectfully but with great urgency, the fact that this needs to happen. More than three times the amount of time identified by the statute has now passed and this needs to be done yesterday. It needs to be done immediately.

Also sir, once the helium reserve is retired in 2021, where will U.S. helium users get most of their supply? What will they rely on?

Mr. MCALEAR. So, I think from the Federal Helium Reserve, the short answer is that we don't know.

Our testimony does point to the benefits of a royalty-in-kind program that we presented to Congress that would provide federal agencies with an assured source of helium, also now a critical mineral, and we would like to have further discussions with you about that.

Senator LEE. Okay.

I think it is important we make sure that there is a thriving, robust market and that we do everything we can to make sure that we do not put impediments in the way of the development of that market within the United States.

Ms. Keyser, you reference in your testimony that H.R. 2074 is not comprehensive enough to address the threat of fire to the community and that additional designations for other lands are needed.

Can you help me understand how it is that additional special designations such as putting the remainder of the WSA into wilderness would, in fact, at the end of the day, reduce the threat of fire to the community?

Ms. KEYSER. Thank you, Senator Lee.

The point of that comment in my written testimony is that simply releasing the land, the 832 acres which is the rim of the Deschutes Canyon, without direction for what needs to take place on that land—fuels reduction and also protection for the resource itself—might, in fact, lead to nothing being done on that released land. So we feel strongly that there needs to be direction and a special management area designation that requires that fuels reduction to happen.

And with respect to the risk, the habitat risk on the canyon rim, I think the main concern here would be not to have vehicular traffic on that rim, ATVs and that sort of thing. So that's something that you could get through the planning process if, in fact, a special management area was created for the released land.

Senator LEE. In fact, in theory, you could have an increase if there is no fuel reduction. There is a theoretical possibility that you could actually be increasing the risk of fire if there is no fuel reduction.

Ms. KEYSER. That's true.

And the other piece is if you don't restrict vehicular traffic out there you could also add to the risk of additional wildfire. So, yes, we truly support the movement of the release of these lands for that purpose, but we need to make sure that it happens and happens quickly.

Senator LEE. Thank you.

Senator Wyden.

Senator WYDEN. Thank you, Mr. Chairman.

As I indicated, we don't take a back seat to anybody in terms of reducing fire risk. Senator Crapo and I, as folks on this Committee know, spent six years and got 270 groups, industry groups, environmental groups, and others to get us back to emphasizing fire prevention. So we are all there on that, every single Democrat, every single Republican, lots of sweat equity in this Committee on that.

I imagine a lot of folks at home are watching this on the live stream. Folks at Crooked River want to know how their land is actually going to get managed.

Mr. McAlear, I want to get to the issue that apparently your agency does not own all the land in question. I quote, "The Department determined that a portion of the wilderness study area may fall under the administrative jurisdiction of the U.S. Department of Agriculture." So my question for you, Mr. McAlear, BLM, do you know how much land is in question and how that will affect management?

Mr. MCALEAR. So, thank you, Senator.

We will continue working with the Forest Service on any boundary movements. Right now, I think that there is some confusion on exactly where that boundary is, but we have a good partnership with the Forest Service. We'll continue working with them. And——

Senator WYDEN. But would it be fair to say, because I know time is short and my colleagues have been, the Senators from Nevada and New Mexico have been so deferential, it seems to me it is clear that this is going to take some work before we get this out of Committee. Is that correct?

Mr. MCALEAR. It's going to take some work, and we would love to be able to work with you.

Senator WYDEN. Very good.

Mr. Casamassa, I just want to be clear that you are going to, because you always have, you all are going to work with us and try to deal with this. This is to say, I think folks at Crooked River understand how serious this is as it relates to fire, and they also want to make sure that some of these other issues are answered. So you will work with us, just as Mr. McAlear is talking about?

Mr. CASAMASSA. Yes, for sure.

Senator WYDEN. Very good, very good.

Now one other question on this for both of you.

The Department of the Interior recognizes, in your testimony, the importance of addressing management on the larger Deschutes Canyon-Steelhead Falls Wilderness Study Area. I gather that this is another area where we can work cooperatively.

If Senator Merkley, my colleague from Oregon, and I put together a stakeholder-driven public process, would your agency be willing to participate?

Mr. CASAMASSA. In terms of that's the way that I would advocate that we move forward with recognizing that there's multiple jurisdictions, communities of interest and community leaders that all share in managing these lands. And I think it's important to work through that within a collaborative fashion.

Senator WYDEN. Let the record show that is a yes.

Mr. McAlear?

Mr. MCALEAR. Thank you.

And yes, of course.

Senator WYDEN. Great.

Ms. Keyser, one question for you, if I might.

Again, we cannot say enough about how serious this issue of fire is all about. I hope sometime soon to get home again to talk to the communities that have been getting clobbered. I mean, I think

these fire problems are basically creating clear air refugees because people are traipsing around trying to find clean air.

So fire continues to be right at the top of what the communities are concerned about. What other management focus or reforms would you like to see that would protect you and your neighbors?

Ms. KEYSER. Well, in addition to what we've discussed and what this bill contains, Senator?

Senator WYDEN. Yes.

Ms. KEYSER. Well, as I said in my testimony, there needs to be both—there needs to be fire reduction on both private and public lands. And one of the problems, well, at Crooked River Ranch our HOA has done a fabulous job of doing fuels reduction work on the common land owned by the HOA.

One of our problems is that there's excessive vegetation on private land in Crooked River Ranch that needs to be addressed as well, and very few landowners have actually done what needs to be done to make their property safe in a wildland urban interface. So that's one issue.

Senator WYDEN. Okay.

I again want to thank my colleagues for allowing me to go first. And your point is one we stress here and that is these big fires, they do not know any kind of boundaries, you know.

Ms. KEYSER. They don't.

Senator WYDEN. We had one that leaped the Columbia River. Rivers always used to be a break, so this is unprecedented. And these fires, particularly these infernos, do not stop at state or private lands. To your point with respect to acknowledging that as part of any solution is spot on.

Thank you, Mr. Chairman. Thank you, colleagues.

Senator LEE. Thank you, Senator Wyden.

Senator Daines.

Senator DAINES. Thank you, Chairman Lee.

As you know, six million acres have already burned during this year's wildfire season. In fact, in Montana alone, we have over 900 fires occurring to date.

I applaud Secretary Purdue's new strategy to work more closely with states to reduce the threat of wildfires. I told the Secretary last week this is a breath of fresh air in the midst of a lot of smoky air that we see across Montana.

Unfortunately, in Montana and Idaho especially, there is more than a decade of obstructionist litigation that has slowed forest management projects, many of which include treatments to reduce the risks of wildfire.

I have a bill with Senator Risch and Senator Crapo, the Protect Collaboration for Healthier Forests Act, which would establish a pilot program in Region One to resolve disputes against forest management projects through arbitration rather than the courtroom. To be eligible for arbitration, the projects would need to be developed through a collaborative process. We are going to incentivize collaboratives, and they would have to reduce the risk of wildfire.

An arbitration pilot would ensure swifter resolution. It has bipartisan roots. In fact, the Forest Service during both the Obama Administration and the Trump Administration has supported estab-

lishing this authority. It is time for Congress, in my opinion, to give the Forest Service this tool.

Currently, in Montana, there are 27 timber sales under litigation; 21 are enjoined, preventing the work on over 17,000 acres. In fact, just last week the Teepee Creek Stewardship project on the Custer Gallatin National Forest was enjoined after one day of work where the crews were onsite starting the thinning project. Crews had to stop the work. In fact, I just found out that vandals have gone and vandalized a $500,000 piece of equipment, the feller buncher. It is understandable to wonder whether environmental extremists were involved in this.

Mr. Casamassa, does litigation or the threat of litigation continue to impede restoration projects on the national forests in Montana?

Mr. CASAMASSA. Yeah, Senator, it does.

Senator DAINES. And do these projects take into account public input when they are developed?

Mr. CASAMASSA. Yeah, the environmental analysis we do is deliberate. It is open to the public, and we solicit input in fashioning the decisions that we make.

Senator DAINES. Is it fair to say that these projects often involve work to reduce hazardous fuels?

Mr. CASAMASSA. Not only do—yes, it does. It is fair to say that and that there are a number of other activities that we would like to have active management on in the Forest Service that are influenced by and stopped by litigation.

Senator DAINES. Litigation can take years to resolve which hurts forest health, is expensive, and it makes it very hard for Montana's wood product industry to make business decisions.

Mr. Casamassa, can you discuss the advantages of arbitration and whether the agency views arbitration as a way to resolve disputes in a way that is faster and perhaps more certain?

Mr. CASAMASSA. Yes, Senator, I think, in looking at a different venue, a different avenue by which we could implement projects, arbitration seems to be a tool that should be at least looked at and tried in a pilot fashion in order to see what, how more effective and efficient we can be in moving from a decision to actual implementation on the ground.

Senator DAINES. Now, Senate bill 2160 includes what we call the "baseball style" arbitration where a qualified arbiter decides whether the agency's proposal, or an alternative proposed by an objector, or neither proposal will move forward.

Another approach would be for the arbitrator to simply serve the role as a judge and determine whether the agency's proposal is consistent with the applicable forest plan and follows all relevant laws and regulations.

Mr. Casamassa, is there an approach that the Forest Service would prefer to pilot as it relates to arbitration?

Mr. CASAMASSA. I think that based on what you have just described, Senator, it would be the idea of seeing whether an arbiter would determine whether or not we had followed all applicable environmental law, disclosed those impacts to the public, and that we were in line with that. And so, that seems to be a reasonable ap-

proach to looking at using this tool as arbitration in a piloted fashion within the limited area of Montana and Northern Idaho.

Senator DAINES. Mr. Chairman, I just want to, again, remind this Committee that as we speak there are 27 timber sales currently under litigation in Montana as I cannot even see the mountains out the back door of my home, those woods are just a few miles away, because of the smoke.

Mr. Chairman, Ranking Member Wyden, combating chronic litigation does not erode public input, it safeguards it. It does so by ensuring that consensus-driven decisions of the majority are not obstructed by isolated dissenters, in most cases, extreme environmental groups.

I look forward to working with both of you to bring this commonsense bill for a markup and to the Floor soon.

Thank you.

Senator LEE. Senator Heinrich.

Senator HEINRICH. Mr. McAlear, as you mentioned in your testimony, in the West it is common for public lands to be very intermixed. You have state, private, and tribal lands all mixed together in something we often refer to as a checkerboard. How does that checkerboard pattern complicate BLM's management of public lands?

Mr. MCALEAR. Checkerboard sets up a lot more property boundaries and makes it a lot more difficult to be able to manage across a landscape rather than, you know, having, in this case with checkerboards, is that we're only able to manage small pieces, parcels at a time.

Senator HEINRICH. So, for example, even with regard to fire management, it is much harder to manage the landscape as a whole if you are dealing with multiple different property owners all with different goals.

Mr. MCALEAR. Absolutely.

Senator HEINRICH. Would the BLM's ability to meet its conservation and recreation missions be enhanced if you had more flexibility to resolve those inholdings in conservation land units like monuments and wilderness study areas?

Mr. MCALEAR. Yes.

And you know, the Secretary has stressed that it is really important to him that the public have access for recreational purposes, and by being able to have large, federal blocks of land rather than interspersed with private parcels or state parcels, it makes it a lot easier to manage.

Senator HEINRICH. I want to move to Chaco real quick.

Chaco Cultural National Historical Park is a designated International Dark Sky Park. The dark night sky at Chaco is not only an asset for astronomers and stargazers who come from all over the country to utilize that resource, but also for understanding the original purpose and meaning of the structures that are built in Chaco Canyon. Several of the most significant buildings to Chaco were built in alignment with astronomical events like the solstice. The meaning of Chaco is intricately connected to the natural environment, including the night environment where it is located. How is the BLM considering light pollution and the dark night sky in its ongoing planning process in the Chaco area?

Mr. MCALEAR. So the BLM recognizes that dark skies are an important issue, and we are currently analyzing the impacts of oil and gas development. We are also looking at technology and best business practices as we take part in a resource management plan amendment.

Senator HEINRICH. Would you agree that limiting oil and gas development within the ten-mile park buffer could significantly contribute to the protection of Chaco's night sky?

Mr. MCALEAR. So Senate bill 2907, the map that is part of that bill, would withdraw the public lands ten miles around the Chaco Cultural Natural Historical Park.

Senator HEINRICH. Mr. Casamassa, I just want to get you really quickly on the record on something.

In your view has climate change contributed to the severity and the frequency of forest fires in the West?

Mr. CASAMASSA. Yes, Senator.

I think, based on my experience working in the field and managing large suppression efforts, what I have seen over the course of time is that the fire season is prolonged. In fact, I was just talking with some folks about how, along the front range of Colorado, one season we had fires in every single month of the year.

Senator HEINRICH. Yes, we used to have a fire season. Now we have a fire situation that has to be managed year-round.

Mr. CASAMASSA. And we know that, you know, I think on the average we have extended our fire season around 80 days per year and that there are some indications that overall there is a change in the weather, there is a change in our approach to how we manage fires. And all the arrows and evidence in my mind would point toward a change in some of the conditions that we're working through right now.

Senator HEINRICH. Mr. McAlear, on S. 2809, I wanted to ask you, as that is currently written, would that bill allow the State of Utah to acquire land within the reservation of the Ute Tribe, even if those acquisitions were potentially against their will? Have you looked at the land swap issue with regard to that legislation, the Hatch legislation?

Mr. MCALEAR. Yeah, I am not as familiar with that piece of the legislation, but we would certainly take that question back and get you an answer.

Senator HEINRICH. If you could take that for the record, I would appreciate it.

Mr. Chair, it looks like I am running out of time so I am going to yield back.

Senator LEE. Thank you very much.

Senator Flake.

Senator FLAKE. Thank you, Mr. Chair. Thanks for holding this hearing. I appreciated working with Senator Heinrich again on the ACE Act we have introduced and appreciate the comments about it.

We all know that federal land managers and state land managers often have conflicting priorities, and we feel that this bill is a win-win for everybody. State land trusts get to swap their trapped lands for those with greater economic potential. Federal land managers get to eliminate inholdings.

I grew up in Northern Arizona. We had a family ranch. We dealt with the checkerboard pattern quite a bit. I know the difficulty for land managers to deal with situations like this. So we are trying to make it better.

I am happy to see the BLM recognizes the merits of the bill and supports the goals of the legislation. Land exchanges between states and federal agencies are, oftentimes, complex arrangements. We know this requires extensive appraisals, analyses, and environmental reviews.

How long, on average, Mr. McAlear, does it take for BLM and the states to finalize a land exchange? On the average, I know it is a lot.

Mr. MCALEAR. Senator, I do not have a specific timeframe for that. Just, like you said——

Senator FLAKE. Right.

Mr. MCALEAR. ——some of them are a lot more complex than others.

Senator FLAKE. How would BLM states and the public benefit from consistency and predictability that our bill seeks to bring to state land exchanges?

Mr. MCALEAR. Yeah, certainly, this bill fits within the Secretary's priorities of recreation, public access, and working with local communities.

Senator FLAKE. Alright, thank you.

Thank you, Mr. Chair.

Senator LEE. Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you, Mr. Chair.

Thank you to the witnesses that are here today as well. I look forward to working with you, along with my colleagues, on the pending legislation.

Since I have the opportunity though, I would like to highlight a particular bill. A week ago I introduced S. 3349, the Storey County Land Conveyance Act, and the bill provides technical fixes to a 2014 law originally meant to resolve conflicting title issues between residential property, private property owners, and the BLM in Storey County, Nevada. Conflicting claims to these properties were caused by improper federal conveyance of land surface rights for residential and non-mining commercial uses stemming from the 19th century.

The 2014 law contains language that conflicts with BLM's land survey and conveyance procedures, and the effort to provide legal certainty to my constituents in Storey County has been on hold ever since. I bring this up today as my staff and I have been working with Storey County, the BLM, and the Interior Department on making sure we have the necessary language to help those Nevadans whose property has been in legal limbo.

Although we were unable to have my bill included on today's agenda, I have received assurances from the Interior Department that they will work with us to move my bill through the legislative process as soon as possible. I just want to confirm that I do have that commitment from Interior and the BLM to work with me on this bill.

Mr. MCALEAR. Yes, Senator, you do have that commitment from Interior to continue working with you on that bill.

Senator CORTEZ MASTO. Thank you. I appreciate that.

And so, Mr. Chair, I also ask for support from you and your staff to help solve and resolve this issue as expediently as possible, and I look forward to working with you.

Senator LEE. Thank you.

Senator CORTEZ MASTO. Thank you.

Senator LEE. Thank you very much.

If there are no further questions from members today, members may also submit written follow-up questions for the record and for that purpose we will keep the record open for two weeks.

I want to thank the witnesses for their time and for their attention to detail, their willingness to come and speak to us today.

This hearing stands adjourned.

[Whereupon, at 10:58 a.m. the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
August 22, 2018 Hearing: *Pending Legislation*
Questions for the Record Submitted to Mr. Glenn Casamassa

Questions from Ranking Member Maria Cantwell

Mr. Cassamassa, in your testimony you mentioned that the Administration is supportive of S.2160, which would experiment with arbitration as a means for resolving claims against the Forest Service. All of us want to see a lot more restoration work done in the fire-prone portions of our National Forests, and no one likes frivolous lawsuits. However, I have some concerns about the solutions proposed in this bill and wanted to clarify a couple things.

Question 1: The bill prohibits people, who want to sue to stop a forest project, from having access to the courts. The person or group would have to bring their complaint to an arbitrator for a decision. Can you tell us if the scenario I just laid out would apply to all types of complaints? What if the complaint wasn't procedural in nature, but substantive or even major, like the Forest Service project impacting a Native American burial ground? Would that still only receive consideration by an arbitrator?

Answer to Q1:
The bill, as ordered reported, contains a number of limitations on the projects that would be subject to the pilot program. The program is limited to only two projects per year and applies only to projects located on National Forest System lands in Idaho, Montana, and Wyoming. The projects must be located at least in part in the wildland-urban interface, must have as a purpose reducing hazardous fuels or the risk of insect and disease infestation, and must have been developed collaboratively as specified in the bill. Once a party initiates arbitration for a project, the project is no longer subject to judicial review. All other projects would remain subject to judicial review. In your example, a discovery of a Native American burial ground would be identified and addressed using the NHPA and NEPA process. However, should any issue remain, a participant would be able to initiate arbitration to address the issue by filing an alternative proposal that describes each modification sought. But the proposal must be consistent with the purpose and need for the project.

Question 2: I see one of the sections of this bill (S.2160) prohibits plaintiffs from being able to receive attorney's fees, even if they win. Even if they were correct and stopped the Forest Service from taking an action that would be illegal. Does the Administration support this provision, which would prevent citizens from being able to recover their attorney's fees?

Answer to Q2:
As outlined in section (3)(B)- Compelled Arbitration, the current bill provides for the applicable court to award to the Secretary full or partial court costs and full or partial attorney's fees only for projects in which the Secretary is the prevailing party. In this pilot program as written, when the plaintiffs prevail each party would bare its own legal costs with the Secretary funding the expenses of the arbitrator. The agency does not have a position for how recovery of plaintiffs' fees will be addressed for this pilot program.

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
August 22, 2018 Hearing: *Pending Legislation*
Questions for the Record Submitted to Mr. Glenn Casamassa

The Department of Agriculture and the Forest Service support evaluating arbitration as a tool to facilitate and expedite collaborative work to address hazardous fuels and insect and disease infestations, and to save taxpayer dollars. The legislation provides a way to test arbitration within a manageable project environment and specific sideboards. A more specific understanding of the impacts of adherence to the prescriptions stated in this bill will be available for review once this pilot is implemented and reviewed. Then, the Department and the Forest Service will be able to form a more specific position.

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
August 22, 2018 Hearing: *Pending Legislation*
Questions for the Record Submitted to Mr. Christopher McAlear

Question from Chairman Lisa Murkowski

Question: S. 2809, the Emery County Public Land Management Act of 2018 authorizes an exchange with the State of Utah's School and Institutional Trust Lands Administration (SITLA) in Title IV of the bill. It is expected that this land exchange may involve federal lands within the Uncompahgre Reservation. The Ute Indian Tribe expressed concerns about exchanging federal land with SITLA for federal lands within the Uncompahgre Reservation as the Tribe has asserted ownership of all federal lands within the reservation. Please provide the Committee with the legal status of the federal lands within the Uncompahgre Reservation. Does the Secretary of the Interior have authority to transfer lands within the Uncompahgre Reservation?

Answer: The Bureau of Land Management (BLM)'s land status records and geographic information system data currently identify the areas on the June 14, 2018, "Emery County Public Land Management Act of 2018 Overview Map" referenced in your question as public lands managed by the BLM. The Ute Indian Tribe has asserted that a portion of the lands that would be available for selection by the State are within the boundaries of the Uncompahgre Reservation. The Tribe requested that the Department of the Interior (Department) restore those lands to tribal trust ownership. Earlier this year the Department denied that request. The Tribe is challenging that decision in federal court.

Under S. 2809 as introduced, unappropriated public lands available for State selection are defined as any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the BLM, without regard to how the United States acquired ownership, except: 1) lands located on the Outer Continental Shelf; and 2) lands held for the benefit of Indians, Aleuts, and Eskimos. The bill states that unappropriated public lands available for State selection include land or minerals acquired by the United States under title III of the Bankhead-Jones Farm Tenant Act. In addition, the bill states that the unappropriated public lands available for selection do not include any other acquired land or land within a unit of the BLM's National Conservation Lands, an area of critical environmental concern, or a special recreation management area.

Under the bill, the Secretary of the Interior could approve any application for relinquishment and selection in whole or in part. The bill further stipulates that the Secretary shall not approve any application that the Secretary determines would create irreconcilable management conflicts with respect to the management of adjacent Federal land.

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
August 22, 2018 Hearing: *Pending Legislation*
Questions for the Record Submitted to Mr. Christopher McAlear

Question from Senator Ron Wyden

Question: I appreciate you taking the time to discuss Senator Hatch's Emory County public lands bill, S. 2809. As I stated at the hearing, I am willing and ready to work with the Chairman of the subcommittee, with Senator Hatch, and with the stakeholders to balance conservation and other uses in the county. As any of us who work on these public lands issues knows, this is not always easy. I understand the Ute Indian Tribe currently has significant concerns with how the legislation will affect their Reservation lands and waters.

Given the Department of the Interior's trust responsibility to the Tribe, what steps will the Department take to resolve tribal concerns?

Answer: The Bureau of Land Management (BLM)'s land status records and geographic information system data currently identify the areas on the June 14, 2018, "Emery County Public Land Management Act of 2018 Overview Map" referenced in your question as public lands managed by the BLM. The Ute Indian Tribe has asserted that a portion of the lands that would be available for selection by the State are within the boundaries of the Uncompahgre Reservation. The Tribe requested that the Department of the Interior (Department) restore those lands to tribal trust ownership. Earlier this year the Department denied that request. The Tribe is challenging that decision in federal court.

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U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
August 22, 2018 Hearing: *Pending Legislation*
Questions for the Record Submitted to Mr. Christopher McAlear

Question from Senator Martin Heinrich

Question: As written, would S. 2809 allow the state of Utah to acquire land within the reservation of the Ute Tribe, even against the wishes of the tribe?

Answer: The Bureau of Land Management (BLM)'s land status records and geographic information system data currently identify the areas on the June 14, 2018, "Emery County Public Land Management Act of 2018 Overview Map" referenced in your question as public lands managed by the BLM. The Ute Indian Tribe has asserted that a portion of the lands that would be available for selection by the State are within the boundaries of the Uncompahgre Reservation. The Tribe requested that the Department of the Interior (Department) restore those lands to tribal trust ownership. Earlier this year the Department denied that request. The Tribe is challenging that decision in federal court.

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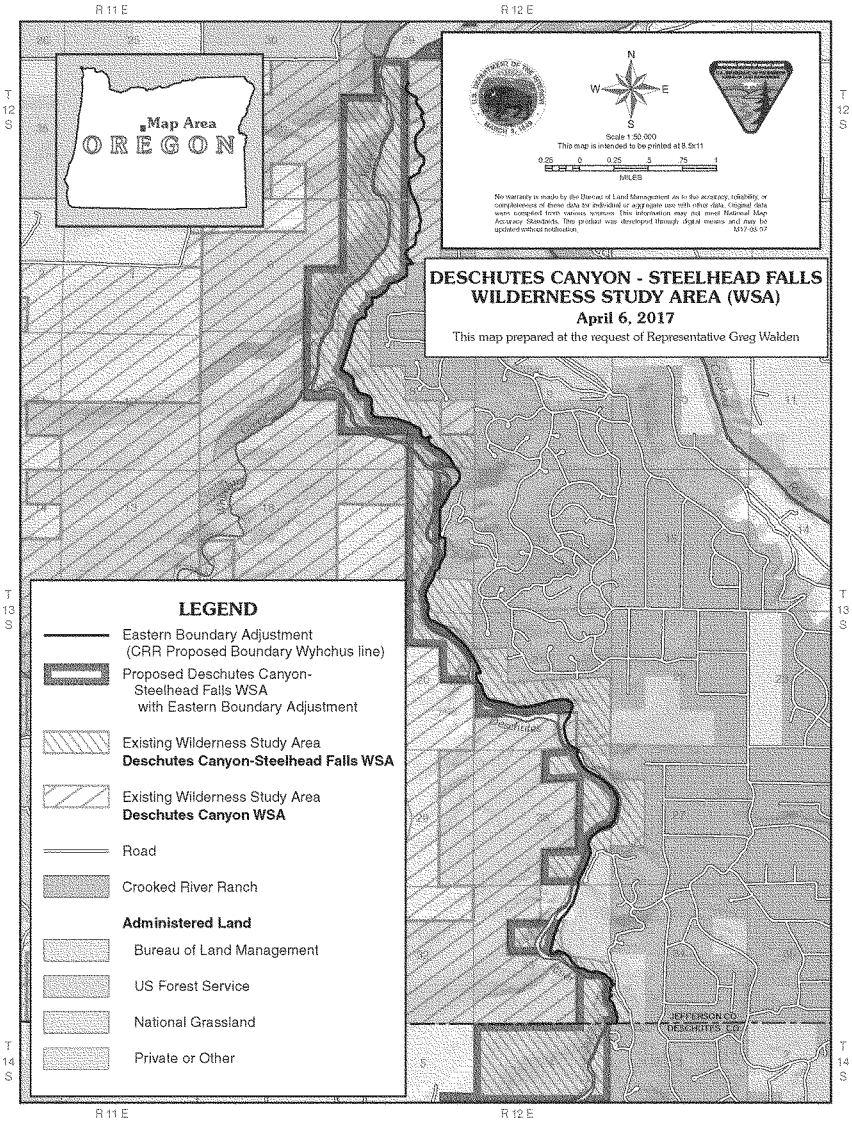
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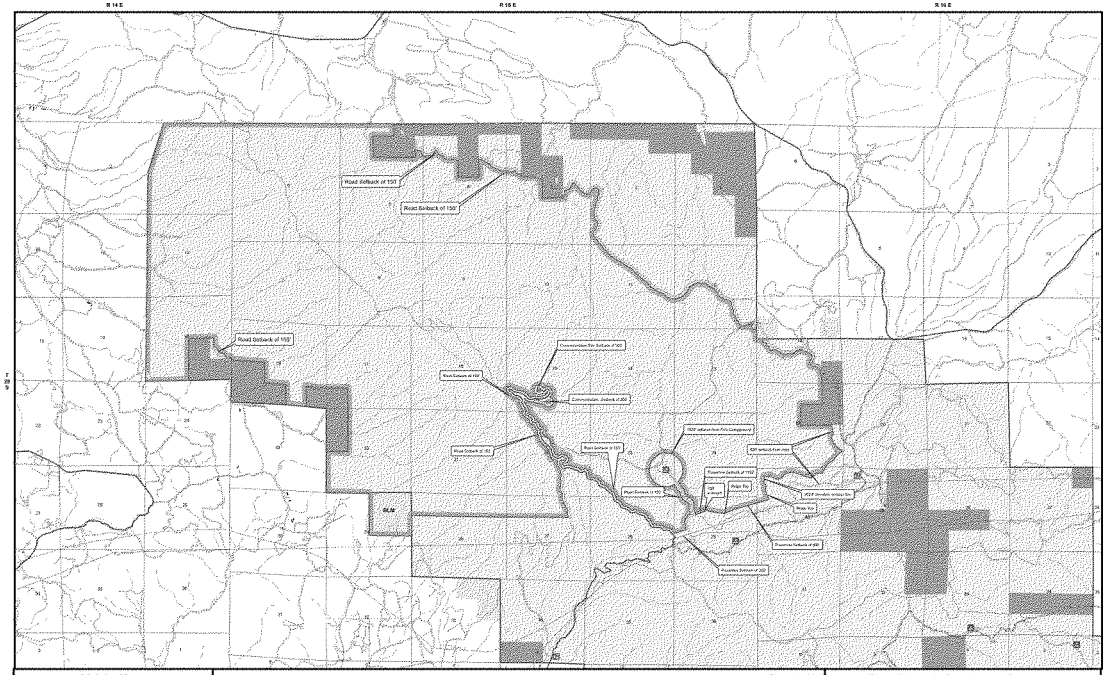
M17-03-57
DESCHUTES CANYON - STEELHEAD FALLS WILDERNESS STUDY AREA (WSA)
April 6, 2017
This map prepared at the request of Representative Greg Walden
LEGEND
Eastern Boundary Adjustment (CRR Proposed Boundary Wyhchus line)
Proposed Deschutes Canyon-Steelhead Falls WSA with Eastern Boundary Adjustment
Existing Wilderness Study Area Deschutes Canyon-Steelhead Falls WSA
Existing Wilderness Study Area Deschutes Canyon WSA
Road
Crooked River Ranch
Administered Land
Bureau of Land Management
US Forest Service
National Grassland
Private or Other
JEFFERSON CO
DESCHUTES CO



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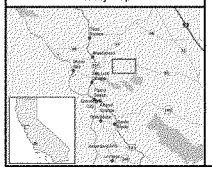

References

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Lands Data: USFS Land Status Record System 10/4/17

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Sheet 14 of 14

- Proposed Scenic Area
- Non-National Forest System Lands within National Forest
- National Forest System Lands
- National Forest Boundary
- Bureau of Land Management

Map Creation Date - October 4, 2017

Black Mountain Scenic Area- Proposed

115_CCHPA_10-4-2017

Legislative Map
Central Coast Heritage Protection Act

Approximately 16,216 Acres
Township 29 South, Range 14-16 East
Mt Diablo Meridian, County of San Luis Obispo, CA

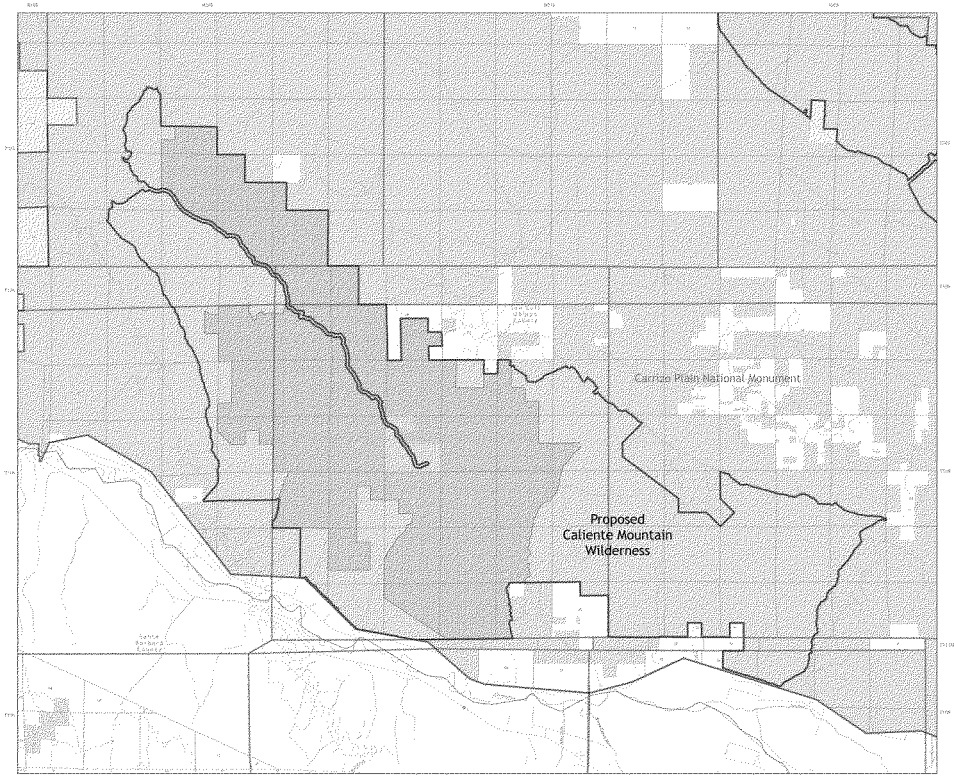
U.S. Forest Service - Pacific Southwest Region
Los Padres National Forest
U.S. Congressional District 24

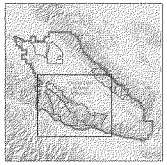
Copies of this map are available for public inspection in the Office of the Regional Forester, Pacific Southwest Region, Vallejo, CA

Proposed Caliente Mountain Wilderness

May 31, 2017

This map prepared at the request of Senator Kamala Harris





Proposed Wilderness

National Monument Boundary

BLM Wilderness Study Areas

Land Status

Bureau of Land Management

Forest Service

State

Private/Unclassified

N

Miles

Kilometers

1:30,000

Map intended to be plotted at a Sheet size of 34" x 44"

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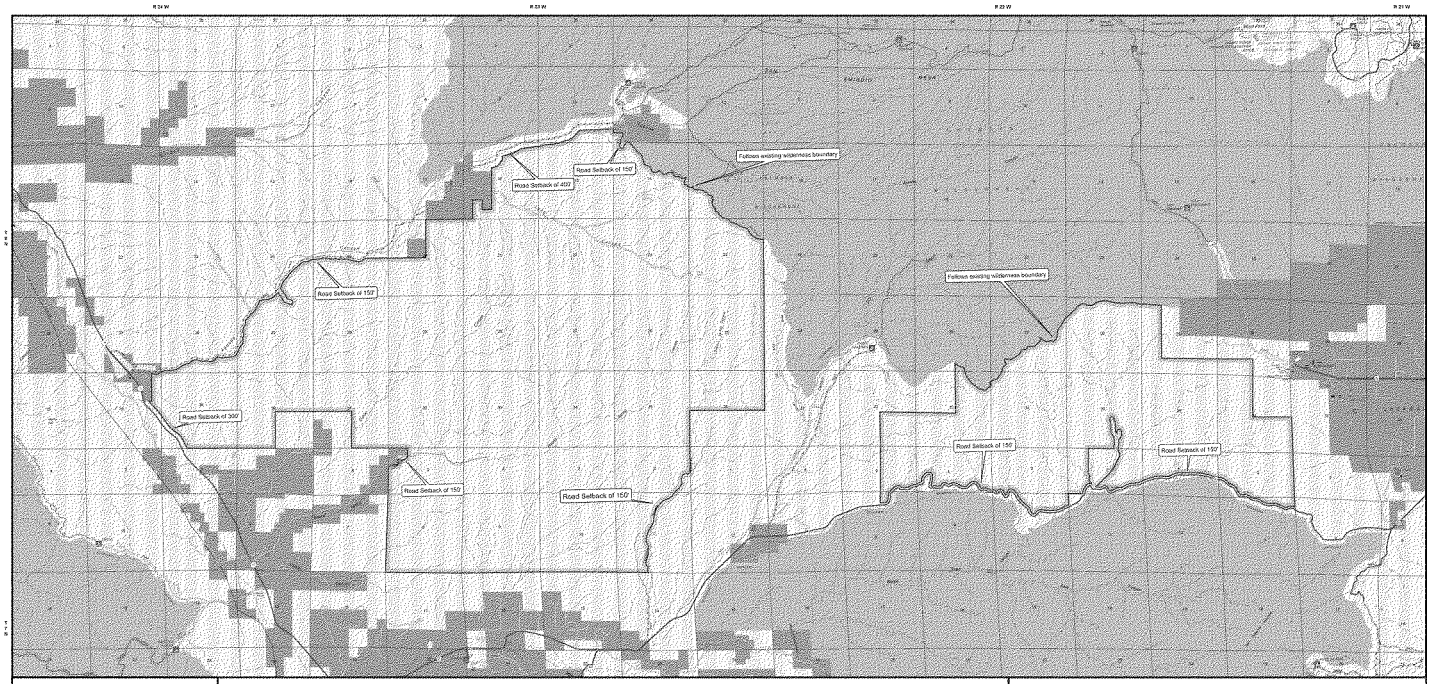

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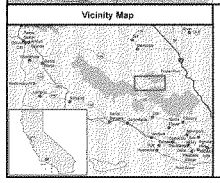

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Lands Data: USFS Land Status Record System 10/4/17

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Sheet 1 of 14

- Proposed Wilderness Additions
- Existing National Forest Wilderness
- Non-National Forest System Lands within National Forest
- National Forest System Lands

Map Creation Date - 10/04/2017

Chumash Wilderness Area Additions - Proposed

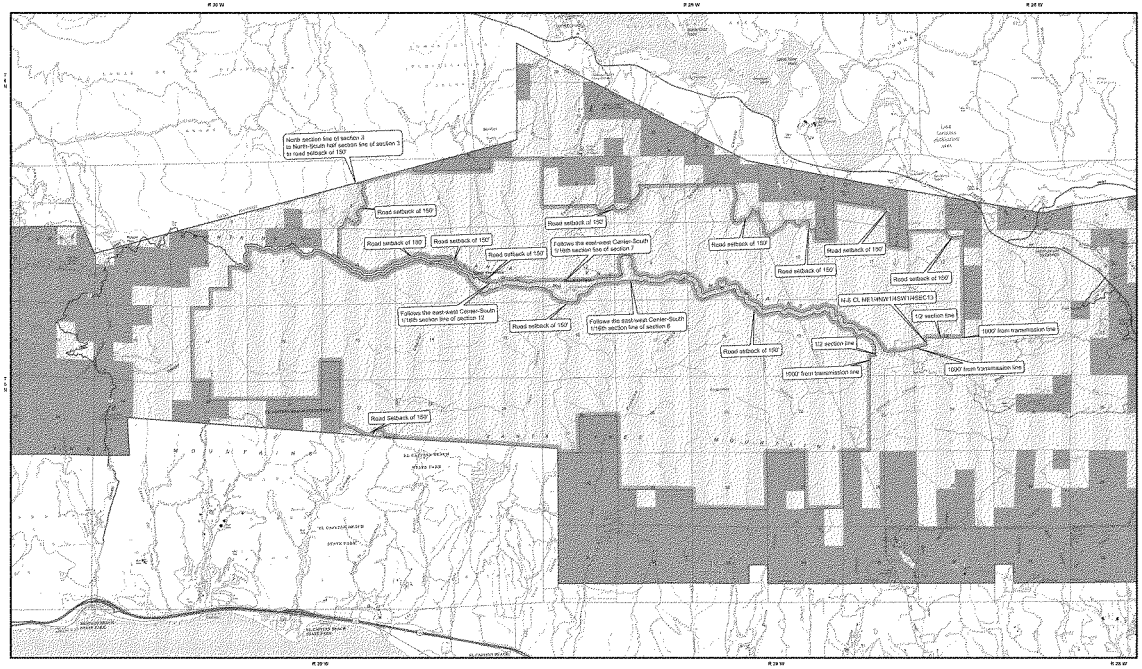
115_CCHPA_10-4-2017

Legislative Map
Central Coast Heritage Protection Act

Approximately 23,670 Acres
Township 30-31 South, Range 15-17 East,
Mount Diablo Meridian, County of San Luis Obispo, CA

USDA Forest Service - Pacific Southwest Region
Los Padres National Forest
U.S. Congressional District 24

Copies of this map are available for public inspection in the
Office of the Regional Forester, Pacific Southwest Region, Vallejo, CA



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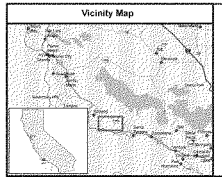

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Lands Data: USFS Land Status Record System 10/04/17

0 0.5 1 2 Miles

N

- Proposed Scenic Area
- Existing National Forest Wilderness
- Non-National Forest System Lands within National Forest
- National Forest System Lands
- National Forest Boundary

Map Creation Date - October 4, 2017

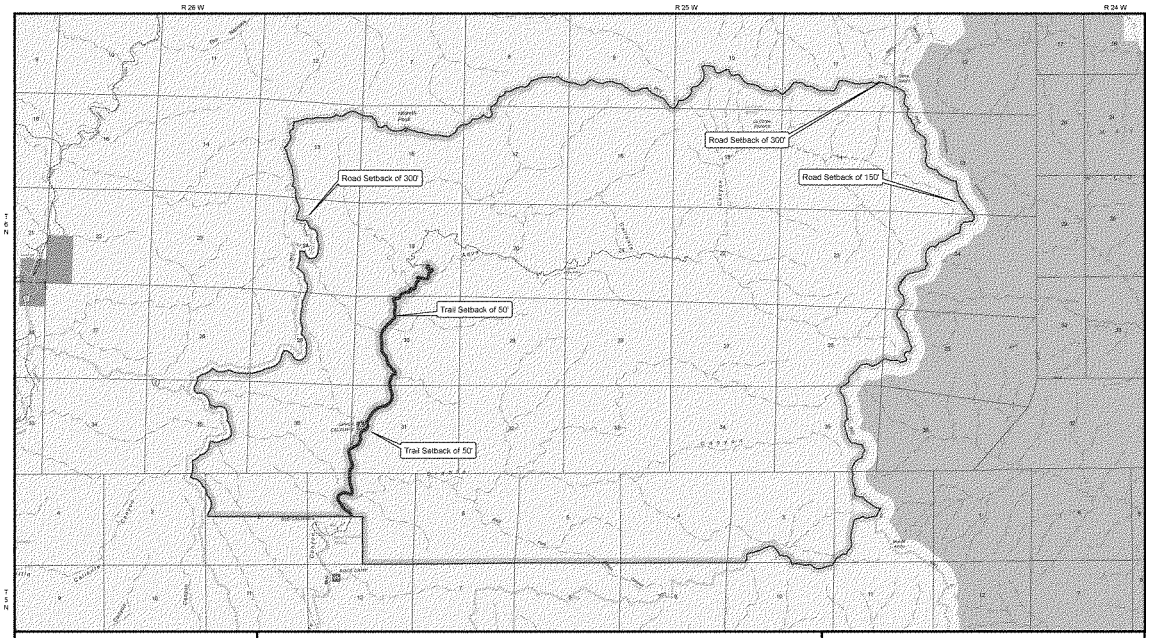
Condor Ridge Scenic Area-Proposed
115_CCHPA_10-4-2017

Legislative Map
Central Coast Heritage Protection Act

Approximately 18,974 Acres
Township 5 North, Range 29-30 West,
San Bernardino Meridian, County of Santa Barbara, CA

USDA Forest Service - Pacific Southwest Region
Los Padres National Forest
U.S. Congressional District 24

Copies of this map are available for public inspection in the Office of the Regional Forester, Pacific Southwest Region, Vallejo, CA



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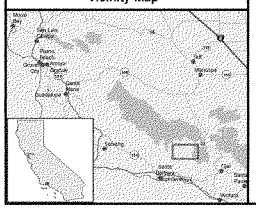

References

Map prepared by the USDA Forest Service, Region 5 Geospatial Services at the request of Senator Kamala Harris.

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The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

Lands Data: USFS Land Status Record System 10/04/17

Sheet 10 of 14

- Proposed Wilderness
- Existing National Forest Wilderness
- Non- National Forest System Lands within National Forest
- National Forest System Lands

Map Creation Date - October 4, 2017

Diablo Caliente Wilderness Area - Proposed

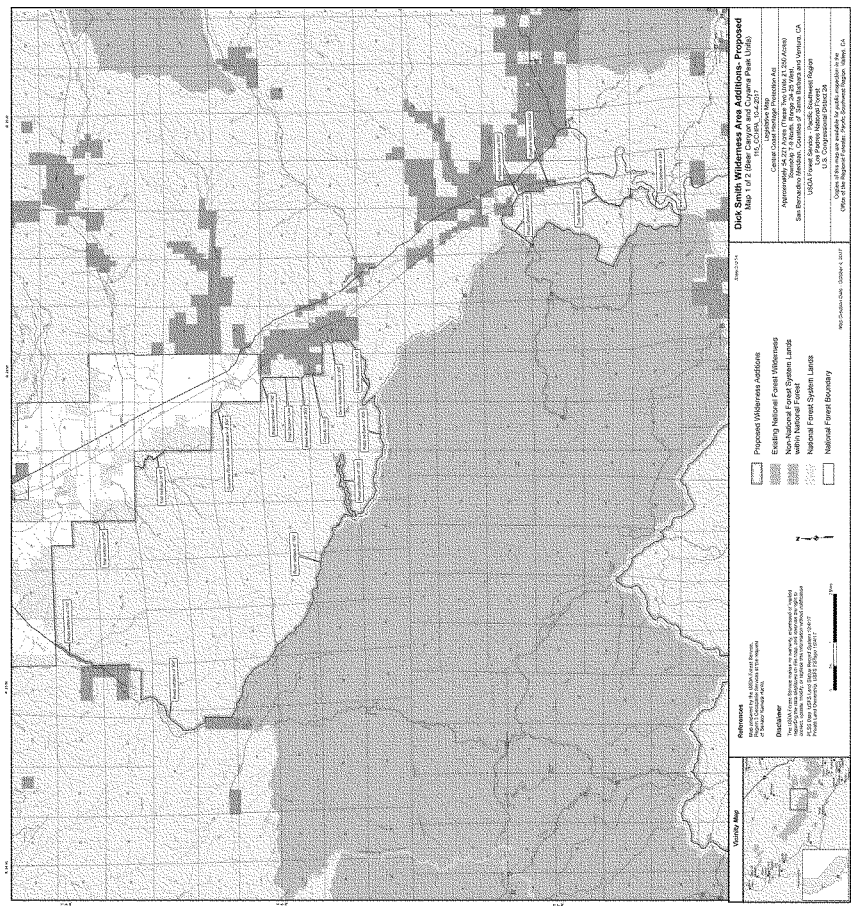
115_CCHPA_10-4-2017

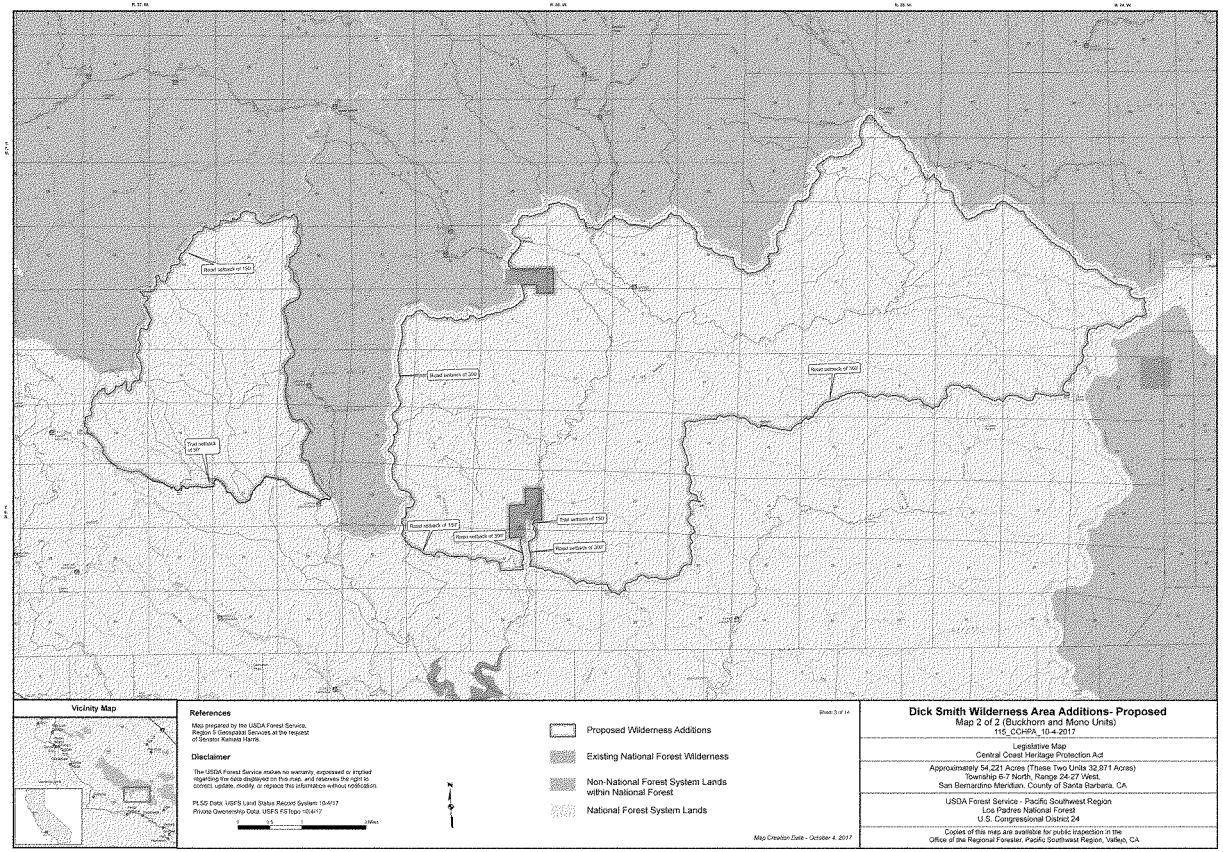
Legislative Map
Central Coast Heritage Protection Act

Approximately 17,870 Acres
Township 5-6 North, Range 25-26 West,
San Bernardino Meridian, County of Santa Barbara, CA

U.S. Forest Service -Pacific Southwest Region
Los Padres National Forest
U.S. Congressional District 24

Copies of this map are available for public inspection in the Office of the Regional Forester, Pacific Southwest Region, Vallejo, CA


Dick Smith Wilderness Area Additions- Proposed
Map 1 of 2 (Beer Canyon and Cuyama Peak Units)
115, CIOPA, CA-2017
Legislative Map
Central Coast Ranges Protection Act
Approximately 54,221 Acres (Three Two Units 21,350 Acres)
Township 7 N Roads, Range 24-25 West
San Bernardino Meridian, Counties of Santa Barbara and Ventura, CA
USDA Forest Service - Pacific Southwest Region
Los Padres National Forest
U.S. Congressional District 24
Proposed Wilderness Additions
Existing National Forest Wilderness
Non-National Forest System Lands within National Forest
National Forest System Lands
National Forest Boundary
Vicinity Map
References
Disclaimer



Vicinity Map

References

Map prepared by the USDA Forest Service, Region 5 Geospatial Services at the request of Senator Kamala Harris.

Disclaimer

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PLSS Data: USFS Land Status Record System 10/4/17
Private Ownership Data: USFS FS Maps 10/4/17

0 0.5 1 2 Miles

N

Proposed Wilderness Additions

Existing National Forest Wilderness

Non-National Forest System Lands within National Forest

National Forest System Lands

Sheet 3 of 14

Map Creation Date - October 4, 2017

Dick Smith Wilderness Area Additions- Proposed

Map 2 of 2 (Buckhorn and Mono Units)

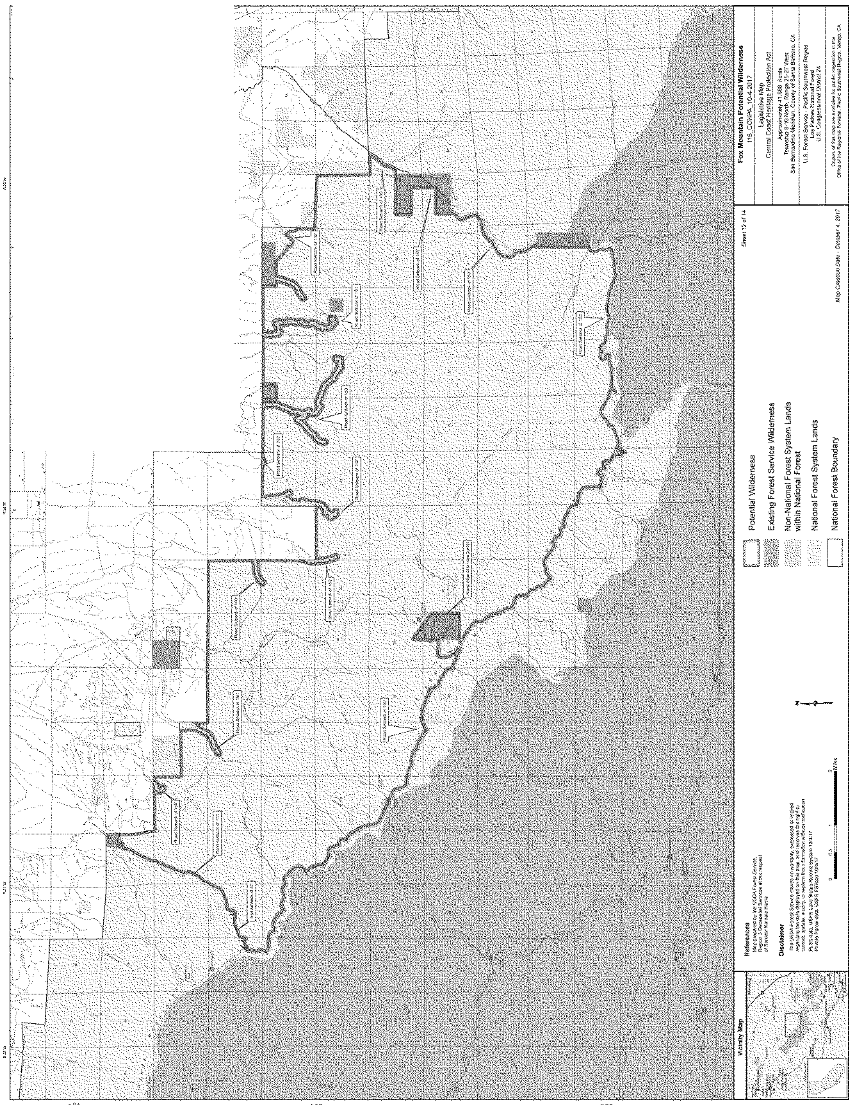
115_CCHPA_10-4-2017

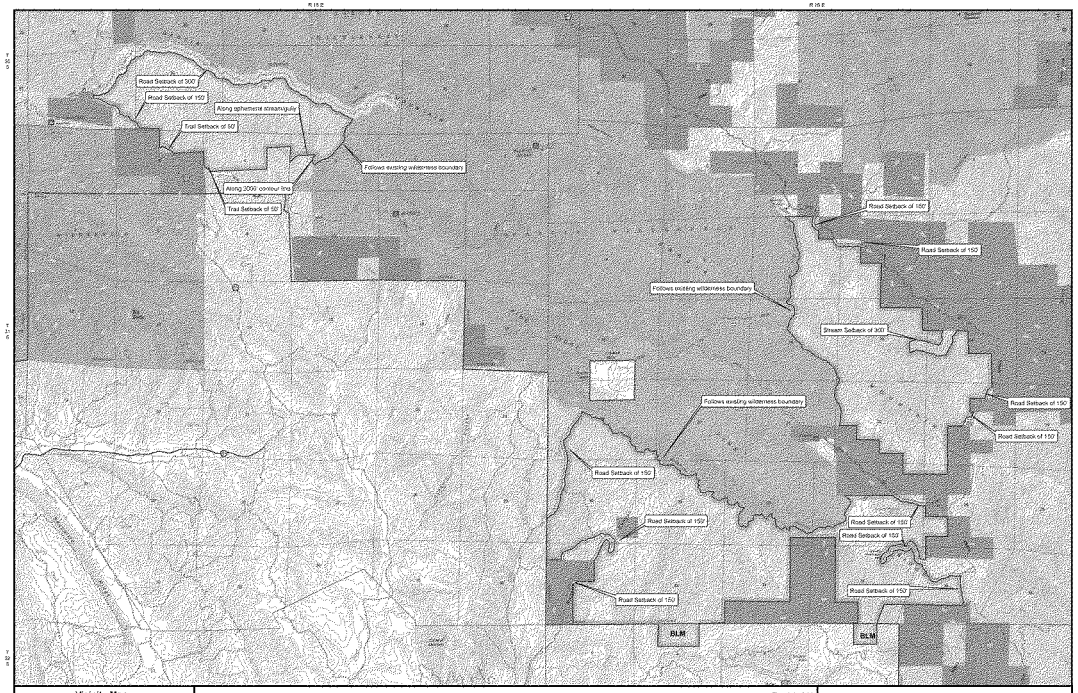
Legislative Map
Central Coast Heritage Protection Act

Approximately 54,221 Acres (These Two Units 32,971 Acres)
Township 6-7 North, Range 24-27 West,
San Bernardino Meridian, County of Santa Barbara, CA

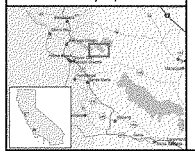
USDA Forest Service - Pacific Southwest Region
Los Padres National Forest
U.S. Congressional District 24

Copies of this map are available for public inspection in the
Office of the Regional Forester, Pacific Southwest Region, Vallejo, CA


Fox Mountain Potential Wilderness
Potential Wilderness
Existing Forest Service Wilderness
Non-National Forest System Lands
within National Forest
National Forest System Lands
National Forest Boundary
Vicinity Map
References
Disclaimer



Vicinity Map



References

Map prepared by the USDA Forest Service, Region 5 Geospatial Services at the request of Senator Kamala Harris.

Disclaimer

The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.

PLSS Data: USFS Land Status Record System 10/04/17
Private Ownership Parcels: USFS FSTopo 10/04/17

0 0.5 1 2 Miles

N

Sheet 4 of 14

Proposed Wilderness Additions

Existing National Forest Wilderness

Non-National Forest System Lands within National Forest

National Forest System Lands

National Forest Boundary

Bureau of Land Management

Map Creation Date - October 4, 2017

Garcia Wilderness Area Additions- Proposed

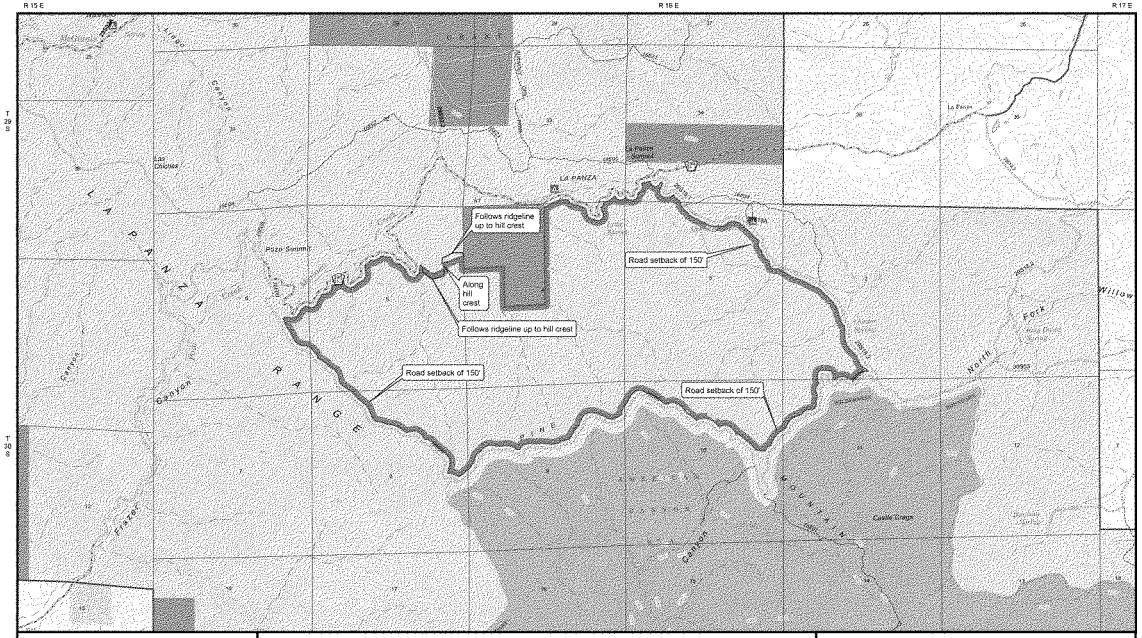
115_CCHPA_10-4-2017

Legislative Map
Central Coast Heritage Protection Act

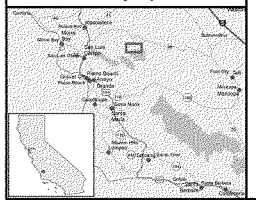
Approximately 7,289 Acres
Township 30-32 South, Range 15-16 East
Mount Diablo Meridian, County of San Luis Obispo, CA

U.S. Forest Service - Pacific Southwest Region
Los Padres National Forest
U.S. Congressional District 24

Copies of this map are available for public inspection in the Office of the Regional Forester,Pacific Southwest Region, Vallejo, CA



Vicinity Map



References

Map prepared by the USDA Forest Service, Region 5 Geospatial Services at the request of Senator Kamala Harris.

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Lands Data: USFS Land Status Record System 10/04/17

Sheet 11 of 14

- Potential Wilderness
- Existing National Forest Wilderness
- Non - National Forest System Lands
- National Forest System Lands
- National Forest Boundary

Map Creation Date - October 4, 2017

Machesna Mountain Potential Wilderness

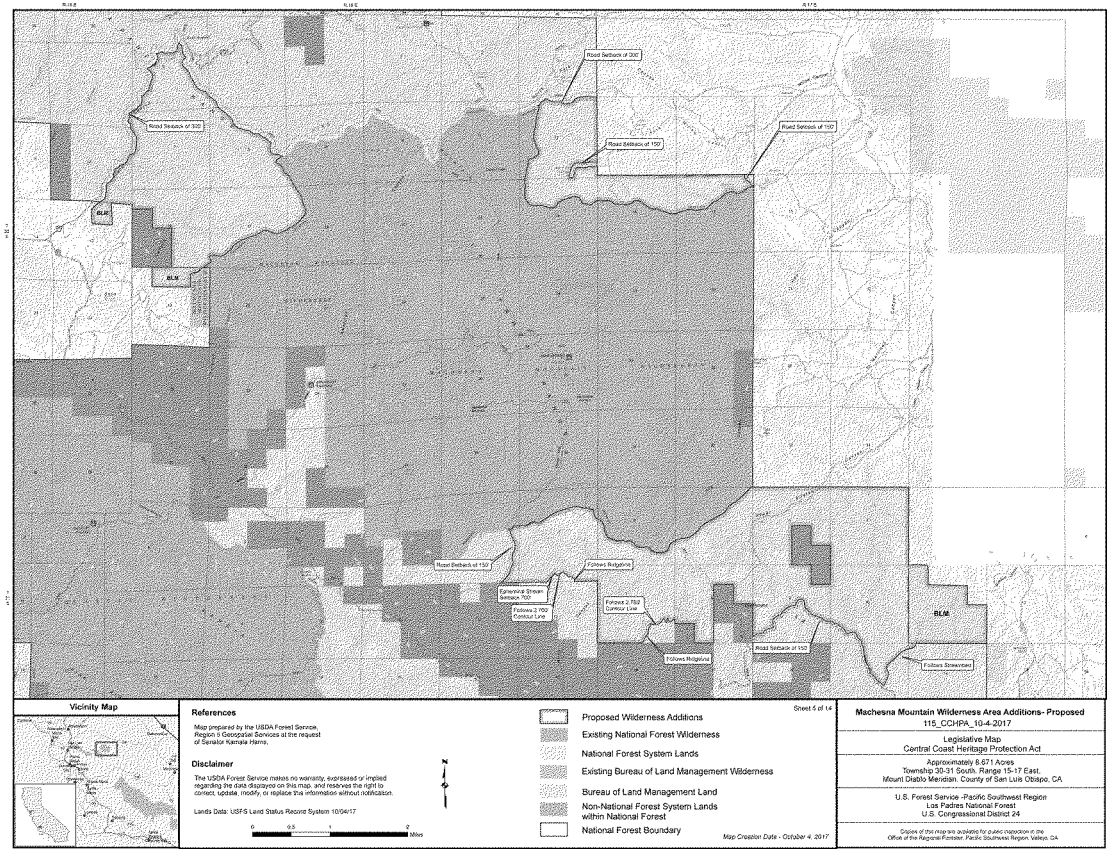
115_CCHPA_10-4-2017

Legislative Map
Central Coast Heritage Protection Act

Approximately 2,359 Acres
Township 30-31 South, Range 15-17 East,
Mount Diablo Meridian, County of San Luis Obispo, CA

U.S. Forest Service -Pacific Southwest Region
Los Padres National Forest
U.S. Congressional District 24

Copies of this map are available for public inspection in the Office of the Regional Forester, Pacific Southwest Region, Vallejo, CA



Vicinity Map

References

Map prepared by the USDA Forest Service, Region 5 Geospatial Services at the request of Senator Kamala Harris.

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Lands Data: USFS Land Status Record System 10/04/17

0 0.5 1 2 Miles

N

Proposed Wilderness Additions
Existing National Forest Wilderness
National Forest System Lands
Existing Bureau of Land Management Wilderness
Bureau of Land Management Land
Non-National Forest System Lands within National Forest
National Forest Boundary

Sheet 5 of 14

Map Creation Date - October 4, 2017

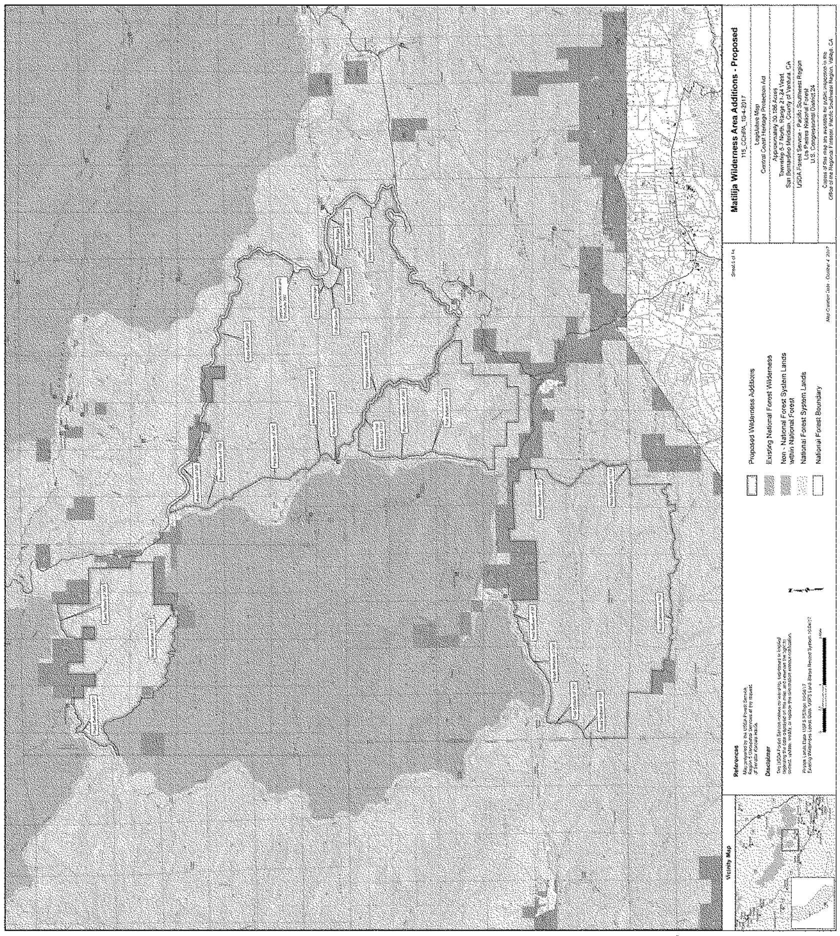
Machesna Mountain Wilderness Area Additions- Proposed
115_CCHPA_10-4-2017

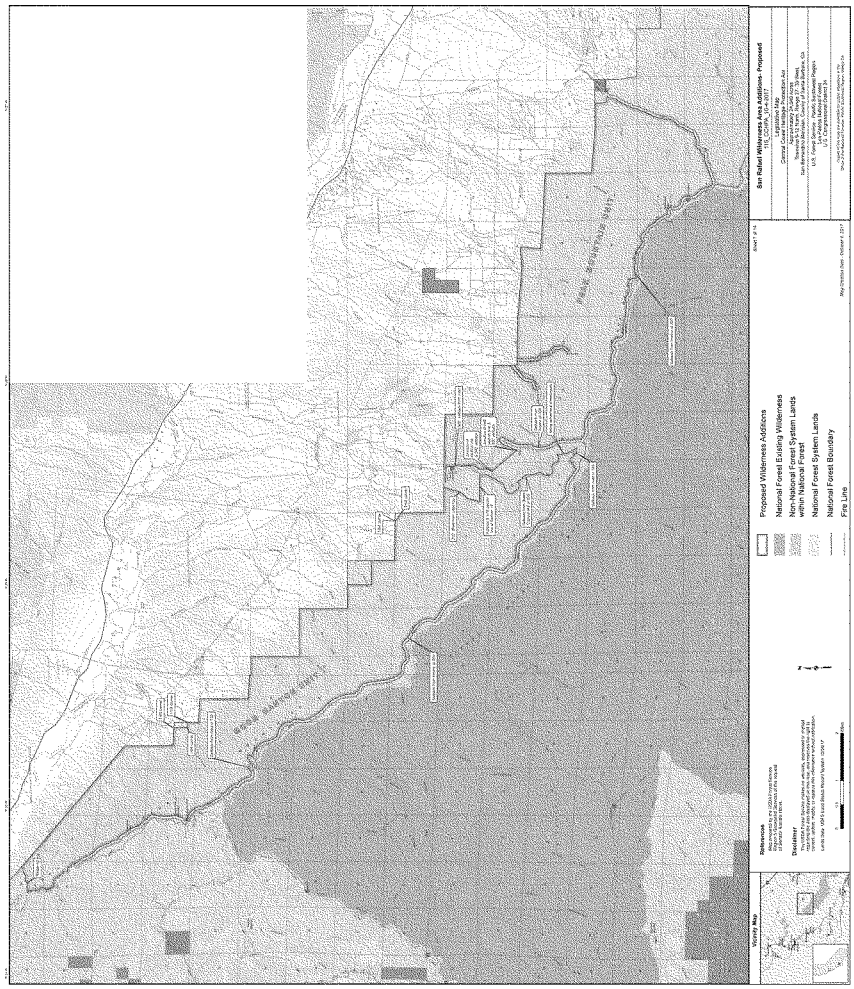
Legislative Map
Central Coast Heritage Protection Act

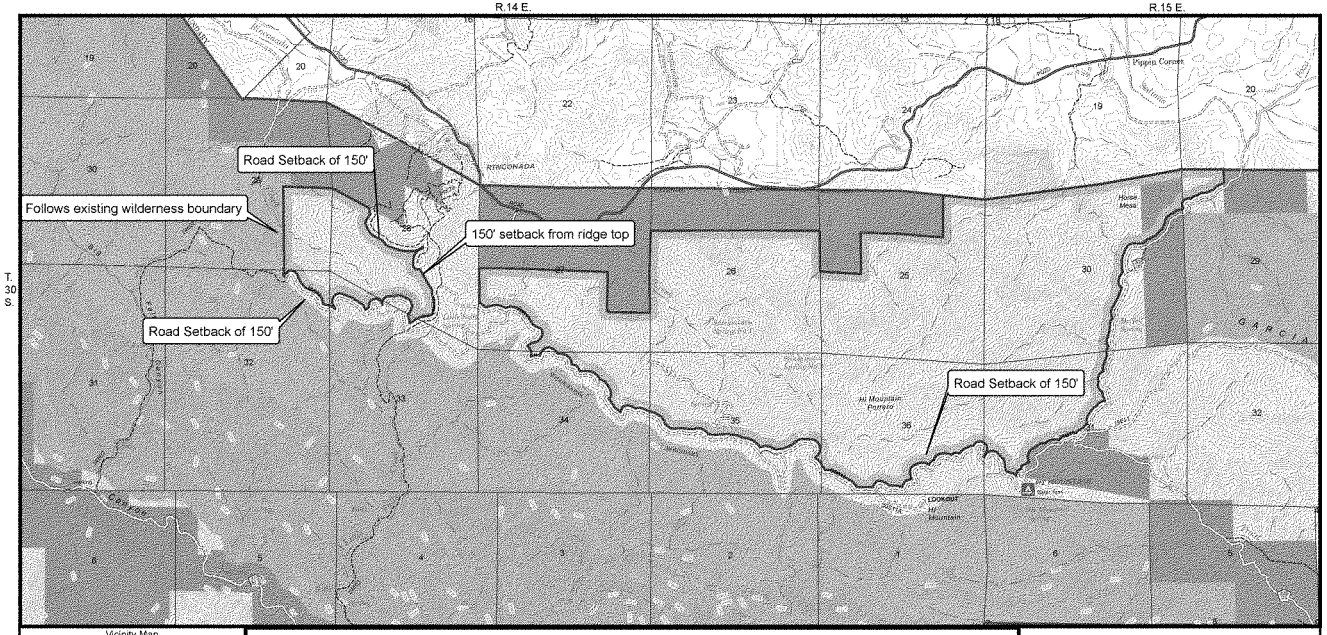
Approximately 8,671 Acres
Township 30-31 South, Range 15-17 East,
Mount Diablo Meridian, County of San Luis Obispo, CA

U.S. Forest Service -Pacific Southwest Region
Los Padres National Forest
U.S. Congressional District 24

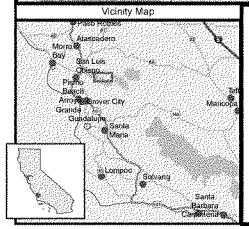
Copies of this map are available for public inspection in the Office of the Regional Forester, Pacific Southwest Region, Vallejo, CA.


Matilija Wilderness Area Additions - Proposed
Legislative Map
Central Coast Heritage Protection Act
USDA Forest Service - Pacific Southwest Region
Los Padres National Forest
Proposed Wilderness Additions
Existing National Forest Wilderness
National Forest System Lands
National Forest Boundary


San Rafael Wilderness Area Additions- Proposed
Proposed Wilderness Additions
National Forest Existing Wilderness
Non-National Forest System Lands within National Forest
National Forest System Lands
National Forest Boundary
Fire Line
Reference
Disclaimer
Vicinity Map



Vicinity Map



References

Map prepared by the USDA Forest Service, Region 5 Geospatial Services at the request of Senator Kamala Harris.

Disclaimer

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Lands Data: USFS Land Status Record System 10/04/17

0 0.25 0.5 1 Miles

N

Sheet 8 of 14

- Proposed Wilderness Additions
- Existing National Forest Wilderness
- Non - National Forest System Lands within National Forest
- National Forest System Lands
- National Forest Boundary

Map Creation Date - October 4, 2017

Santa Lucia Wilderness Area Additions- Proposed

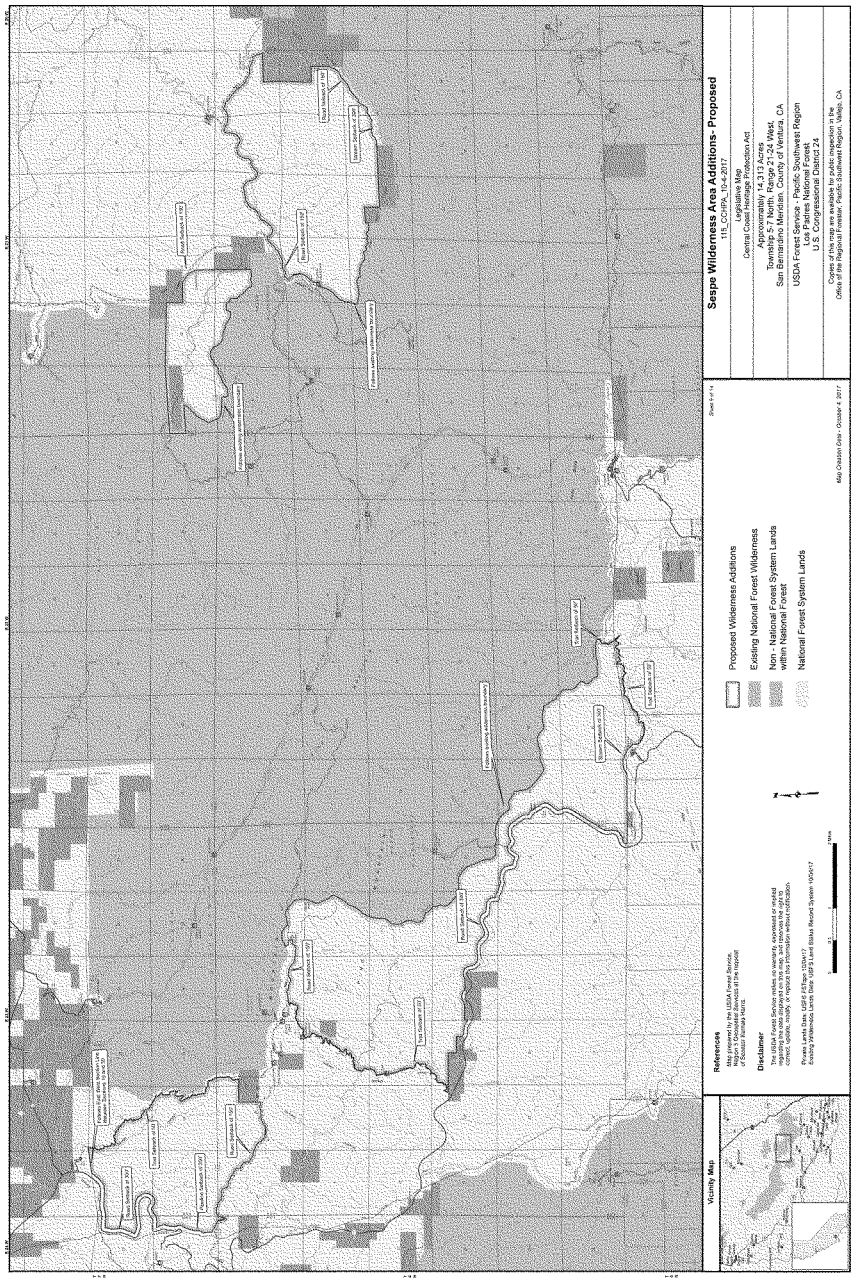
115_CCHPA_10-4-2017

Legislative Map
Central Coast Heritage Protection Act

Approximately 3,115 Acres
Township 30 South, Range 14-15 East
Mount Diablo Meridian, County of San Luis Obispo, CA

U.S. Forest Service -Pacific Southwest Region
Los Padres National Forest
U.S. Congressional District 24

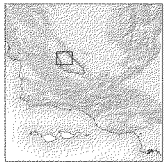
Copies of this map are available for public inspection in the Office of the Regional Forester,Pacific Southwest Region, Vallejo, CA

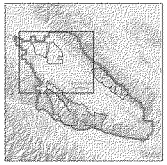

Sespe Wilderness Area Additions- Proposed
118_CCHPA_10-4-2017
Legislative Map
Central Coast Heritage Protection Act
Approximately 14,313 Acres
Township 5-7 North, Range 21-24 West,
San Bernardino Meridian, County of Ventura, CA
USDA Forest Service - Pacific Southwest Region
Los Padres National Forest
U.S. Congressional District 24
Copies of this map are available for public inspection in the
Office of the Regional Forester, Pacific Southwest Region, Vallejo, CA
Proposed Wilderness Additions
Existing National Forest Wilderness
Non - National Forest System Lands
within National Forest
National Forest System Lands
Map Creation Date - October 4, 2017
References
Disclaimer
Vicinity Map

Proposed Soda Lake Wilderness

May 31, 2017

This map prepared at the request of Senator Kamala Harris





Proposed Wilderness

National Monument Boundary

BLM Wilderness Study Areas

Land Status

Bureau of Land Management

State

Private/Unclassified

N

0 .5 1 1

Miles

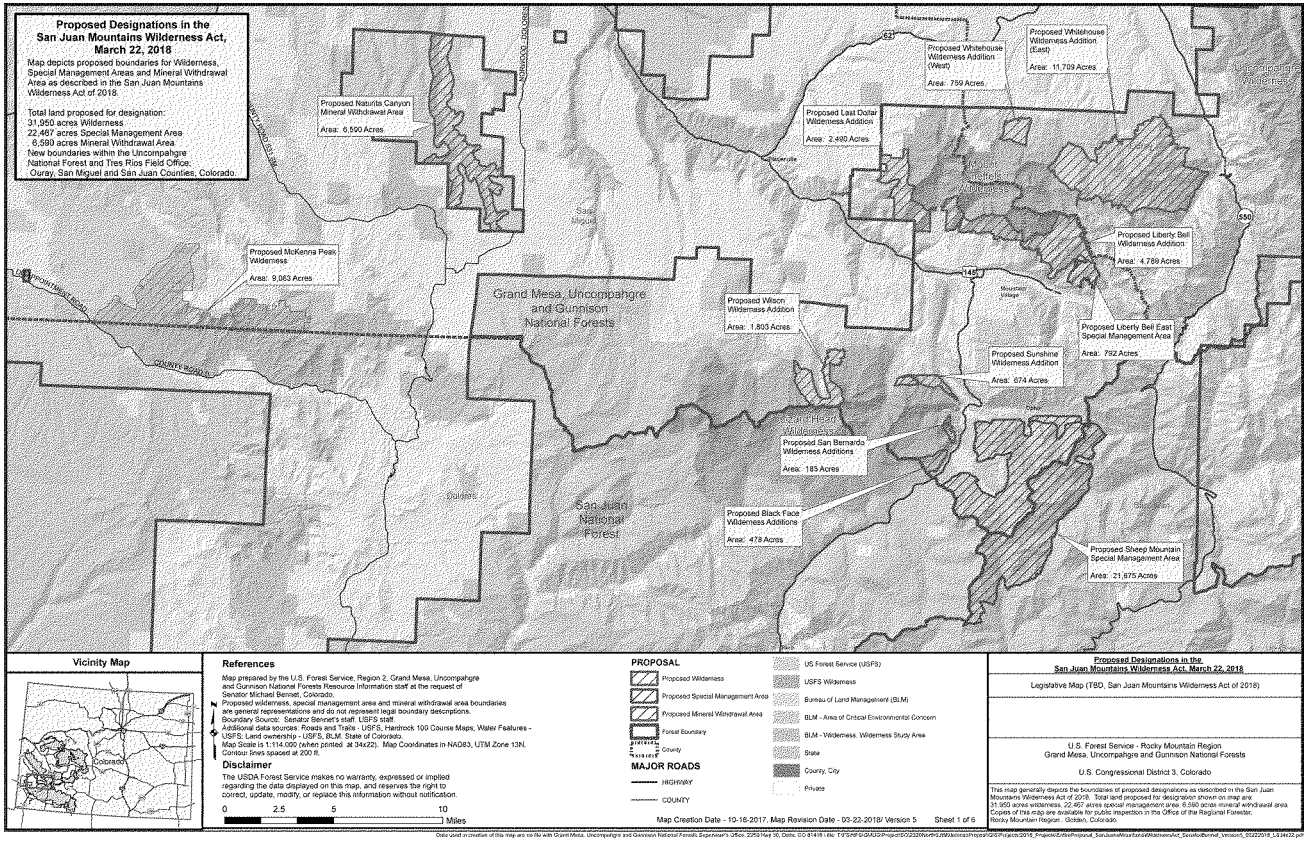
Kilometers

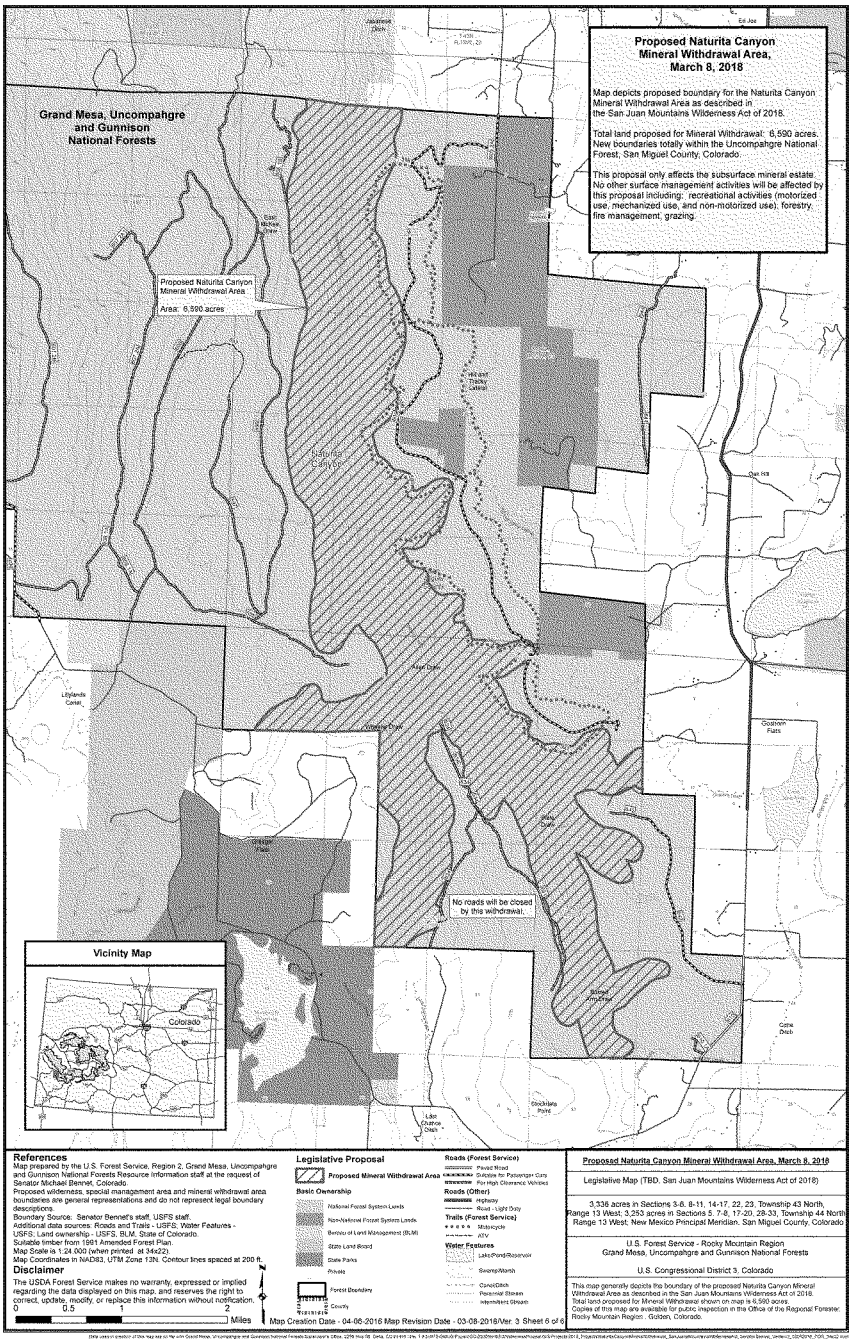
0 .5 1 2

1:30,000

Map intended to be plotted at a sheet size of 34" x 44"

No warranty is made by the Bureau of Land Management (BLM). The accuracy, reliability, or completeness of these data for individual use or aggregate use with other data is not guaranteed.


Proposed Designations in the
San Juan Mountains Wilderness Act,
March 22, 2018
Map depicts proposed boundaries for Wilderness, Special Management Areas and Mineral Withdrawal Area as described in the San Juan Mountains Wilderness Act of 2018.
Total land proposed for designation:
31,950 acres Wilderness
22,467 acres Special Management Area
6,590 acres Mineral Withdrawal Area
New boundaries within the Uncompahgre National Forest and Tres Rios Field Office; Ouray, San Miguel and San Juan Counties, Colorado.
Proposed Naturita Canyon Mineral Withdrawal Area
Area: 6,590 Acres
Proposed McKenna Peak Wilderness
Area: 9,863 Acres
Proposed Wilson Wilderness Addition
Area: 1,803 Acres
Proposed Black Face Wilderness Additions
Area: 478 Acres
Proposed San Bernardo Wilderness Additions
Area: 185 Acres
Proposed Sunshine Wilderness Addition
Area: 674 Acres
Proposed Liberty Bell East Special Management Area
Area: 792 Acres
Proposed Liberty Bell Wilderness Addition
Area: 4,789 Acres
Proposed Last Dollar Wilderness Addition
Area: 2,490 Acres
Proposed Whitehouse Wilderness Addition (West)
Area: 759 Acres
Proposed Whitehouse Wilderness Addition (East)
Area: 11,709 Acres
Proposed Sheep Mountain Special Management Area
Area: 21,675 Acres
Grand Mesa, Uncompahgre and Gunnison National Forests
San Juan National Forest
Uncompahgre Wilderness
Mount Sneffels Wilderness
Lizard Head Wilderness
Mountain Village
Telluride
Ophir
Ouray
Silverton
Durango
Cortez
Dolores
San Miguel
Colorado
Utah
COUNTY ROAD 10
COUNTY ROAD 9
COUNTY ROAD 8
COUNTY ROAD 7
COUNTY ROAD 6
COUNTY ROAD 5
COUNTY ROAD 4
COUNTY ROAD 3
COUNTY ROAD 2
COUNTY ROAD 1
145
550
Vicinity Map
Colorado
References
Map prepared by the U.S. Forest Service, Region 2, Grand Mesa, Uncompahgre and Gunnison National Forests Resource Information staff at the request of Senator Michael Bennet, Colorado.
Proposed wilderness, special management area and mineral withdrawal area boundaries are general representations and do not represent legal boundary descriptions.
Boundary Source: Senator Bennet's staff, USFS staff.
Additional data sources: Roads and Trails - USFS, Hardrock 100 Course Maps, Water Features - USFS; Land ownership - USFS, BLM, State of Colorado.
Map Scale is 1:114,000 (when printed at 34x22). Map Coordinates in NAD83, UTM Zone 13N.
Contour lines spaced at 200 ft.
Disclaimer
The USDA Forest Service makes no warranty, expressed or implied regarding the data displayed on this map, and reserves the right to correct, update, modify, or replace this information without notification.
0 2.5 5 10
Miles
PROPOSAL
Proposed Wilderness
Proposed Special Management Area
Proposed Mineral Withdrawal Area
Forest Boundary
County
MAJOR ROADS
HIGHWAY
COUNTY
US Forest Service (USFS)
USFS Wilderness
Bureau of Land Management (BLM)
BLM - Area of Critical Environmental Concern
BLM - Wilderness, Wilderness Study Area
State
County, City
Private
Map Creation Date - 10-16-2017, Map Revision Date - 03-22-2018/ Version 5
Sheet 1 of 6
Proposed Designations in the
San Juan Mountains Wilderness Act, March 22, 2018
Legislative Map (TBD, San Juan Mountains Wilderness Act of 2018)
U.S. Forest Service - Rocky Mountain Region
Grand Mesa, Uncompahgre and Gunnison National Forests
U.S. Congressional District 3, Colorado
This map generally depicts the boundaries of proposed designations as described in the San Juan Mountains Wilderness Act of 2018. Total land proposed for designation shown on map are: 31,950 acres wilderness, 22,467 acres special management area, 6,590 acres mineral withdrawal area. Copies of this map are available for public inspection in the Office of the Regional Forester, Rocky Mountain Region, Golden, Colorado.
Data used in creation of this map are on file with Grand Mesa, Uncompahgre and Gunnison National Forests Supervisor's Office, 2250 Hwy 50, Delta, CO 81416 / File: T:\FS\FS\GIS\ACGIS\Projects\DC2020\North\LWM\MapsJ\Projects\2018_Projects\EntireProposal_SanJuanMountainsWilderness\Act_SeveralBurned_Version5_03222018_L34x22.pdf
Map Notes


Proposed Naturita Canyon
Mineral Withdrawal Area,
March 8, 2018
Map depicts proposed boundary for the Naturita Canyon Mineral Withdrawal Area as described in the San Juan Mountains Wilderness Act of 2018.
Total land proposed for Mineral Withdrawal: 6,590 acres. New boundaries totally within the Uncompahgre National Forest, San Miguel County, Colorado.
This proposal only affects the subsurface mineral estate. No other surface management activities will be affected by this proposal including: recreational activities (motorized use, mechanized use, and non-motorized use), forestry, fire management, grazing.
Grand Mesa, Uncompahgre and Gunnison National Forests
Proposed Naturita Canyon Mineral Withdrawal Area
Area: 6,590 acres
No roads will be closed by this withdrawal.
Vicinity Map
Colorado
References
Map prepared by the U.S. Forest Service, Region 2, Grand Mesa, Uncompahgre and Gunnison National Forests Resource Information staff at the request of Senator Michael Bennet, Colorado.
Proposed wilderness, special management area and mineral withdrawal area boundaries are general representations and do not represent legal boundary descriptions.
Boundary Source: Senator Bennet's staff, USFS staff.
Additional data sources: Roads and Trails - USFS; Water Features - USFS; Land ownership - USFS, BLM, State of Colorado.
Suitable timber from 1991 Amended Forest Plan.
Map Scale is 1:24,000 (when printed at 34x22).
Map Coordinates in NAD83, UTM Zone 13N. Contour lines spaced at 200 ft.
Disclaimer
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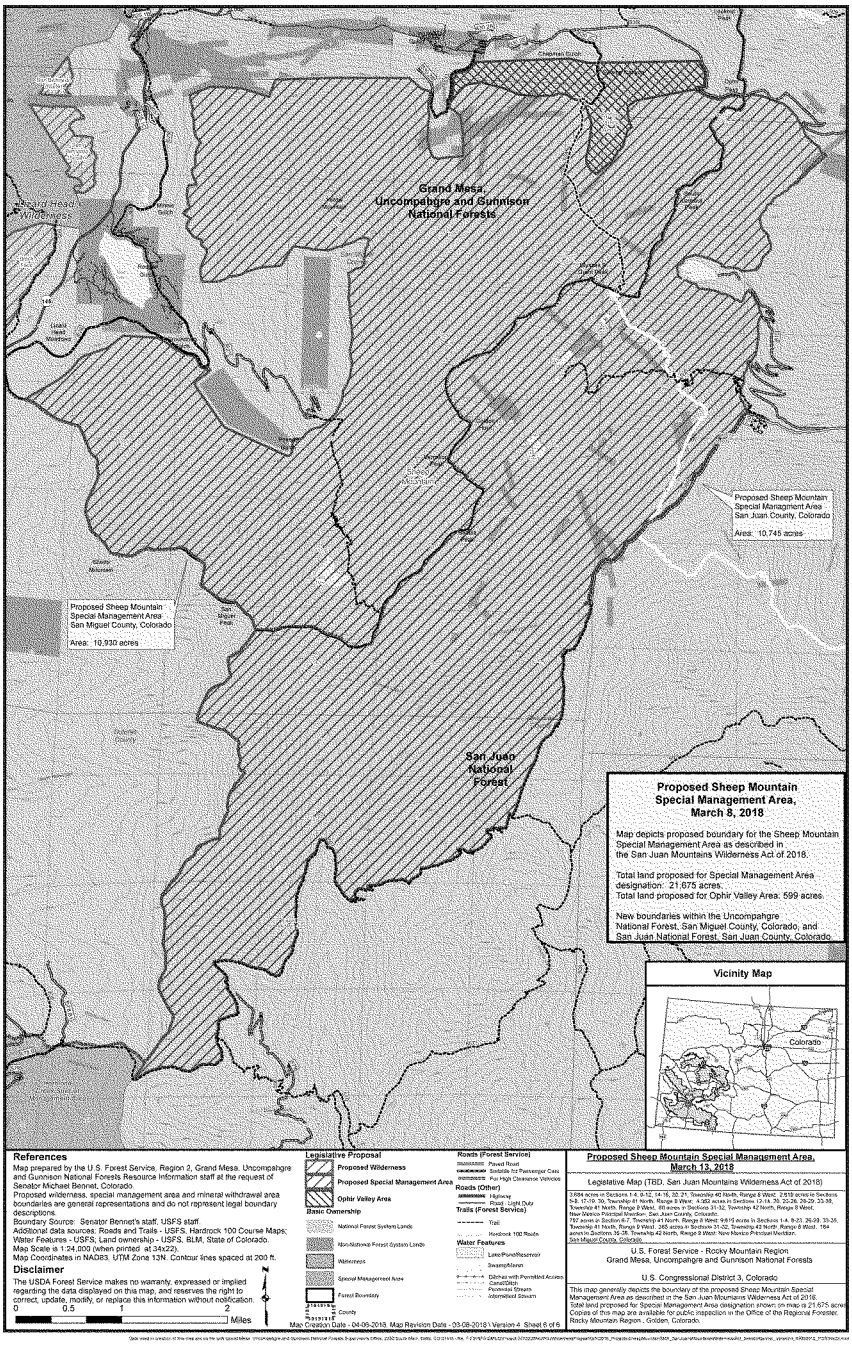
0 0.5 1 2 Miles
Legislative Proposal
Proposed Mineral Withdrawal Area
Basic Ownership
National Forest System Lands
Non-National Forest System Lands
Bureau of Land Management (BLM)
State Land Board
State Parks
Private
Forest Boundary
County
Roads (Forest Service)
Paved Road
Suitable for Passenger Cars
For High Clearance Vehicles
Roads (Other)
Highway
Road - Light Duty
Trails (Forest Service)
Motorcycle
ATV
Water Features
Lake/Pond/Reservoir
Swamp/Marsh
Canal/Ditch
Perennial Stream
Intermittent Stream
Map Creation Date - 04-06-2016 Map Revision Date - 03-08-2018/Ver. 3 Sheet 6 of 6
Proposed Naturita Canyon Mineral Withdrawal Area, March 8, 2018
Legislative Map (TBD, San Juan Mountains Wilderness Act of 2018)
3,336 acres in Sections 3-6, 8-11, 14-17, 22, 23, Township 43 North, Range 13 West; 3,253 acres in Sections 5, 7-9, 17-20, 28-33, Township 44 North Range 13 West, New Mexico Principal Meridian, San Miguel County, Colorado
U.S. Forest Service - Rocky Mountain Region
Grand Mesa, Uncompahgre and Gunnison National Forests
U.S. Congressional District 3, Colorado
This map generally depicts the boundary of the proposed Naturita Canyon Mineral Withdrawal Area as described in the San Juan Mountains Wilderness Act of 2018.
Total land proposed for Mineral Withdrawal shown on map is 6,590 acres.
Copies of this map are available for public inspection in the Office of the Regional Forester, Rocky Mountain Region, Golden, Colorado.


Grand Mesa, Uncompahgre and Gunnison National Forests
Proposed Sheep Mountain Special Management Area San Juan County, Colorado
Area: 10,745 acres
Proposed Sheep Mountain Special Management Area San Miguel County, Colorado
Area: 10,930 acres
San Juan National Forest
Proposed Sheep Mountain Special Management Area, March 8, 2018
Map depicts proposed boundary for the Sheep Mountain Special Management Area as described in the San Juan Mountains Wilderness Act of 2018.
Total land proposed for Special Management Area designation: 21,675 acres.
Total land proposed for Ophir Valley Area: 599 acres.
New boundaries within the Uncompahgre National Forest, San Miguel County, Colorado, and San Juan National Forest, San Juan County, Colorado.
Vicinity Map
Colorado
References
Map prepared by the U.S. Forest Service, Region 2, Grand Mesa, Uncompahgre and Gunnison National Forests Resource Information staff at the request of Senator Michael Bennet, Colorado.
Proposed wilderness, special management area and mineral withdrawal area boundaries are general representations and do not represent legal boundary descriptions.
Boundary Source: Senator Bennet's staff, USFS staff
Additional data sources: Roads and Trails - USFS, Hardrock 100 Course Maps; Water Features - USFS, Land ownership - USFS, BLM, State of Colorado.
Map Scale is 1:24,000 (when printed at 34x22).
Map Coordinates in NAD83, UTM Zone 13N. Contour lines spaced at 200 ft.
Disclaimer
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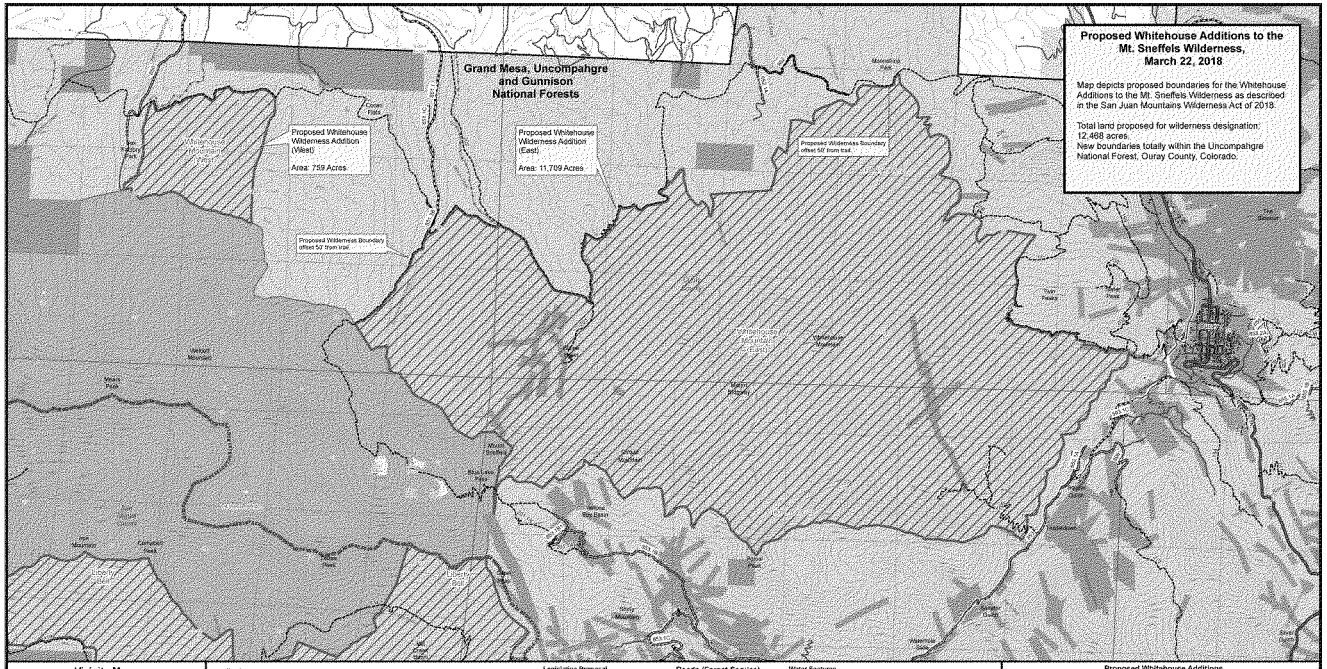
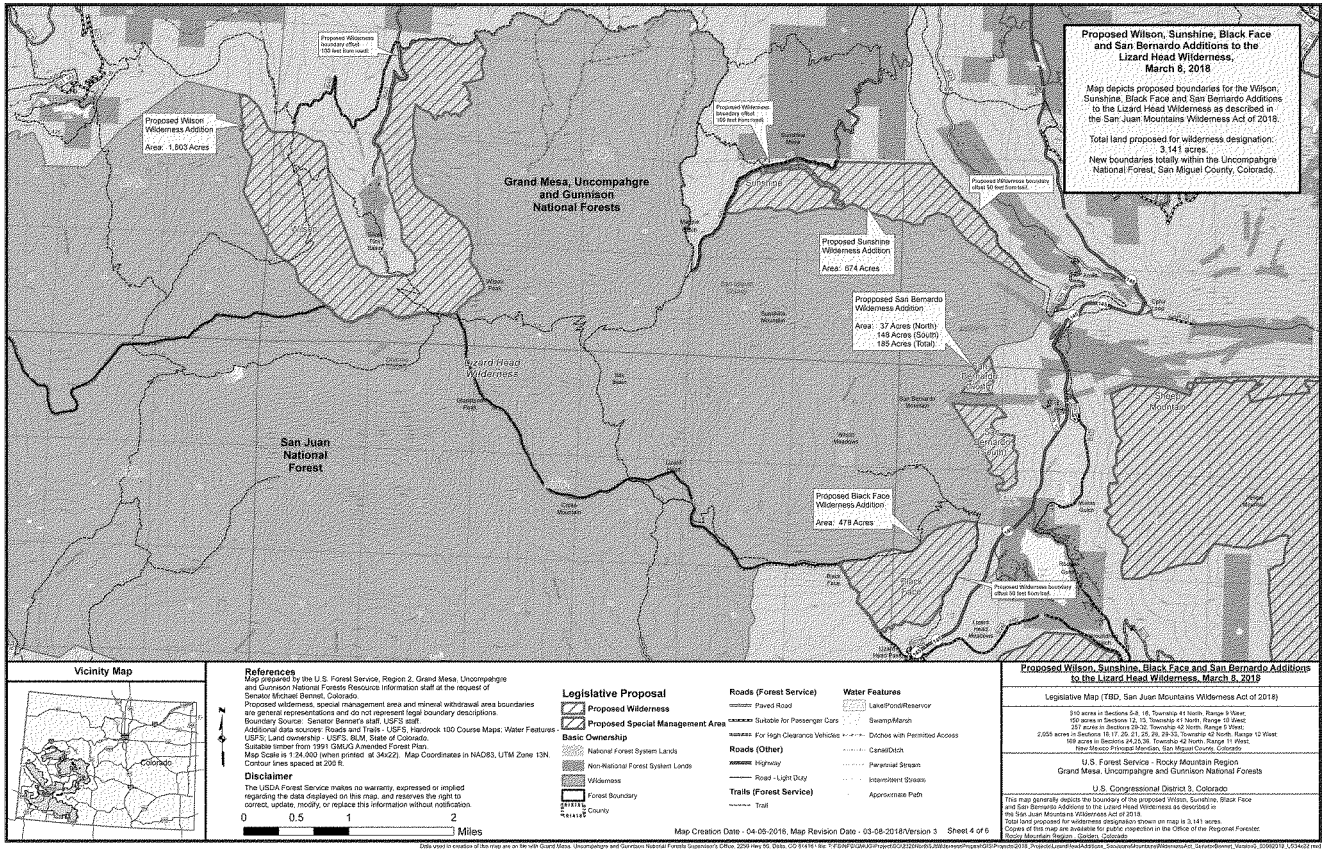
0 0.5 1 2 Miles
Legislative Proposal
Proposed Wilderness
Proposed Special Management Area
Ophir Valley Area
Basic Ownership
National Forest System Lands
Non-National Forest System Lands
Wilderness
Special Management Area
Forest Boundary
County
Roads (Forest Service)
Paved Road
Suitable for Passenger Cars
Not High Clearance Vehicles
Roads (Other)
Highway
Road - Light Duty
Trails (Forest Service)
Trail
Hardrock 100 Route
Water Features
Lake/Pond/Reservoir
Swamp/Marsh
Ditches with Permitted Acreage
Canal/Ditch
Perennial Stream
Intermittent Stream
Map Creation Date - 04-05-2018, Map Revision Date - 03-08-2018 \ Version 4 Sheet 6 of 6
Proposed Sheep Mountain Special Management Area, March 13, 2018
Legislative Map (TBD, San Juan Mountains Wilderness Act of 2018)
U.S. Forest Service - Rocky Mountain Region
Grand Mesa, Uncompahgre and Gunnison National Forests
U.S. Congressional District 3, Colorado
This map generally depicts the boundary of the proposed Sheep Mountain Special Management Area as described in the San Juan Mountains Wilderness Act of 2018.
Total land proposed for Special Management Area designation shown on map is 21,675 acres.
Copies of this map are available for public inspection in the Office of the Regional Forester, Rocky Mountain Region, Golden, Colorado.



Data used in creation of this map are on file with Grand Mesa, Uncompahgre and Gunnison National Forests Supervisor's Office, 2250 South Main St., Delta, CO 81416 | file: T:\FS\NFS\GMUG\Projects\GIS\2120\North%20Wilderness\Projects\GIS\Projects\2016_Projects\WhitehouseAdditions_SurveySheet\Delta_SanJuanMtnsNorthWilderness\ch1_SenatorBennet_Version7_03222016_L34x22.mxd



Vicinity Map

References

Map prepared by the U.S. Forest Service, Region 2, Grand Mesa, Uncompahgre and Gunnison National Forests Resource information staff at the request of Senator Michael Bennet, Colorado.
Proposed wilderness, special management area and mineral withdrawal area boundaries are general representations and do not represent legal boundary descriptions.
Boundary Source: Senator Bennet's staff, USFS staff.
Additional data sources: Roads and Trails - USFS, Hardrock 100 Course Maps. Water Features, USFS; Land ownership - USFS, BLM, State of Colorado.
Suitable timber from 1991 GMUG Amended Forest Plan.
Map Scale is 1:24,000 (when printed at 34x22). Map Coordinates in NAD83, UTM Zone 13N.
Contour lines spaced at 200 ft.

Disclaimer

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0 0.5 1 2 Miles

Legislative Proposal

- Proposed Wilderness
- Proposed Special Management Area

Basic Ownership

- National Forest System Lands
- Non-National Forest System Lands
- Wilderness
- Forest Boundary
- County

Roads (Forest Service)

- Paved Road
- Suitable for Passenger Cars
- For High Clearance Vehicles

Roads (Other)

- Highway
- Road - Light Duty

Trails (Forest Service)

- Trail

Water Features

- Lake/Pond/Reservoir
- Swamp/Marsh
- Ditches with Permitted Access
- Canal/Ditch
- Perennial Stream
- Intermittent Stream
- Approximate Path

Map Creation Date - 04-06-2016, Map Revision Date - 03-08-2018/Version 3 Sheet 4 of 6

Proposed Wilson, Sunshine, Black Face and San Bernardo Additions to the Lizard Head Wilderness, March 8, 2018

Legislative Map (TBD, San Juan Mountains Wilderness Act of 2018)

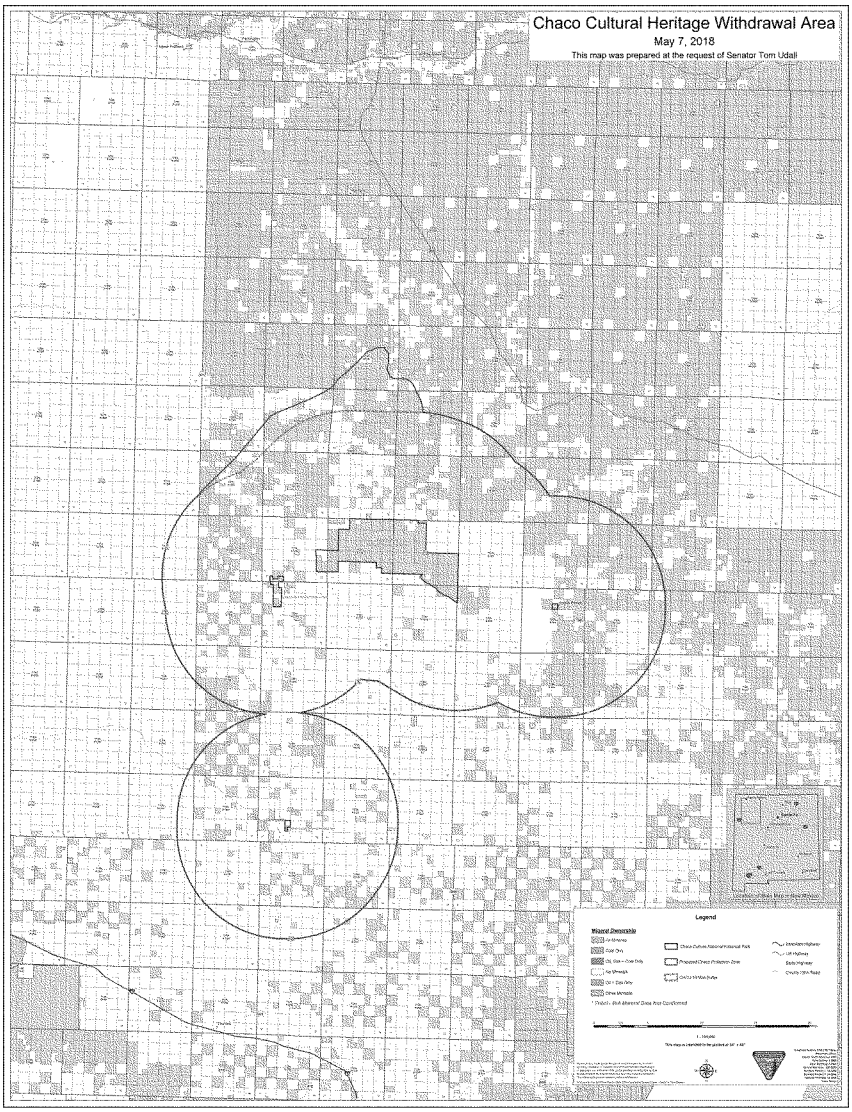
310 acres in Sections 5-8, 16, Township 41 North, Range 9 West.
150 acres in Sections 12, 13, Township 41 North, Range 10 West.
257 acres in Sections 29-32, Township 42 North, Range 9 West.
2,055 acres in Sections 16, 17, 20, 21, 25, 26, 29-33, Township 42 North, Range 12 West.
169 acres in Sections 24,25,36, Township 42 North, Range 11 West.
New Mexico Principal Meridian, San Miguel County, Colorado

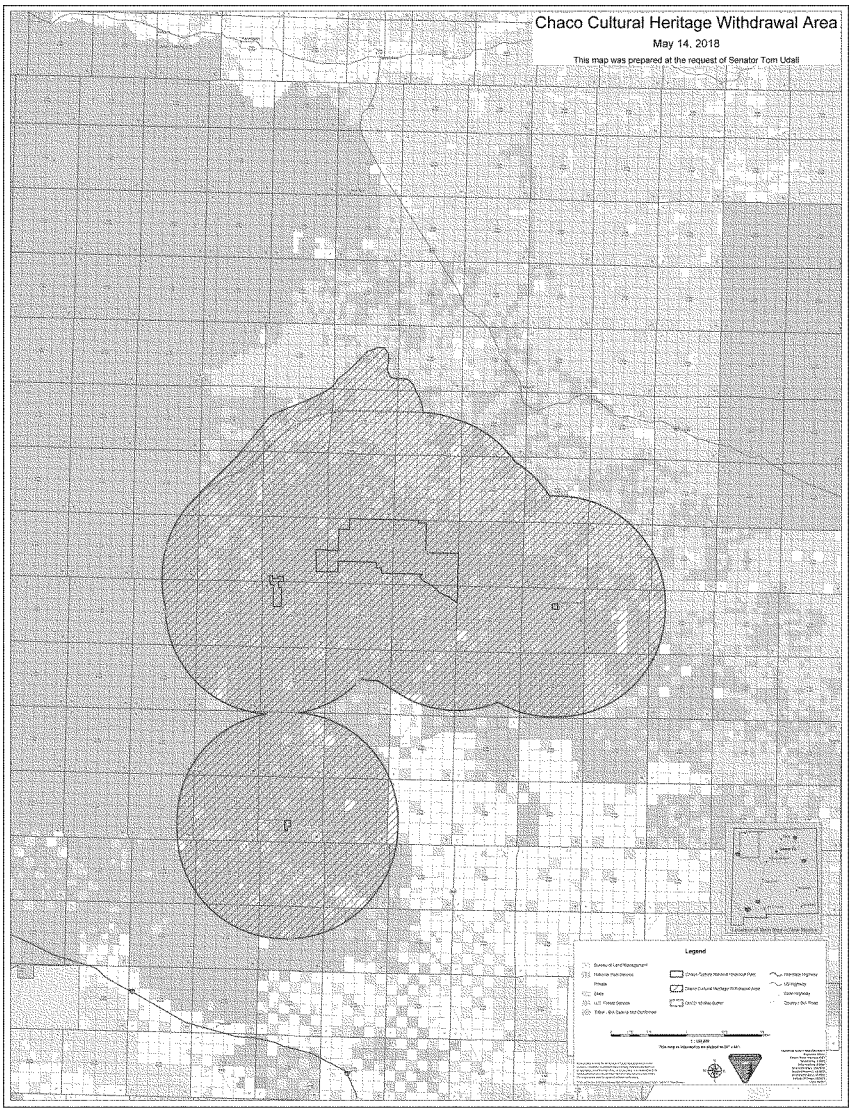
U.S. Forest Service - Rocky Mountain Region
Grand Mesa, Uncompahgre and Gunnison National Forests

U.S. Congressional District 3, Colorado

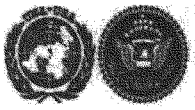
This map generally depicts the boundary of the proposed Wilson, Sunshine, Black Face and San Bernardo Additions to the Lizard Head Wilderness as described in the San Juan Mountains Wilderness Act of 2018.
Total land proposed for wilderness designation shown on map is 3,141 acres.
Copies of this map are available for public inspection in the Office of the Regional Forester, Rocky Mountain Region, Golden, Colorado.

Data used in creation of this map are on file with Grand Mesa, Uncompahgre and Gunnison National Forests Supervisor's Office, 2250 Hwy 50, Delta, CO 81416 / file: F:\FS\NFS\GMUG\SIProject\SOU\2320\Nordb\SJMWilderness\Proposal\GIS\Projects\2018_ProposedLizardHeadAddition_SanJuanMountainsWilderness\Act_SenatorBennet_Version3_20062019_L634x22.mxd


Chaco Cultural Heritage Withdrawal Area
May 7, 2018
This map was prepared at the request of Senator Tom Udall
Legend
Mineral Ownership
Chaco Culture National Historical Park
Proposed Chaco Protection Zone
Interstate Highway
US Highway
State Highway
County Other Road


Chaco Cultural Heritage Withdrawal Area
May 14, 2018
This map was prepared at the request of Senator Tom Udall
Legend

ALBUQUERQUE CHAPTER



UNITED NATIONS ASSOCIATION
of the United States of America
A PROGRAM OF THE UNITED NATIONS FOUNDATION

August 21, 2018

U.S. Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

SUBJECT: Support for the Chaco Historical Cultural Area Protection Act of 2018

Honorable Committee,

My name is Rosemary Ann Blanchard. I am the Chair of the Albuquerque Chapter of the United Nations Association, a local chapter of UNA USA which works within our local communities on issues addressed by key United Nations principles and agreements. Given the importance to our region of the diverse Indigenous Peoples and nations located in New Mexico and the Southwestern United States, we are particularly sensitive to the importance of protecting the land base where our indigenous neighbors make their homes. Our chapter is committed to assuring that the principles and practices outlined in the UN Declaration on the Rights of Indigenous Peoples guide federal state and local policy as well as the actions of individuals and corporate entities whose businesses and activities impact upon the lives and lands of indigenous communities.

The United Nations Association Albuquerque Chapter expresses our support for the Chaco Historical Cultural Area Protection Act of 2018, sponsored by New Mexico Senators Tom Udall and Martin Heinrich. Chaco Canyon is a site and region sacred to the Indigenous Peoples of New Mexico and the Southwest. It is a world cultural treasure. Its history is reflected in the histories of indigenous peoples beyond our borders as well. Chaco Canyon is also a UNESCO World Heritage Site. It is unthinkable to jeopardize the integrity of this cultural resource, archeological site and place of spiritual interconnectedness for temporary monetary gain and quickly passing energy exploitation.

We urge you to give a Do Pass recommendation to the Chaco Historical Cultural Area Protection Act of 2018 and to assure that this important cultural area is protected for our children and our grandchildren and for the coming generations of Indigenous Americans.

With regard,

Rosemary Ann Blanchard, Chair
Albuquerque Chapter of United Nations Association USA
1727 Los Jardines Pl., NW
Albuquerque, NM 887104
una.in.abq@gmail.com
505-280-1245

ALL PUEBLO
COUNCIL OF
GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor Val Panteah, Sr., Vice Chair
Governor J. Michael Chavarria, Secretary

Written Testimony of Chairman E. Paul Torres
All Pueblo Council of Governors
Before the
Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining

Legislative Hearing on S.2907, the Chaco Cultural Heritage Area Protection Act

August 22, 2018

The All Pueblo Council of Governors ("APCG") is comprised of the 20 Pueblo Governors of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambé, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Ysleta Del Sur, Zia, and Zuni. Each has the sovereign authority to govern their affairs as federally recognized Indian tribes. On behalf of APCG, please accept this written testimony for the legislative hearing on the Chaco Cultural Heritage Area Protection Act of 2018, S. 2907, and other bills held by the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining on Wednesday, August 22, 2018. The All Pueblo Council of Governors strongly supports the passage of S. 2907. It is an important step in the protection of a treasured landscape containing important cultural resources for all Pueblos.

Chaco Canyon and the Greater Chaco Region is an important cultural landscape containing irreplaceable and sensitive cultural resources of APCG's 20 member Pueblos. These cultural resources, consisting of both archaeological and natural resources, are important for the 20 Pueblos' identity, history, and ongoing cultural practices. As the direct descendants of our Ancestral Puebloan people that inhabited Chaco Canyon, the 20 Pueblos each maintain their own shared, yet unique, understanding of their connection to Chaco Canyon. Emanating from Chaco Canyon is a vast assemblage of archaeological and natural features that interact to form the respective cultural landscapes from which each Pueblo draws value and strength.

Although Chaco Canyon is protected by the boundaries of the Chaco Culture National Historic Park, the surrounding cultural landscape associated with Chaco Canyon has been inundated by oil and gas development. APCG, as well as individual Pueblos, have repeatedly voiced concerns about the extent of oil and gas development in the Greater Chaco Region that has overwhelmed and damaged important archeological and cultural resources.[1] APCG, as well

[1] *See, e.g.* All Pueblo Council of Governors Resolution 2014-04 ("SUPPORT FOR THE PROTECTION OF CHACO CANYON AND ALL TRADITIONAL CULTURAL PROPERTIES AND SACRED SITES AFFILIATED WITH CHACO CANYON"); All Pueblo Council of Governors Resolution 2015-17 ("COMPANION RESOLUTION FOR THE PROTECTION OF CHACO CANYON AND ALL TRADITIONAL CULTURAL PROPERTIES AND SACRED SITES AFFILIATED WITH CHACO CANYON"); All Pueblo Council of Governors Resolution 2016-17 ("SUPPORT FOR THE PROTECTION AND PRESERVATION OF CHACO CANYON NATIONAL HISTORIC PARK FROM ENERGY DEVELOPMENT"); All Pueblo Council of Governors Resolution 2017-11 ("AUTHORIZATION FOR THE ALL PUEBLO COUNCIL OF GOVERNORS TO BE A COOPERATIVE AGENCY WITH THE BUREAU OF LAND MANAGEMENT FARMINGTON FIELD OFFICE AND THE BUREAU OF INDIAN AFFAIRS NAVAJO REGION"); All Pueblo Council of Governors

ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor Val Panteah, Sr., Vice Chair
Governor J. Michael Chavarria, Secretary

as individual Pueblos, have also raised concerns in specific Bureau of Land Management ("BLM") undertakings, including the BLM Farmington Field Office's March and December 2018 oil and gas lease sales, and the BLM Rio Puerco Field Office's December 2018 oil and gas lease sale.[2] APCG's primary concern has been the protection of sensitive archaeological and cultural resources that may qualify as historic properties eligible for the National Register of Historic Places. Although many historic properties are known, there are vast numbers of Pueblo traditional cultural properties that have yet to be recorded.

In spite of the concerns of APCG and individual Pueblos, the BLM continues to insist on exhausting a region already blanketed by oil and gas development. With 91% of available lands for oil and gas development already leased, there is little room for "multiple use" required by the Federal Land Policy and Management Act[3], nor is there space for the "preservation" or "stewardship" of historic properties under the National Historic Preservation Act[4]. The BLM has frustrated the policies of these two legal cornerstones of the United States' long commitment towards balancing the preservation of our most valuable and fragile natural and historic resources with mineral development and other extractive uses of the Nation's public lands.

As a result, it is imperative to pass the Chaco Cultural Heritage Area Protection Act of 2018, S.2097. The lands to be withdrawn from entry for mineral development are only a small fraction of the remaining area currently developed or potentially available for development. What stands to be lost and irreversibly damaged is an area globally recognized for its archaeological importance, and at the heart of many of the Pueblos. As stewards of our public lands, and the resources contained therein, the All Pueblo Council of Governors calls upon Congress to withdraw from leasing the few remaining lands closest to Chaco Culture National Historic Park. We as the All Pueblo Council of Governors, representing the 20 Pueblos of New Mexico and Texas tied to this sacred landscape, fully support the passage of the Chaco Cultural Heritage Area Protection Act, S.2907.

Resolution 2017-12 ("CALLING FOR A MORATORIUM ON ALL PERMITTING AND LEASING FOR OIL AND GAS DEVELOPMENT IN AREAS THAT WOULD IMPACT TRADITIONAL CULTURAL PROPERTIES AND SACRED SITES IN GREATER CHACO REGION"); All Pueblo Council of Governors Resolution 2018-10 ("RESOLUTION SUPPORTING LEGISLATION WITHDRAWING CERTAIN FEDERAL LAND IN THE STATE OF NEW MEXICO SURROUNDING CHACO CULTURE NATIONAL HISTORIC PARK FROM ALL FORMS OF MINERAL AND GEOTHERMAL LEASING").

[2] *See* "All Pueblo Council of Governors' Protest of March 8, 2018 Oil and Gas Lease Sale" (Jan. 4, 2018) (available at: https://eplanning.blm.gov/epl-front-office/projects/nepa/90068/130610/159252/All_Pueblo_Council_of_Governors.pdf); "Scoping Comments, Farmington Field Office Proposed Oil & Gas Leases – New Mexico's BLM's December Oil & Gas Lease Sale" (July 20, 2018) (on file with the Bureau of Land Management Farmington Field Office and APCG); "Scoping Comments, Rio Puerco Field Office Proposed Oil & Gas Leases – December 2018 Oil & Gas Lease Sale" (July 20, 2018) (on file with the Bureau of Land Management Rio Puerco Field Office and APCG).

[3] 43 U.S.C. § 1701 (7).

[4] 54 U.S.C. § 300101

Alliance for Justice * American Association for Justice * American Bird Conservancy
Center for Biological Diversity * Center for Justice & Democracy * Defenders of Wildlife
Earthjustice * Environmental Protection Information Center * Impact Fund
Klamath Forest Alliance * National Association of Consumer Advocates
National Employment Law Project * National Parks Conservation Association
Northern Plains Resource Council * Public Citizen * Public Justice * Sierra Club
Waterkeeper Alliance * Western Environmental Law Center
The Wilderness Society * Wilderness Workshop

August 21, 2018

The Honorable Lisa Murkowski, Chairwoman
Energy & Natural Resources Committee
United States Senate
Washington, DC 20510

The Honorable Maria Cantwell, Ranking Member
Energy & Natural Resources Committee
United States Senate
Washington, DC 20510

RE: Protect Access to Justice and Access to Our Courts and Oppose S. 2160 -- the so-called "Protect Collaboration for Healthier Forests Act"

Dear Chairwoman Murkowski and Ranking Member Cantwell:

The undersigned groups write today to express our strong opposition to Senator Steve Daines' bill, S. 2160, the poorly named "Protect Collaboration for Healthier Forests Act." This bill would do nothing to promote "collaboration" or "healthier forests," and would likely promote potentially harmful and destructive logging projects in Region 1 of the Forest Service for the benefit of a singular special interest. Region 1 is an enormous area encompassing 25 million acres spread across 5 states from Washington to South Dakota. Importantly, the bill would trample on access to justice principles by stifling citizens' ability to seek redress through our courts, and would create an unprecedented power grab by the executive branch by shielding certain Forest Service final agency actions in Region 1 from any judicial review by independent federal courts. The bill will also undermine our public lands and safety by promoting logging without scientific input and adequate protections.

Eliminates judicial review -- Judicial review is a central tenet of the rule of law in our democracy. Congress has long recognized the critical role the public plays in going to court to hold the government and private actors accountable to our most fundamental federal protections, including those protecting civil rights, consumers, the environment, government transparency, people with disabilities, private property, public resources, public health, and workers. Yet, this bill would give the Forest Service power to eliminate this judicial review. Specifically, Section 2(b) of the bill would force certain public challenges to Forest Service management final agency actions in Region 1 through an unprecedented internal and "binding" agency arbitration process with final decisions "not… subject to judicial review."

Dangerously privatizes agency actions – The arbitration process created by this bill specifically anticipates outsourcing management decisions on public lands to private entities, including resource extraction industries, which will create a high likelihood of abuse and mismanagement. Under this bill, a logging company could challenge a forest management plan, and through a binding arbitration would be free to write their own regulatory "alternative proposal" for consideration without regard to the law – perhaps calling for a total clear cutting of a forest. The arbitrator cannot "modify any proposal" offered by non-federal entities, but could select such a plan despite being legally inadequate, since the bill only requires that the arbitrator's decision "shall be based solely on the administrative record for the project." This is not how our democracy works. Final agency regulatory actions *must* be actions of the agency, not third parties. Had the legal challenge gone to an independent court, a legally inadequate plan would be remanded to an agency to "try again" under the statutes passed by Congress, rather than allowing arbitration to privatize that action.

Violates Constitutional due process – The binding arbitration process also effectively obliterates the due process and public notice and comment protections of the Administrative Procedure Act, since there is no requirement that a privately selected plan get *any* public review. Such review is critical, especially given that – shockingly – the bill does not require the arbitrator to select a plan that in any way complies with the statutes governing these management plans.

Not a "pilot" program - The bill's language implies it is creating a limited and discretionary arbitration "pilot program" limited to "no more than 2" legal challenges a year, which is incredibly misleading. The public, in fact, has no discretion on whether to have their concerns heard by a federal court or submit to binding arbitration. The agency would have "sole discretion" to decide which challenges are forced into this binding arbitration process, and that decision would also not be judicially reviewable. This broad one-sided discretion would imbue the agency with the power to shield itself from whichever legal challenges it finds most problematic, which to our knowledge would be an unprecedented power.

Making it too expensive to enforce the law - Further weakening access to justice principles, Section 2(m) of the bill stifles the public's ability to uphold the law by eliminating the possibility of recovering legal fees, even when a party successfully vindicates the public's right to enforce the laws created by Congress. In order to ensure the public has the resources required take legal action to enforce the law (in this case, the sustainable management of our public lands) Congress has long allowed those who file successful suits to recover their litigation costs—including "reasonable" attorneys' fees, based on prevailing market rates.[1]

The importance of these fee-recovery provisions lies beyond dispute. If a citizen "'does not have the resources'" to pursue an enforcement action, "'his day in court is denied him; the congressional policy which he seeks to assert and vindicate goes unvindicated; and the entire Nation, not just the individual citizen, suffers'" (*City of Riverside v. Rivera*, 477 U.S. 561, 575 (1986) (quoting 122 Cong. Rec. 33,313 (1976)). Section 2(m) of this bill only further tips the scales of justice in favor of deep-pocketed corporations and against the public's ability to enforce the intent of Congress and the rule of law.

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[1] *See, e.g.*, 5 U.S.C. § 552(a)(4)(E)(i) (freedom of information); 15 U.S.C. § 2060(c) (consumer-product safety); 29 U.S.C. § 794a(b) (disability rights); 29 U.S.C. § 2617(a)(3) (workers' rights); 42 U.S.C. § 1988(b) (civil rights); 42 U.S.C. § 5207(c)(3) (gun rights); 42 U.S.C. § 7604(d) (clean air).

In sum, S. 2160 is a dangerous and reckless attack on every day citizens' ability to enforce the law. On behalf of our members and supporters, we ask that you defend access to justice through access to independent federal courts, protect our public lands, and uphold the rule of law **by opposing S. 2160.**

Sincerely,

Alliance for Justice

American Association for Justice

American Bird Conservancy

Center for Biological Diversity

Center for Justice & Democracy

Defenders of Wildlife

Earthjustice

Environmental Protection Information Center

Impact Fund

Klamath Forest Alliance

National Association of Consumer Advocates

National Employment Law Project

National Parks Conservation Association

Northern Plains Resource Council

Public Citizen

Public Justice

Sierra Club

Waterkeeper Alliance

Western Environmental Law Center

The Wilderness Society

Wilderness Workshop

March 16, 2018

Lisa Murkowski, Chair
Senate Energy and Natural Resources Committee
United States Senate
Washington, D.C. 20510

Maria Cantwell, Ranking Member
Senate Energy and Natural Resources Committee
United States Senate
Washington, D.C. 20510

The Honorable Rob Bishop, Chair
Committee on Natural Resources
123 Cannon House Office Building
Washington, DC 20515

The Honorable Raúl Grijalva, Ranking Member Committee on Natural Resources
1511 Longworth House Office Building
Washington, DC 20515

RE: Advancing Conservation and Education Act (S.2078/H.R.4257)

Dear Chairman Murkowski, Ranking Member Cantwell, Chairman Bishop and Ranking Member Grijalva:

As hunting, fishing, wildlife conservation, and recreation based organizations and businesses, we are writing regarding S.2078/H.R.4257, the Advancing Conservation and Education Act (ACE). We support the goals of the legislation to enhance management of Federal conservation areas, unify management of public lands and increase revenues to support public schools. However, as drafted the ACE legislation lacks necessary safeguards to prevent trading away of valuable fish and wildlife habitat and hunting and fishing areas. We believe it should be strengthened with some thoughtful adjustments, helping to bring along the full support of the sporting community.

Specifically, we believe that the ACE legislation would be strengthened if additional attention is brought to: 1) sensitive habitats for native species like cutthroat trout and bighorn sheep; 2) crucial habitats for recreationally and economically important fish and wildlife like mule deer, wild turkey, and elk; and 3) important hunting and fishing areas.

Oftentimes these areas important to fish, wildlife and hunters and anglers are found outside of the "eligible areas" defined in the legislation; as such they would be available for disposal. In order to ensure that public land conveyances authorized by the legislation do not unintentionally allow for the relinquishment of lands important to sportsmen and women, we want to pinpoint the following concerns and offer recommendations to improve the ACE legislation and ensure that the bill enjoys broad support from the sporting community.

Concern: As drafted, important hunting and fishing lands outside of eligible areas could be identified for exchange without a thorough understanding or consideration of an individual parcel's importance for habitat, habitat connectivity and hunting, fishing, and outdoor recreation. We believe steps need to be taken to fully understand the values at stake in order to reduce the possibility that lands with important biological and recreation values will be traded away.

Solution: Section 5(c)(2) details the environmental assessment (EA) or environmental impact statement (EIS) process. As part of the EA or EIS process, the legislation should direct the Secretary to fully analyze and disclose the effects of the proposed action on existing hunting and angling opportunities, fish and wildlife habitat, and if the action would enhance or diminish, fish wildlife and hunting and/or angling values.

Concern: Section 5(e) lists the reasons that the Secretary shall use to reject a land exchange application, and significant adverse impacts to public access, hunting, fishing, and recreational shooting are not identified, furthering the potential that important public lands could be lost.

Solution: An additional criterion should be added to 5(e) that specifies that the Secretary shall deny an application if the conveyance will significantly adversely affect public hunting, fishing, or recreational shooting opportunities, or result in adverse impacts to crucial fish and wildlife habitat.

Concern: Section 5(e) also requires that the Secretary shall not accept an application if the proposal is not in the public interest. However, the term "public interest" is not defined, leading potentially to its inconsistent and arbitrary application.

Solution: We recommend that the term "public interest" be defined consistent with 43 CFR 2200.0-6(b), which requires that "the authorized officer shall give full consideration to…protection of fish and wildlife habitats."

Concern: Section (3)(5)(B) lists exclusion areas that are not eligible for exchange. This list does not include Special Recreation Management Areas, which are often used for managing river corridors important for anglers and waterfowl hunters. SRMAs have also been used to manage dispersed recreational settings for big game hunting.

Solution: Add Special Recreation Management Areas to the list of exclusion areas in (3)(5)(B).

Thank you for your consideration of our requests on this important legislation. Taken together, these recommended amendments to the ACE legislation will ensure that the bill will enhance, not diminish, hunting and angling opportunities on BLM-managed public lands and would receive the enthusiastic support of our organizations and businesses. Please let us know how we can be of further assistance as this process moves forward.

Sincerely,

- American Fly Fishing Trade Association
- American Woodcock Society
- Archery Trade Association
- Backcountry Hunters & Anglers
- Fly Fishers International

- National Deer Alliance
- National Wildlife Federation
- Public Lands Foundation
- Quality Deer Management Association
- Ruffed Grouse Society
- Theodore Roosevelt Conservation Partnership
- Trout Unlimited

Written Testimony
Hearing of the U.S. Senate Energy and Natural Resources Committee

Paul F. Reed, Preservation Archaeologist
Archaeology Southwest

August 21, 2018

Chairman Murkowski, Ranking Member Cantwell, and distinguished Members of the Committee, thank you for the opportunity to provide written testimony for the Senate bill 2907, short title "Chaco Cultural Heritage Area Protection Act of 2018." At the outset, I wish to express full support for the Senate bill.

Over the last four years, Archaeology Southwest and its partners have cooperated with the Bureau of Land Management (BLM) Farmington Field Office and Bureau of Indian Affairs as these Agencies have been in the process of amending the 2003 Resource Management Plan (RMP) and drafting new Environmental Impact Statements (EISs) for their regions (BLM and BIA). As an archaeological organization, with are most concerned with the protection of the fragile area around Chaco Canyon (Chaco Culture National Historic Park aka Chaco Park) that we have identified as the Greater Chaco Landscape. This area of several millions acres is not protected by National Park Service monument or park status and has been the focus of considerable oil-gas extraction activity for nearly a century.

In 2011, the Farmington Field Office area became the focus of renewed oil-gas exploration with the application of hydraulic fracturing or fracking technology, along with advances in horizontal drilling to access fluid mineral resources. This resulted in the drilling of roughly 150 wells into the Mancos Shale Formation, located at about 5000 feet below the surface. This activity had not been anticipated by BLM in their 2003 RMP and thus a process to amend the RMP was triggered. This process is still underway with draft RMP amendment and EIS documents expected in October 2018.

As the RMP amendment process has unfolded over the last nearly five years, BLM has continued to approve permits for oil-gas activities and to offer leases of new lands every year. At this point in time, more than 90 percent of the Farmington Field Office lands under BLM authority have been leased. We believe these leased lands provide sufficient access to the oil-gas resources in the Greater Chaco Landscape, particularly with the advances in horizontal drilling.

Thus, Archaeology Southwest and its partners have advocated for a permanent exclusion of new oil-gas leasing with the 10-mile area around Chaco Park and its outlying units. The bill introduced by Senators Udall and Heinrich would provide for the withdrawal of Federal minerals in this 10-mile zone and we support it completely.

Together with EcoFlight, Archaeology Southwest participated in a series of flights over Chaco Canyon and the Greater Chaco Landscape on Aug. 2, 2018. Bruce Gordon, President of non-profit, Aspen, Colorado-based EcoFlight piloted the plane on our four trips from the Farmington, New Mexico airport south to Chaco Canyon and then swinging around, back to the north up the Great North Road.

Representative from five New Mexico Pueblos came on the flights: Acoma, Pojoaque, Santa Ana, Santa Clara, and Zuni. I was very pleased to welcome Governor Kurt Riley and Historic Preservation Officer Damian Garcia, both of the Pueblo of Acoma. Acoma and Archaeology Southwest are together embarking on a limited ethnographic study of the Greater Chaco Landscape later this month. Two members of the media also accompanied us on the flights.

Our purpose in flying over the Greater Chaco Landscape with Pueblo leaders and media was to raise awareness of the devastating impacts of oil-gas development. In addition, the bird's eye view reinforced for participants the logic of focusing on preservation within the 10-mile cultural protection zone around Chaco Culture National Historic Park.

After the flights, Pueblo leaders expressed joy at seeing their ancestral dwellings from the air, particularly the site of Pueblo Bonito. Their joy was tempered with clear knowledge of the tremendous impacts of oil-gas activity on their ancient lands and sacred landscapes.

Archaeology Southwest has been a strong proponent of the 10-mile protection zone since our work in the Greater Chaco Landscape began four years ago. From the air, it is clear that at about 10 miles from the Chaco Park boundary line, the Greater Chaco Landscape begins a serious transition. South of the 10-mile line, the landscape is relatively pristine. Certainly, there is some development within this zone – limited oil-gas facilities and some powerlines and pipelines that cross the area. North of the 10-mile line, the landscape begins to show the effects of serious, industrial development of the oil-gas resources that lie beneath the surface. Some have wondered if the 10-mile zone was an arbitrary choice. Our flights over the area made it clear to all participants that the protection zone around Chaco was indeed real and worthy of all efforts to protect it from various impacts.

ASSOCIATION OF NATIONAL GRASSLANDS

P.O. Box 184 - Hot Springs, SD 57747 PHONE: (605) 745-3228

www.nationalgrasslands.org

August 21, 2018

The Honorable Mike Lee
Chairman, Subcommittee on Public Lands, Forests and Mining
Committee on Energy and Natural Resources
361A Russell Senate Office Building
Washington, D.C. 20510

Re: S. 3325

Dear Chairman Lee:

The Association of National Grasslands (ANG) is an organization consisting of Grazing Associations and direct grazing permittees working in cooperation with the United States Forest Service in the protection, improvement, development and administration of the National Grasslands. The Association of National Grasslands appreciates Senator John Thune's efforts in sponsoring, and the Subcommittee's consideration of S. 3325.

The proposed legislation seeks to give National Grasslands permittees the same due process rights that the Bureau of Land Management and National Forest permittees currently enjoy. The legislation will replace the words "lands within National Forests" with the words "National Forest System lands" in Section 1752 of the Federal Land Policy Management Act (FLPMA).

During the Congressional deliberations of the Federal Land Policy Management Act in 1976, original language included National Grassland permittees in the due process protections of 43 USC §1752; however, the National Grasslands permittee protections were removed during a Conference Committee. The final version of FLPMA omitted the National Grassland permittees, granting those due process rights only to the National Forest and Bureau of Land Management permittees.

The development of USDA Grazing Regulation 36 CFR 222.3 resulted. This regulation creates two classes of permits: one having more rights (Forest Service) and the other having less (National Grasslands). The basis for these two classes is due to FLPMA's exclusion of the National Grasslands in 43 USC § 1752(a).

Senator Thune's legislation will remedy this long-standing inequity.

The Proposed Amendment would allow National Grassland Permittees the following permit securities: 1.) the right to 10-year permits; 2.) first priority for receipt of new permit; 3.) entitlement to written notice of any permit violations and an opportunity to achieve compliance before cancellation or suspension proceedings related to the permit; and 4.) except in cases of emergency, no permit would be allowed cancelation without two (2) years prior notification. These protections that Forest Service and Bureau of Land Management permittees currently enjoy would enhance the relationship between the Forest Service and the National Grasslands permittees by creating more stability and a clearer set of rules governing the relationship.

As a legislative history, the Association of National Grasslands would like the following points made in the Congressional Record. First, the intent of the amendment is only to make the due process and other rights of 43 USC 1752 available National Forest System permittees, and not to make any other section of FLPMA applicable to National Grasslands. Second, the Conservation Practice program currently administered on the National Grasslands is intended to remain intact, as the Range Betterment Fund program contained in 43 USC 1751 is not changed or made applicable to the National Grasslands in any way by this amendment. Third, the National Grasslands exemptions contained in the Public Rangelands Improvement Act (PRIA), specifically 43 USC 1907, are also intended to remain intact and not changed in any way by this amendment. Finally, the current program of issuing Grazing Agreements to Grazing Associations on the National Grasslands is intended remain intact, as the Grazing Associations would like to continue to assume the rights of a term permit holder.

Mr. Chairman, the proposed legislation simply seeks to give National Grasslands permittees the same due process rights that the Bureau of Land Management and National Forest permittees currently enjoy. The modification sought by this legislation will create a more uniform, equitable and less confusing framework for the relationship between the Forest Service managers and their rancher partners across the western portion of the United States.

Thank you for your consideration of our requests.

Sincerely,

Dan Anderson, President

August 21, 2018

The Honorable Mike Lee, Chairman
Subcommittee on Public Lands, Forests and Mining
U.S. Senate Committee on Energy and Natural Resources
361A Russell Senate Office Building
Washington, D.C. 20510

The Honorable Ron Wyden, Ranking Member
Subcommittee on Public Lands, Forests and Mining
U.S. Senate Committee on Energy and Natural Resources
221 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Lee and Ranking Member Wyden:

As hunting, fishing, wildlife conservation, and recreation- based organizations, we are writing regarding S. 2809, the Emery County Public Land Management Act of 2018.

The proposed legislation represents a notable step forward for addressing public lands management challenges in Utah. We applaud Emery County, Senator Hatch and Representative Curtis for their commitment to collaborative problem solving. Recognizing the extensive work that has been put into drafting this legislation, we would like to offer several thoughtful adjustments that would strengthen the bill and urge your consideration as the bill moves through the legislative process.

Specifically, we are concerned with certain provisions in Title IV that could jeopardize important public lands that are valued sportsmen and women, crucial habitat for Desert Bighorn Sheep and potential consequences associated with transferring management of BLM lands to the State of Utah.

We support the goals of Section 406 to enhance management of conservation areas and advance the mission of the School and Institutional Trust Lands Administration. However, as proposed the land exchange program does not provide adequate sideboards to prevent BLM lands important for fish, wildlife and recreation from being traded away.

For example, when the House of Representatives unanimously passed the Advancing Conservation and Education Act earlier this year, it included amendments to ensure that BLM lands important to hunters and anglers would not be eligible for conveyance. S. 2809 would benefit from similar amendments, such as the following suggestions:

1. Specify that the Secretary shall deny an application if the conveyance will result in significant adverse impacts to public hunting, fishing, or recreational shooting opportunities, or result in adverse impacts to crucial fish and wildlife habitat;
2. Require that the Secretary shall not accept an application if the proposal is not in the public interest; and
3. Define the term "public interest" consistent with 43 CFR 2200.0-6(b), which requires that in determining the public interest, "the authorized officer shall give full consideration to...protection of fish and wildlife habitats."

We support strong coordination between state and local governments and Federal land management agencies. We also believe that cooperative management agreements can be a valuable tool to facilitate this coordination and that the purposes of Section 402 (providing management consistency with the adjoining Goblin Valley State Park) can be achieved through a cooperative management agreement. However, if a recreation and public purposes agreement is sought, the agreement should only be for a lease – not conveyance – not to exceed 25 years, consistent with 43 CFR 2912.1-1. Doing so will ensure the necessary coordination to promote and conserve recreation and scenic values without concerns that valuable public lands would be subject to being transferred to the State.

Section 402 should also include assurances that the lands will be managed for specific purposes and revert back to the Secretary if those purposes are not being met. These purposes should be more comprehensive than "as a state park", as the legislation currently stipulates, and should be similar to the purposes listed in Section 401(c). Additionally, these purposes should include the conservation of desert bighorn sheep habitat and retention of hunting opportunities, consistent with State of Utah regulations. This is particularly important given that hunting is generally prohibited in Utah state parks and this area provides once-in-a-lifetime desert bighorn sheep hunting opportunities in the San Rafael South Unit.

We believe that an open and inclusive process is the right approach for resolving public land management challenges and sustaining America's public land heritage. We commend you for the collaborative nature of this legislation and hope that our recommendations will strengthen the bill as it advances through the legislative process.

Sincerely,

Backcountry Hunters and Anglers
Ruffed Grouse Society and American Woodcock Society
Theodore Roosevelt Conservation Partnership
The Trust for Public Lands
Trout Unlimited

Cc:
Senator Orrin Hatch
Representative John Curtis

From: Karin Bacon
To: forthrecord (Energy)
Subject: Chaco
Date: Tuesday, August 21, 2018 8:06:14 AM

Dear Committee:

I commend Senators Udall and Heinrich for their proposed legislation to protect Chaco and we support efforts to expand this protection to the larger Chaco region. Please do everything you can to protect this precious cultural treasure from development, pollution, and destruction.

Thank you,

Karin Bacon
917.405.9006

Larry Hogan, *Governor*
Boyd Rutherford, *Lt. Governor*
Mark Belton, *Secretary*
Joanne Throwe, *Deputy Secretary*

August 20, 2018

Chairman Lisa Murkowski
Ranking Member Maria Cantwell
U.S. Senate Committee on Energy and Natural Resources
304 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Murkowski and Ranking Member Cantwell:

I write to voice support for S. 1644, a bill to designate the Captain John Smith Chesapeake National Historic Trail a formal "unit" of the National Park System.

The designation of the Trail as a unit will yield important benefits for protection, management and visitor enjoyment of the Trail, including:

1. formal recognition of the Trail creates a stronger foundation to develop and manage nationally significant destinations along the Trail;
2. greater opportunity for philanthropic financial participation, such as with the more well-known National Parks,
3. greater visibility for this East coast exemplar of Native American culture and history; and
4. a permanent, place-based anchor for Park Service participation in the Chesapeake Bay Program

Covering over 3,600 miles to commemorate Captain John Smith's exploration of the Chesapeake in the early 1600's, the Trail is a nationally significant historic resource, which attracts millions of annual visitors to state and federal parks and other destinations along the Trail. It is one of the longest national trails in the country, and is completely water-based, as the Congress recognized when affirming its historic significance in 2006.

Units of the National Park System are huge economic generators for their local gateway communities and the nation as a whole. In addition, extensive research indicates that water trails improve local economies by bringing increased tourism and new business to the areas in which they are located. Designation of the Trail as provided by S. 1644 would affirm these benefits, and provide incentives for additional investment by "Trail towns" and their business communities.

Without a doubt, its designation as a unit would provide measureable conservation, economic, educational and recreational benefits to the communities and states touched by the Trail. It also affirms its immense national significance. Thank you for your favorable consideration of S. 1644.

Sincerely,

Mark Belton
Secretary

Tawes State Office Building – 580 Taylor Avenue – Annapolis, Maryland 21401
410-260-8DNR or toll free in Maryland 877-620-8DNR – *dnr.maryland.gov* – TTY Users Call via the Maryland Relay

August 20, 2018

The Honorable Lisa Murkowski
Chair
The United States Senate Committee on Energy and Natural Resource
304 Dirksen Senate Building
Washington, DC 20510

Subject: H.R. 2075 Crooked River Ranch Fire Protection Act

Dear Senator Murkowski:

Crooked River Ranch lies entirely within my Oregon Senate District 30 and I support the "Crooked River Ranch Fire Protection Act" which moves the eastern boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area (WSA) to provide for enhanced fire protection for life and property on Crooked River Ranch (CRR). CRR is a planned unit development of 12,000 acres and with a population of 5,500 people whose lives and property are at risk from wildfires penetrating the Wildland-Urban Interface (WUI). There have been dozens if not hundreds of wildfires this summer burning through and across my district and of course these fires have had no regard to whether they burned private, state or federal land. This bill is a proactive and I would say absolutely necessary action needed to mitigate against wildfire in this wildland -- urban interface (WUI).

CRR has been placed in the highest risk category for exposure to devastating wildfire in the federally mandated and locally promulgated Jefferson County Community Wildfire Protection Plan (CWPP). This Act will help bring CRR into compliance with the CWPP by providing for a fire safe zone on this portion of the perimeter of CRR.

This bill corrects an oversight of the original designation of the WSA which made the boundary of the WSA and CRR contiguous which provided no defensive fires safe zone between CRR and the WSA. This lack of a fire safe zone is totally unacceptable given the intense wildfire threats to the Wildland-Urban Interface (WUI) in today's environment.

I thank you for steering this Act through your committee to a successful passage in the U.S. Senate to protect the safety of our citizens and my constituents residing on Crooked River Ranch.

Sincerely,

Senator Cliff Bentz
Oregon Senate District 30
900 Court St NE Ste 301
Salem, OR 97301

DANIEL BONHAM
STATE REPRESENTATIVE
DISTRICT 59

HOUSE OF REPRESENTATIVES

August 21, 2018

The Honorable Lisa Murkowski
Chair, Committee on Energy and Natural Resource
The United States Senate
304 Dirksen Senate Building
Washington, DC 20510

Subject: H.R. 2075 Crooked River Ranch Fire Protection Act

Dear Chair Murkowski:

Crooked River Ranch lies entirely within my Oregon House District 59 and I enthusiastically support the "Crooked River Ranch Fire Protection Act" which moves the eastern boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area (WSA) to provide for enhanced fire protection for life and property on Crooked River Ranch (CRR). CRR is a planned unit development of 12,000 acres and with a population of 5,500 people whose lives and property are at risk from wildfires penetrating the Wildland-Urban Interface (WUI). I have had many wildfires this season moving through my district whether they occur on private, state or federal land. This bill is a proactive approach to mitigating the wildfire issue in this wildland – urban interface (WUI).

CRR has been placed in the highest risk category for exposure to devastating wildfire in the federally mandated and locally promulgated Jefferson County Community Wildfire Protection Plan (CWPP). This Act will help bring CRR into compliance with the CWPP by providing for a fire safe zone on this portion of the perimeter of CRR.

This bill corrects an oversight of the original designation of the WSA which made the boundary of the WSA and CRR contiguous which provided no defensive fires safe zone between CRR, a community of 5,500 people, and the WSA. This lack of a fire safe zone is totally unacceptable given the intense wildfire threats to the Wildland-Urban Interface (WUI) in today's environment.

I thank you for steering this Act through your committee to a successful passage in the U.S. Senate to protect the safety of our citizens and my constituents residing on Crooked River Ranch.

Sincerely,

Daniel Bonham

Office: 900 Court St. NE, Salem, OR 97301 - Phone: (503) 986-1459
E-mail: Rep.DanielBonham@oregonlegislature.gov

From: Shelene Bridge [mailto:shelene@shelenebridge.com]
Sent: Tuesday, August 21, 2018 2:20 PM
To: fortherecord (Energy)
Subject: Fracking in Chaco

We commend Senators Udall and Heinrich for their proposed legislation to protect Chaco and we support efforts to expand this protection to the larger Chaco region.

To prevent any further damage to the Chaco culture's invaluable heritage, the Bureau of Land Management (BLM) must cease permitting new oil and gas wells in the Chaco region. Especially, and at the very least, they must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018 proposed by Senator Udall and Senator Heinrich. Further, the withdrawal area boundaries of this proposed bill should be *extended* to cover a 20 mile buffer zone around Chaco National Historical Park and 10 mile buffer zones around outlying Chaco Great Houses.

Approaching Chaco today you are confronted with an unreal sight of fracking rigs and flares, creating noise, air, and groundwater pollution. The ground fracturing vibrations risk damage to some of the most valuable archaeological sites in North America.

In 2014, the BLM promised a new Resource and Management Plan to govern all future oil and gas leases. They have not yet delivered. Instead, the BLM plans to sell leases this December *inside* the ten mile 'buffer zone' around Chaco Canyon, a protective boundary they previously assented to. This sets a dangerous precedent for advancing energy activity closer to Chaco Canyon.

The BLM has also permitted many roads to cross the ancient Great North Road's 35 mile course from Chaco Canyon to Kutz Canyon. The Chacoans created this elaborate corridor to connect their ceremonial center to the direction North. For descendant Puebloan peoples it holds profound spiritual significance. However, modern energy roads continue to erase the Great North Road. This erasure risks getting worse: the Chaco people created numerous Great Houses and other 'roads' as a web, uniting their sites with special landforms and astronomical directions. This comprehensive web of a sacred landscape must be protected.

Much of the area adjoining Great Houses in the 'buffer zone' is only beginning to be analyzed with LiDAR (aerial LASER scanning); this data requires much further evaluation, along with on-the-ground truthing by experienced archaeologists. These efforts should proceed and the findings deter any further leasing.

We also urge mitigating actions by the BLM to prevent public health hazards to surrounding communities already encroached upon by intense energy development. We further support a shift in the region's economy to job-creating, sustainable energy enterprises.

Sincerely,

Shelene Bridge
Multimedia & Design
505-795-8580

From: mIAMI nEW mEX
To: fortherecord (Energy)
Subject: Chaco Canyon
Date: Tuesday, August 21, 2018 11:06:18 PM

I want to support Senators Udall and Heinrich's bill, Chaco Cultural Heritage Area Protection Act of 2018.
This bill is necessary to preserve this fantastic heritage site for future generations. Chaco is so very unique and we, as Americans need to protect this sacred and ancient site.
It is even difficult to believe that drilling for oil is even being considered near Chaco. We do not need the oil as much as we need to protect the future of Chaco by preventing fracking and drilling near this site which would damage this National Monument.
Please, I am one person, but I strongly agree that Chaco cultural Heritage Area Protection Act of 2018 needs to be approved.

Sincerely,
Candice Busa
2155 Highway 21
Miami, NM 87729

Californians for Western Wilderness * Canyon Country Rising Tide * Center for Biological Diversity * Conservation Lands Foundation * Conservatives for Responsible Stewardship * Defenders of Wildlife * Earthjustice * Elders Rising * Environmental Protection Information Center * Grand Canyon Trust * Great Old Broads for Wilderness * Great Salt Lake Audubon Society * Green River Action Network * GreenLatinos * Hispanic Federation * Holiday River Expeditions * League of Conservation Voters * Mormon Environment Stewardship Alliance ("MESA") * National Parks Conservation Association * Natural Resources Defense Council * New Mexico Friends of Utah Wilderness * New Mexico Horse Council * New Mexico Sportsmen * New Mexico Wildlife Federation * Patagonia * Rig To Flip * Salem Audubon Society * Soda Mountain Wilderness Council * Southern Utah Wilderness Alliance * Utah Sierra Club * Western Resource Advocates * Western Values Project * Western Watersheds Project * WildEarth Guardians * Wilderness Watch * Wilderness Workshop

August 21, 2018

Senator Mike Lee
Chair, Subcommittee on Public Lands, Forests and Mining
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington, DC 20510

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

RE: S. 2809, the Emery County Public Land Management Act

Mr. Chairman and Mr. Ranking Member,

On behalf of our millions of members and supporters, we write to alert you to our opposition to S. 2809, the Emery County Public Land Management Act, which will be heard in the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining on August 22, 2018.

The county in question, Emery County, Utah, is home to more than 1.5 million acres of deserving wilderness as well as priceless archaeological resources, wonderful opportunities for quiet recreation, and unique desert habitats like the San Rafael Swell, Desolation Canyon, and Labyrinth Canyon.

For many Americans, especially Utahns, the San Rafael Swell is the "go to" desert wilderness landscape for camping, hiking, biking, rafting, and restoration—a quick three-hour drive from the state's population centers in the Salt Lake Valley. The fact that this bill would determine the fate of these world-class wild public lands means it must be considered carefully for its true, on-the-ground effects.

Not enough conservation gain

Conservationists have long advocated designating more than 1.5 million acres of BLM and Forest Service wilderness in this vast county as part of America's Red Rock Wilderness Act, S. 948. By contrast, S. 2809 fails

to do justice to these spectacular landscapes, leaving more than two-thirds of them, or roughly 900,000 acres, unprotected as wilderness. The majority of lands the bill designates as wilderness are already Wilderness Study Areas or Natural Areas, so the on-the-ground effect on the conservation side of the ledger will be minimal. However, on the development side of the ledger, the effects will be immediate and irreversible.

Three primary landscapes are deserving of added protections in this bill. They are:

- The San Rafael Badlands – This area comprises the western reach of the San Rafael Swell. It includes an extraordinary abundance of ancient rock art panels, habitation sites, stone working sites, burials, and more. The bill envisions no protection whatsoever for this area, leaving it vulnerable to oil and gas development and off-road vehicle abuse.

- Muddy Creek – Constituting the southern portion of the San Rafael Swell and reaching to the northeast corner of Capitol Reef National Park, this remote landscape is one of the largest intact wilderness units in Utah and provides extraordinary kayaking, canyoneering, backpacking, day hiking, and car camping opportunities. Unfortunately, S. 2809 protects only a portion of this area, missing the opportunity to fully protect one of the county's most remote tracts of wilderness.

- Labyrinth Canyon –Labyrinth Canyon offers spectacular opportunities to families, beginners, and experts alike who are seeking a wide range of quiet recreation, from technical canyoneering to canoeing to daylong hikes in search of swimming holes. The Green River's placid meander through the canyon's towering redrock walls is the longest multi-day flatwater wilderness float west of the Mississippi. But the bill only protects a portion of wilderness-quality lands on the western side of Labyrinth Canyon, and utilizes an arbitrary county boundary in omitting the eastern side in its entirety.

Finally, the bill takes a step backward on conservation by releasing part of an existing Wilderness Study Area to facilitate the expansion of a coal mine.

Makes off-road vehicle abuse worse:

Though extractive industry dabbles in Emery County, the true threat to the county's wilderness lands is the metastasizing network of redundant, directionless, and often destructive off-road vehicle routes that degrade other values such as riparian areas, wilderness, cultural resources, and delicate habitats. A number of conservation groups successfully sued over several of the Bureau of Land Management's 2008 travel management plans in Utah, including one for the San Rafael Swell, arguing the agency did not follow its own minimization criteria when designating the routes. The judge agreed, and the case reached a settlement requiring the BLM to redo these plans and to prepare a new travel plan for the Swell (and other areas of Utah) which will assess the impact of these routes on cultural and natural resources and decide which will be open and which will be closed. The bill makes an end run around this process, effectively perpetuating the old, illegal travel plan and undermining the conservation designations it purports to create.

The bill is also silent on the State of Utah's long-running crusade to wrest thousands of miles of routes from the federal government through an obscure legal loophole known as Revised Statute (R.S.) 2477. The

practical effect of this is that any wilderness designated in this bill could then be riddled with routes, rendering any protections gained here tenuous and possibly temporary.

Hands over lands to the State of Utah

S. 2809 seeks to hand control and development of public lands owned by all Americans in the San Rafael Reef—including popular locations such as Crack and Chute Canyons—to the State of Utah for the expansion of Goblin Valley State Park, authorizing entrance fees to lands that currently have none, and encouraging more over-crowding and development.

Fails to ensure protection of wilderness lands, national monuments, and Tribal interests in federal-state land exchange

Finally, S. 2809 authorizes the State of Utah to transfer School and Institutional Trust Lands Administration (SITLA) inholdings within the National Conservation Area and designated wilderness to federal control in exchange for federal lands elsewhere. While land exchanges are generally good for long-term conservation of protected lands, S. 2809 fails to include important safeguards that would ensure protection of Tribal lands and lands identified by the BLM as possessing wilderness characteristics, mandate an open and transparent public process; and require consultation with Native American tribes. Additionally, the bill contains no prohibition on state acquisition of federal lands within the original, legitimate boundaries of Grand Staircase-Escalante and Bears Ears National Monuments.

For these reasons, we encourage you to oppose S. 2809 in its current form and help us work to improve the bill such that it is worthy of the landscape it seeks to protect.

Thank you,

Californians for Western Wilderness
Canyon Country Rising Tide
Center for Biological Diversity
Conservation Lands Foundation
Conservatives for Responsible Stewardship
Defenders of Wildlife
Earthjustice
Elders Rising
Environmental Protection Information Center
Grand Canyon Trust
Great Old Broads for Wilderness
Great Salt Lake Audubon Society
Green River Action Network
GreenLatinos
Hispanic Federation
Holiday River Expeditions
League of Conservation Voters
Mormon Environment Stewardship Alliance ("MESA")
National Parks Conservation Association
Natural Resources Defense Council
New Mexico Friends of Utah Wilderness
New Mexico Horse Council
New Mexico Sportsmen
New Mexico Wildlife Federation
Patagonia
Rig To Flip
Salem Audubon Society
Soda Mountain Wilderness Council
Southern Utah Wilderness Alliance
Utah Sierra Club
Western Resource Advocates
Western Values Project
Western Watersheds Project
WildEarth Guardians
Wilderness Watch
Wilderness Workshop

August 15th 2018

The Honorable Lisa Murkowski
Chairman
Committee on Energy and Natural Resources
U.S. Senate
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member
Committee on Energy and Natural Resources
U.S. Senate
Washington, DC 20510

RE: S. 1959 – the Central Coast Heritage Protection Act

Dear Chairman Murkowski, Ranking Member Cantwell, and Members of the Committee:

We are writing to express our support for S. 1959, the Central Coast Heritage Protection Act, introduced by Senator Harris. We ask that this letter and attachments be included in the hearing record for this legislation.

S. 1959 will protect some of central California's most scenic and spectacular lands and watersheds. From the oak studded ridge and stunning ocean views of the Condor Ridge Scenic Area, to the dazzling wildflower displays of the Carrizo Plains, the culturally rich sandstone canyons of the Chumash Wilderness additions, and the rugged and scenic river canyons of upper Piru and Sespe Creeks – this proposal would ensure that a key part of California's wild heritage remains intact for the enjoyment of future generations.

S. 1959 will protect critical habitat for several sensitive, threatened, and endangered species of fish and wildlife, including the California condor, arroyo toad, California red-legged frog, and southern steelhead trout. The bill will also protect diverse plant communities and populations of sensitive and rare plants throughout the Central Coast.

The Central Coast Heritage Protection Act has tremendous support in the Central Coast region and throughout California, and is endorsed by over 500 businesses, elected officials, conservation and recreation organizations, realtors, Tribes, chambers of commerce, and others.

Attached is a list of supporters and other background information on the legislation.

These wild places will be a gift for future generations to enjoy and we urge the committee to pass S. 1959, the Central Coast Heritage Protection Act as quickly as possible.

Sincerely,

California Wilderness Coalition
Central Coast Wild Heritage
Condor Trail Association
Conejo Valley Audubon Society
Friends of the River
International Clean Energy Consulting, Inc.
Keep the Sespe Wild
Los Padres ForestWatch
Ojai Valley Land Conservancy
The Pew Charitable Trusts
Santa Barbara Museum of Natural History
The Sierra Club
Sierra Club Los Padres Chapter
Ventura Citizens for Hillside Preservation
Ventura Hillsides Conservancy
Western Foundation of Vertebrate Zoology
The Wilderness Society

Enclosures:
CCHPA 2018 Public Support List

Senate Energy and Natural Resources Committee
Subcommittee on Public Lands, Forests and Mining
Legislative Hearing
August 22, 2018
Chaco Cultural Heritage Area Protection Act (S. 2907)
Written Testimony of the Coalition for American Heritage

Chairman Lee, Ranking Member Wyden, and Members of the subcommittee:

Thank you for the opportunity to express the Coalition for American Heritage's strong support for the Chaco Cultural Heritage Protection Act (S. 2907), sponsored by Senators Udall and Heinrich.

The Coalition for American Heritage ("the Coalition") is an organization comprised of heritage professionals, scholars, small businesses, non-profits and history-lovers across the country. Our 300,000 members work together to promote our nation's commitment to historic preservation. Preserving historic resources helps stabilize neighborhoods, attract investment, create jobs, generate tax revenues, support small businesses, and power America's heritage tourism industry.

For several years, the area around Chaco Culture National Historical Park (NHP) has been protected from energy exploration by informal agreements between area stakeholders. However, the Trump Administration's plan, currently on hold, for an oil and gas lease sale close to the 10-mile buffer zone surrounding Chaco Culture NHP that had been unofficially off-limits to energy exploration, demonstrates the urgency of legislative action. Existing informal protections are no longer sufficient.

Increased pressure for oil and gas exploration is threatening one of America's most outstanding historic treasures. The landscape of the Chaco Canyon area is at risk; drill pads, pipelines and industrial access roads will mar the region's natural beauty, alter viewsheds and soundscapes, cause light pollution, and potentially damage artifacts from one of America's most advanced pre-Colombian civilizations.

Greater Chaco is recognized as a UNESCO World Heritage Site, one of only 22 in the United States. It was the center of Puebloan cultural and economic life for over 300 years. Evidence of the Chacoan people's engineering and building achievements is found throughout the area. More than 1.5 million artifacts have been found at more than 4,000 archaeological sites within the park. Many more artifacts are likely to have not yet been identified and studied. In addition to its valuable archaeological record, the Chaco area possesses a historical and spiritual significance to several local tribes. The Navajo, Hopi and Pueblo peoples recognize the Chaco ruins as sacred.

This legislation is necessary to protect the Chaco Canyon area while resource management planning continues. Safeguarding the Chaco Canyon area requires continued commitment to stakeholder input and careful consideration of the region's storied past. We recognize that local and national leaders have been working together in innovative ways to address the concerns of local residents and tribes. We look forward to the upcoming release of the draft plan for Chaco NHP and the surrounding areas. Because the updated plan is the first time that the Bureau of Land Management and the Bureau of Indian Affairs have jointly developed a management plan, we hope that it will reflect the priorities of the surrounding community and area tribes, many of whom trace their lineage back to the Chacoan peoples.

While we appreciate the work that stakeholders have done over several years to informally protect the landscape around Chaco Culture NHP, we believe that a more formal process is warranted. The time has come to ensure that the buffer zone around Chaco Culture NHP is protected by the force of federal law. Therefore, the Coalition for American Heritage strongly endorses S. 2907, which would withdraw from development or leasing the minerals owned by the U.S. Government in a 316,076 acre-area surrounding Chaco Culture NHP. This legislation reflects an evenhanded approach that would not impact existing federal leases. Nor would this bill impact minerals on state, tribal or private lands. In crafting this compromise, Senators Udall and Heinrich have demonstrated that their efforts are based on strong stakeholder involvement, including their work to develop the legislation with the Navajo Nation and the All Pueblo Council of Governors.

Thank you for the opportunity to express out strong support for this important legislation.

Statement of John Sterling, Executive Director, The Conservation Alliance
Regarding S. 483, the Wild Olympics Wilderness and Wild and Scenic Rivers Act;
S. 1959, the Central Coast Heritage Protection Act;
S. 2721, the San Juan Mountains Wilderness Act;
S. 2809, the Emery County Public Land Management Act;
S. 2907, the Chaco Cultural Heritage Area Protection Act;

Submitted to the Subcommittee on Public Lands, Forests, and Mining Senate Committee on Energy and Natural Resources
For the Record of the legislative hearing held on August 22, 2018

Thank you for this opportunity to submit testimony in response to the bills included in the legislative hearing on August 22. The Conservation Alliance is a group of more than 225 businesses that support and engage in conservation measures that benefit outdoor recreation. We are particularly interested in five of the bills included in the hearing.

S. 483 – Wild Olympics Wilderness and Wild and Scenic Rivers Act (Senator Murray)
The Conservation Alliance strongly supports S. 483, the Wild Olympics Wilderness and Wild and Scenic Rivers Act. 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. This area is a Washington treasure that provides exceptional outdoor experiences. For our customers seeking unspoiled, backcountry adventures from the high peaks to the deep river valleys harboring old-growth forests, the Wild Olympics is a world-class destination enjoyed by local residents and visitors from around the world. This conservation initiative is also an investment in our region's economic future. Across Washington, direct consumer spending on outdoor recreation adds $21.6 billion annually to the state's economy, and supports 200,000 jobs. We have witnessed impressive growth in the number of visitors to the protected public lands of the Olympic Peninsula over the past five years. In 2017, more than 3.4 million visitors came to the Olympic Peninsula supporting 3556 jobs in gateway communities like Port Angeles and Forks. Many Conservation Alliance members are based in close proximity to the Wild Olympics, and their employees take advantage of the opportunities these forests, mountains, and rivers offer. The quality of life and proximity to these areas is a primary reason that this region is attractive to businesses in the outdoor recreation industry. This balanced legislation is good for outdoor recreation and Washington's economy.

S. 1959 – *Central Coast Heritage Protection Act* (Senator Harris)
The Conservation Alliance strongly supports S. 1959, the Central Coast Heritage Protection Act. This legislation, sponsored by Senator Kamala Harris, would designate 245,665 acres of new and expanded wilderness in the Los Padres National Forest and the Carrizo Plain National Monument, protect Wild and

Scenic rivers, and establish the Condor National Recreation Trail. Visitors from around the world come to these coastal mountains and grasslands to hike, backpack, camp, bird-watch, ride horses, hunt, fish, kayak, and mountain bike. As with S. 483, several Conservation Alliance member companies are based in close proximity to the lands and rivers proposed for protection. These places are important to company employees and customers who cherish the recreation opportunities offered by these forests, mountains, and rivers. Our members on California's Central Coast often point to the high quality of life supported by these lands and rivers as an important factor in recruiting and retaining quality employees. This legislation is good for outdoor recreation and California's economy.

S. 2721 – *San Juan Mountains Wilderness Act* (Senator Bennet)
The Conservation Alliance strongly supports S. 2721, the San Juan Mountains Wilderness Act. This legislation, sponsored by Senator Michael Bennet, would provide better management and protections for lands in San Miguel, Ouray and San Juan counties in southwestern Colorado. The bill would protect 60,000 acres in the heart of the San Juan Mountains by expanding and designating Wilderness for the Mt. Sneffels Range, Lizard Head area and McKenna Peak. The bill would also ensure management protections for areas including Ice Lakes Basin, Vermillion Peak and Naturita Canyon. S. 2721 has been more than a decade in the making. The bill was first introduced in 2009 and again in 2013, where it received bipartisan support in both Houses of Congress. The current legislation has widespread support from local business owners, outfitters, ranchers, and local elected officials, including unanimous backing from the three county commissions (Ouray, San Juan, and San Miguel) where these lands are located.

S. 2809 – *Emery County Public Land Management Act* (Senator Hatch)
The Conservation Alliance recognizes that the Emery County Public Land Management Act of 2018, introduced by Senator Orrin Hatch, takes an important step toward legislating protections for public lands in Emery County. We appreciate the collaborative approach Senator Hatch has implemented in developing this legislation and his earnest efforts to engage the outdoor business and recreation community. S. 2809 goes a long way toward protecting key outdoor recreation amenities in Emery County. The bill would designate roughly 530,000 acres of Wilderness, 330,000 acres of National Conservation Area, and 54 miles of Wild and Scenic River. We appreciate that the bill, while releasing 14,000 acres of Wilderness Study Area, would designate roughly 100,000 acres non-WSA lands as Wilderness. We also recognize that, in the process of drafting the bill, Senator Hatch made important modifications to the legislative language that will avoid precedent-setting changes to conservation laws and to the management of our public lands.

Though Senator Hatch has introduced a bill that would protect much of the San Rafael Swell and surrounding lands and rivers, we want to call your attention to several areas that are left unprotected by the legislation. These places have high outdoor recreation values that, if added to the legislation, would dramatically improve the bill from the standpoint of outdoor recreation.

- **Muddy Creek Wilderness**: The southern boundary of the proposed Muddy Creek Wilderness area should extend to the southern border of Emery County. This remote area has outstanding wilderness characteristics consistent with the lands to the north proposed for Wilderness

designation. This entire area is currently proposed for NCA designation. Making the whole area Wilderness would provide unique opportunities for a remote outdoor recreation experience.

- **Labyrinth Canyon**: As currently drafted, the legislation would designate the west side of Labyrinth Canyon as a combination of NCA and Wilderness. Labyrinth Canyon is an iconic outdoor recreation destination most worthy of Wilderness protection. There are a small number of mountain bike routes clustered on the northern end of the proposed NCA. We suggest you extend the existing Wilderness boundary north to the southern edge of those mountain bike routes. Doing so would preserve existing recreation opportunities, while ensuring Wilderness protection for more of Labyrinth Canyon.
- **Upper Muddy Creek**: The stretch of Muddy Creek that flows southeast from I-70 to the proposed Muddy Creek Wilderness is notable for its hiking and paddling opportunities. We encourage you to add this portion of the creek, and the largely roadless landscape that surrounds it, to the proposal. We suggest that the northern part of this addition, which contains a long stretch of Muddy Creek, be designated NCA. The southern portion of this area is contiguous with the proposed Muddy Creek Wilderness, and should also be designated Wilderness. This area is easily accessible from I-70 and existing county and BLM roads, providing efficient access to outdoor recreation opportunities.

We'd also like you to ensure that the bill fully preserves the January 2017 settlement agreement that resolved a legal challenge over the BLM's 2008 Richfield Travel Management Plan and was signed by the Trump administration and several conservation and recreation groups. The BLM is obligated under the terms of that settlement to revise the 2008 Travel plan. New conservation designations should fully preserve the letter and the spirit of that agreement.

Finally, we hope to see the bill modified to ensure that the Ute Indian Tribe is not impacted by the land exchanges proposed in the legislation. We also encourage you to reach an agreement with the Ute Indian Tribe that will add another 16 miles of Wild and Scenic River designation for the stretch of the Green River that flows adjacent to the reservation. It is our understanding that the tribe has legitimate concerns about how a Wild and Scenic designation might impact their water rights. We are not experts on the Wild and Scenic Rivers Act, but know that the Omnibus Oregon Wild and Scenic Rivers Act of 1988 includes language that ensures protection for the water rights of the tribes adjacent to the rivers designated by that bill. You might consider adding similar language to the Emery County bill in an effort to alleviate the tribe's concerns, and protect more of the Green River.

Thank you for considering these additions to the Emery County legislation. We hope this bill can be a model for protecting public lands for their outdoor recreation and conservation values, and the above changes would be a big step toward that goal.

S. 2907, the Chaco Cultural Heritage Area Protection Act (Senator Udall)

The Conservation Alliance strongly supports S. 2907, the Chaco Cultural Heritage Area Protection Act. This legislation, sponsored by Senators Tom Udall and Martin Heinrich, would protect one of New Mexico's greatest cultural and historic treasures: Chaco Canyon. The bill would ensure the protection of Chaco ruins and the greater landscape surrounding the Chaco Culture National Historic Park by

withdrawing over 316,000 acres of federally managed minerals from future oil and gas leasing and development. Chaco Canyon is an iconic destination for visitors to explore America's cultural history, and this bill would preserve that opportunity for future generations.

We appreciate the opportunity to submit these views for the Subcommittee's consideration. Please contact John Sterling at (541) 389.2424 or john@conservationalliance.com if you have any questions.

Sincerely,

John Sterling
Executive Director

Conservation Lands Foundation • Oregon Natural Desert Association • The Wilderness Society

August 20, 2018

The Honorable Mike Lee
Chairman
Subcommittee on Public Lands, Forests, and Mining
Energy and Natural Resources Committee
United States Senate
Washington, D.C. 20510

The Honorable Ron Wyden
Ranking Member
Subcommittee on Public Lands, Forests, and Mining
Energy and Natural Resources Committee
United States Senate
Washington, D.C. 20510

RE: H.R. 2075 – Crooked River Ranch Fire Protection Act – Oppose

Dear Chairman Lee and Ranking Member Wyden,

Conservation Lands Foundation, Oregon Natural Desert Association, and The Wilderness Society, on behalf of more than one million of our members and supporters around the country and in Oregon, have come together to express our opposition to H.R. 2075, the Crooked River Ranch Fire Protection Act, introduced by Congressman Greg Walden.

We support efforts to safeguard Crooked River Ranch from wildfire, as well as to protect, defend, and restore Oregon's deserts. Acknowledging the importance of these issues and of the need to resolve them with the input of all local stakeholders, a working group was established in 2015 to find ways to achieve both fire risk reduction and permanent protection of wilderness values in the Whychus-Deschutes area. This collaborative process produced a concept that would be a true win-win solution. H.R. 2075 brought the local collaborative process to a halt when it was introduced without input from all working group participants.

H.R. 2075 removes 832 acres of a wilderness study area (WSA) and ignores the ideas generated by the collaborative stakeholder process to resolve the status of the remainder of the WSA. Many in the community have expressed support for a comprehensive approach to address fuel reduction needs while protecting the outstanding resources of the WSA. This locally-driven approach is the best way to ensure balanced legislation that can secure the support of the diverse stakeholders interested in the future of the WSA.

For these reasons, we oppose H.R. 2075 as drafted and urge the committee to adopt a more balanced approach that increases fire protection for local communities while protecting deserving lands as wilderness.

Sincerely,

Conservation Lands Foundation
Oregon Natural Desert Association
The Wilderness Society

Cc: Senator Lisa Murkowski, Chairman, Senate Energy and Natural Resources Committee
Senator Maria Cantwell, Ranking Member, Senate Energy and Natural Resources Committee
Senator Jeff Merkley of Oregon

Conserve Southwest Utah Testimony on S3297
"Desert Tortoise Habitat Conservation Plan Expansion Act, Washington County, Utah"
to the US Senate Energy and Natural Resources Committee
Submitted August 20, 2018

Conserve Southwest Utah (CSU) appreciates the opportunity to submit testimony to the Senate Energy and Natural Resources Committee on this matter that is very dear to the citizens of Washington County and, due to the precedent-setting nature of this bill, of great importance to American citizens.

As a local grassroots conservation organization in Washington County we have over 12 years of detailed experience with the subject of this bill. Over this period, we have participated in hundreds of meetings and events involving the protection of these lands, spending many thousands of volunteer hours by hundreds of the citizens throughout our county. We have watched this effort to force a highway through critical protected habitat evolve over these many years. CSU's Testimony on HR5597, the companion House version of S3297, which has already been relayed to you, contains the details of our opposition. Here is a summary of our key issues:

1. The Purpose and Effects of this Bill
   While this bill's title implies it is expanding habitat protection, it does the opposite. The real purpose of the bill is to enable the construction of a highway through prime protected habitat. As a false mitigation, it offers to protect a discontinuous area of relatively poor habitat that is already protected, and which is itself the target of future highway construction, and proposes that this would offset any additional future damage to the currently protected prime habitat. The Desert Tortoise Council Testimony in Opposition to S3297 describes with clear scientific foundation that a highway is one of the most damaging impacts on sensitive habitat. The area that would be damaged by this highway was established as permanently protected habitat by the 1995 Washington County Habitat Conservation Plan and affirmed in the 2009 Omnibus Public Lands Management Act as mitigation for habitat destruction allowed in the rest of the county. S3297 offers this false circular mitigation for protected habitat that itself is mitigation for damage already done.

2. Local opposition
   There is strong local opposition to this bill and the highway it enables, as evidenced by newspaper polls (August 2017 poll, April 2018 poll), comments from the March 28 local "Open House" (the only public meeting held by the county on the bill), and numerous op-eds, all of which are in opposition except those written by county officials. A similar bill was introduced by Utah Representative Matheson and Senator Bennett in 2006 at the behest of our county commissioners, proposing this same highway and the removal of protections from a large portion of lands in Washington County. It was met by the same overwhelming opposition that this bill is receiving, resulting in what was intended to be permanent protection of the habitat via the 2009 Omnibus Public Lands Act, which established the concept of National Conservation Areas and our two local NCAs. And

yet again our local county government is trying to remove those protections, again against overwhelming local public opposition.

3. Poor public engagement process
   In contrast to the massive public and shareholder engagement over an extended period of time for both the 2009 legislation and the more recent Resource Management Planning for our two NCAs, this bill was written in a rush, behind closed doors, with no public input or influence. Our local Shivwits Band of Paiutes were not even consulted regarding the significant impact to their ancestral lands, rich in their cultural heritage sites that will be damaged or destroyed.

4. An invalid solution
   Our county leaders have held the concept of a "ring highway" for a long time, prior to formal protection granted to the desert tortoise. Highway construction is fundamentally incompatible with protection of the species, yet alternative solutions have not been sought after the protection was granted. Local road projects have been designed over these past 23 years under the bold assumption that this highway would be constructed. Traffic models justifying this highway disregarded several viable alternatives and not even considered many others, using invalid assumptions and constraints, with no peer review or public involvement. There should be an honest and open analysis before such a damaging solution is forced upon us, and upon the threatened species we are trying to protect. Repeated requests for this analysis have gone unanswered.

5. Values
   Our county, and all of southern Utah, has some of the most impressive and sensitive majestic landscapes anywhere in the world, from Zion National Park on the eastern edge of our county to our two National Conservation Areas on the western edge. They drive our outdoor recreation economy and are the major reason this is one of the fastest growing areas in the US. These vistas, so close to our urban center, giving the sense of expansive natural beauty, are our economic and spiritual foundation, not to mention the fragile homes they provide to other species. This highway would damage that foundation, heavily impacting the human experience with them as much it would other species. Despite our elected officials' pronouncements, it is not "essential"; rather, it is essential that we protect our foundation, and find viable solutions to our growth challenges by working together, rather than force a highway through the protected habitat and through the core of our values.

Our elected officials have lost contact with their constituents on this issue, as they did 12 years ago when public opposition reversed their plans. Over 2,000 supporters of our organization and the vast majority of county residents who have spoken in polls and public comments ask you to please not approve S3297.

Sincerely,

Tom Butine
Board President, Conserve Southwest Utah

July 10, 2018

Dear Senator Wyden,

I own 875 acres of agricultural land bordered on three sides by the Steelhead Falls Wilderness Study Area and Deschutes Canyon Inventoried Roadless Area. I have lived on this land overlooking the Deschutes canyon for over 50 years. I recently had my entire property designated as a "century ranch" to preserve the historic and agricultural values of my property for the future.

I have over 5 miles of frontage with these public lands managed by the Bureau of Land Management and US Forest Service. Out of the many private landowners who neighbor the public lands that make up the "Whychus-Deschutes" area, I am the most likely to be impacted by management decisions on these public lands. That is why I have engaged in conversations with the Oregon Natural Desert Association over the past 7 years about how their wilderness proposal for the Whychus-Deschutes area could affect my property and my livelihood.

Over the course of 7 years of discussions, the staff of the Oregon Natural Desert Association has listened to my concerns and made major adjustments to their proposal based on my input. They have agreed to change the boundary of the wilderness proposal to help mitigate the very real risk of wildfire to my property and have also included a land exchange that would help me better protect my property in the event that it is threatened by fire.

Wildfire is of utmost concern for me, and I have faced two close calls recently with fires threatening my home. I have identified several practical steps that could be taken to reduce the fire risk for my property as well as the risk of fire damaging homes at Crooked River Ranch, which is less than half a mile from my property in some places. I have recently had a road along my property boundary improved to create better access for fire fighters. I am committed to working with the Crooked River Ranch Fire Department and the agencies to help protect not only my own property, but the property and safety of people at Crooked River Ranch.

Over time, I have come to see that wilderness protection for the Whychus-Deschutes area is in my best interests as a neighboring landowner. I want to see this area kept the way it is. There are many historical and cultural values in this area that need better protection, including old wagon roads and Indian artifacts.

I also believe the risk of a human-caused fire could be reduced with a wilderness designation. With increasing recreation has come more vehicle traffic and more campfires, both of which have the potential to start a wildfire. Vehicles need to be limited to established access roads and camping should be restricted to designated areas. Both of these things can be accomplished in a package that includes wilderness designation.

My property and the Whychus-Deschutes area are in the center of a migration corridor for deer and elk. This area is also designated as critical winter range for mule deer. I have seen the pressure that increasing development and recreation put on wildlife and other resources. In the past several years, we have seen recreation use in our area increase significantly. With this increase have come more incidents of trespassing and people attempting to drive through my property on private roads to reach public lands. We have also documented several people driving on closed roads on public lands last year during hunting season.

Wilderness designation will help relieve these problems by restricting the roads that people can drive on in the area, and making the Forest Service and BLM to work together on a plan to better deal with increasing recreation.

HR 2075, The Crooked River Ranch Fire Protection Act, which is sponsored by Rep. Greg Walden (R-OR), undermines local efforts to come to solutions that will work for everyone affected by changes to the management of public lands. This bill is only a partial solution that ignores the needs of landowners like me. I urge you to work together to come up with a more balanced solution that will protect Crooked River Ranch and other neighboring landowners from wildfire while also ensuring that Whychus-Deschutes stays the same as it is today.

Sincerely,

Glenn L. Cooper
15000 SW Lower Bridge Way
Terrebonne, OR 97760

August 20, 2018

The Honorable Lisa Murkowski
Chair
The United States Senate Committee on Energy and Natural Resource
304 Dirksen Senate Building
Washington, DC 20510

Subject: H.R. 2075 Crooked River Ranch Fire Protection Act

Dear Senator Murkowski:

The Crooked River Ranch Club and Maintenance Association (CRRC&MA) totally supports the "Crooked River Ranch Fire Protection Act" which moves the eastern boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area (WSA) to provide for enhanced fire protection for life and property on Crooked River Ranch (CRR). We are a planned unit development of 12,000 acres and with a population of 5,500 people whose lives and property are at risk from wildfires penetrating the Wildland-Urban Interface (WUI).

Additionally, Senator Murkowski, Jefferson County heartily supports your stance on the issue of locking up public lands as you indicated when you supported Senator Barrasso's Senate Bill 1087, the Wilderness and Roadless Area Release Act fixing a broken Washington system that has kept millions of acres of non-wilderness land off limits for decades. As you eloquently said at the time:

"No one understands the negative impact of policies like the roadless rule and wilderness study areas – both of which are managed as de-facto wilderness – better than Alaska. My view is that only Congress, not the administration, has authority to designate new wilderness, and it's time that Congress made that clear. This legislation is a reaction to overreach by the administration and I hope other senators will join Sen. Barrasso and me in taking a stand against misguided administrative policies that lock up public lands."

CRR has been placed in the highest risk category for exposure to devastating wildfire in the federally mandated and locally promulgated Jefferson County Community Wildfire Protection Plan (CWPP). This Act will help bring CRR into compliance with the CWPP by providing for a fire safe zone on this portion of the perimeter of CRR.

Crooked River Ranch Club & Maintenance
5195 SW Clubhouse Road Crooked River Ranch, OR 97760
Phone: 541-548-8939 Fax: 541-548-0278

This bill corrects an oversight of the original designation of the WSA which made the boundary of the WSA and CRR contiguous which provided no defensive fires safe zone between CRR, a community of 5,500 people, and the WSA. This lack of a fire safe zone is totally unacceptable given the intense wildfire threats to the Wildland-Urban Interface (WUI) in today's environment.

Neither the BLM nor the USFS have concurred that WSA be designated a wilderness and recommended the WSA be released for uses other than wilderness. The WSA was deemed too small, narrow, irregular shape and limited size (length: 10 miles, width: varies from 0.25 to 2 miles wide) among other non-qualifying criteria. Further, the area is protected as a Wild and Scenic River.

The Crooked River Ranch homeowners association thanks you for your work in looking out for the safety of the citizens residing on Crooked River Ranch that this Act will provide.

Sincerely,

David Palmer, President
Crooked River Ranch Club and Maintenance Association
Crooked River, Oregon 97760

Crooked River Ranch Club & Maintenance
5195 SW Clubhouse Road Crooked River Ranch, OR 97760
Phone: 541-548-8939 Fax: 541-548-0278

To: The Honorable Ron Wyden
United States Senate
221 Dirksen Senate Office Building
Washington, DC 20510

Date: August 21, 2018

Re: The Crooked River Ranch Fire Protection Act H.R. 2075.
Legislation to change the eastern border of the Steelhead Falls/Deschutes Canyon Wilderness Study Area to provide for enhanced fire protection for Crooked River Ranch.

Dear Senator Wyden,

I am writing this letter on behalf of Crooked River Ranch Club and Maintenance Association. I am currently the President of the Board of Directors. The Board of Directors and this Association fully supports the "Crooked River Ranch Fire Protection Act", which moves the eastern boundary of the Steelhead Falls/Deschutes Canyon Wilderness Study Area (WSA) to provide for enhanced fire protection for life and property on Crooked River Ranch (CRR), Oregon.

This bill is long overdue and will be a welcome addition to all first responders responsible for protecting the life and property of Crooked River Ranch citizens. Additionally, it will allow local first responders and BLM managers to address the severe fire dangers that exist along the borders which abut private property. CRR has one access road currently and serves 2646 privately owned lots with a population of well over 5000 citizens.

This legislation will:

- Reduce the spread of wildfire into populated areas
- Create a fire safe zone
- Allow mechanized equipment for fire suppression before it penetrates a populated area
- Provide safety to first responders during wildfire operations
- Assist Jefferson County Oregon Community Wildfire Protection Plan to mitigate risk classification of EXTREME.

Crooked River Ranch Club & Maintenance
5195 SW Clubhouse Road Crooked River Ranch, OR 97760
Phone: 541-548-8939 Fax: 541-548-0278

CRR was created in 1972. The WSA in question was not formed until after 1978. While I can't speak as to why a WSA was formed next to this residential community, having the wilderness study area literally adjacent to private homes that pre-date the study area must be addressed. Moving the current boundary west will allow for critical preventative fire mitigation activities as well as active mechanized firefighting actions that under current rules would not be allowed. Our current fire danger rating in this area as noted is EXTREME. NOT moving this boundary unnecessarily puts the 5000 plus members of this community, their property, and emergency personnel at undue risk.

Further, it should be noted that this WSA was deemed unsuitable for wilderness. Specifically, in a final draft dated 1992, co-authored by the Bureau of Land Management and U.S. Forest Service it clearly states; "This area was jointly studied by the BLM and National Grasslands to inventory wilderness values and determine wilderness suitability. Both agencies recommended to Congress that the area be managed for uses other than Wilderness." This bill is not asking for the removal of the WSA. All we are asking and advocating for is the proactive adjustment of a boundary line for the safety and protection of the citizens of our community which existed prior to the WSA's creation.

Best Regards,

David Palmer
President, Board of Directors
Crooked River Ranch Club and Maintenance Association

cc:file

Crooked River Ranch Club & Maintenance
5195 SW Clubhouse Road Crooked River Ranch, OR 97760
Phone: 541-548-8939 Fax: 541-548-0278

CUSTER COUNTY

August 15, 2018

U.S. Senate Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Re: S. 2297

Dear Member of the Committee on Energy and Natural Resources,

For many years Custer County and the United States Forest Service have had a working relationship at the Custer County Airport. We are indeed fortunate to have the only commercial general aviation facility in the Black Hills proper. In addition to the commercial and recreational activities, the facility serves as an aviation base for fire suppression contractors and the Heli-tac crews not only for Custer County, but for the entire Black Hills region. The synergies derived from this relationship continue to enhance the potential for future growth.

As we proceed with improvement and expansion we need funding through the Federal Aviation Administration. You may not be aware, but nearly 50 % of the airport runway is under ownership of the USFS. The fact that Custer County does not hold clear title to the runway hampers our ability to leverage funding through the Federal Aviation Administration. With increased competition for limited funding for smaller airports, the annual renewal of our special use agreement will eventually cease to qualify the county for eligibility.

As a result, we strongly support S. 2297. We also believe every community in the Black Hills will support it because of the extra protection provided by the unique opportunities afforded by our general aviation facility.

Sincerely,

Rex Harris, Custer County Director of Planning and Economic Development

Board of County Commissioners • 420 Mt. Rushmore Road • Custer, South Dakota 57730 • 605-673-8174

From: William deBuys
To: fortherecord (Energy)
Subject: Chaco Cultural Heritage Area Protection Act of 2018
Date: Tuesday, August 21, 2018 5:44:23 PM

Dear Members of the Committee:
I write in support of the above-named legislation.

The wonders of Chaco Canyon are not restricted to the lands within the present national historical park. A large buffer zone around the park urgently needs protection as well.

To allow energy development in this area is comparable to permitting bulldozers to knock down a great library to get at the sand and gravel beneath it. Our understanding of the broader Chaco region is still young. More wonders are revealed every year. We hardly know what is there.

Which means we need to exercise restraint. Already a large portion of northwest New Mexico has been sacrificed to oil and gas development. If you fly over the region, you will see what officials of the Reagan Administration referred to as a "National Sacrifice Area."

Chaco and its hinterland must not become part of that sacrifice. Please give the bill submitted to you by Sens. Udall and Heinrich a favorable hearing.

Sincerely,
William deBuys

106 El Valle Rd
Chamisal, NM 87521
505-689-1021

National Headquarters
1130 17th Street, N.W. | Washington, D.C. 20036-4604 | tel 202.682.9400 | fax 202.682.1331
www.defenders.org

September 5, 2018

Honorable Mike Lee
Subcommittee Chairman
Subcommittee on Public Lands, Forests and Mining
304 Dirksen Senate Building
Washington, DC 20510

Honorable Ron Wyden
Subcommittee Ranking Member
Subcommittee on Public Lands, Forests and Mining
304 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Lee and Ranking Member Wyden:

Thank you for the opportunity to submit this letter for the record on the Advancing Conservation and Education Act (S. 2078), which was the subject of a legislative hearing on August 22, 2018. Founded in 1947, Defenders of Wildlife (Defenders) has nearly two million members and supporters and is dedicated to the protection and restoration of wild animals and plants in their natural communities.

Defenders supports the purpose of S. 2078, but we believe that changes to the legislation are needed to effectively protect wildlife values on federal public lands. While the bill does not reference wildlife populations, S. 2078 has the potential to improve the conservation of species and habitat by consolidating management within federal conservation areas, including within units of the National Wildlife Refuge System (NWRS), the only system of federal lands dedicated specifically to wildlife conservation (to that end, we suggest designating NWRS units as "priority areas" within Section 3) . Disparate ownerships and management objectives within federal conservation areas can pose wildlife management challenges. However, it is critical that we not sacrifice crucial wildlife habitat when relinquishing federal lands to states.

As a policy matter and consistent with the public interest principles inherent in the legislation (Section 5(e)(3)(D)), land conveyances/exchanges authorized in the legislation should result in net conservation benefits to wildlife populations, and specifically must not result in negative effects to sensitive, special status, federally protected, or similar species of conservation concern.

To protect crucial wildlife values, the legislation should exclude certain highly valuable wildlife conservation lands from being transferred to the states. It should exclude conveying federal lands to states that have been designated as critical habitat for species listed under the Endangered Species Act (ESA). Text should be modified in Section 3(5)(B) to add that "the term 'public land' does not include Federal land that – has been designated as critical habitat pursuant to Public Law 92-205 (16 U.S.C. 1531 et seq.)." This improvement makes sense from a public interest and conservation perspective, and also

ensures that states will not inherit ESA-based wildlife conservation obligations on acquired replacement lands.

In addition, the legislation must explicitly ensure the application of procedural safeguards, including the ESA, environmental analysis under the National Environmental Policy Act (NEPA) and other applicable laws. To ensure that acquisition and conveyance of lands benefit at-risk species, we recommend that the legislation specify in Section 5(c)(1) that exchanges shall be conducted in accordance with the ESA.

NEPA is important for ensuring that decision-making on acquisitions/conveyances serve the public interest and provide benefits to wildlife. The requirement in S. 2078 to only assess the proposed agency action and the "no action" alternative in cases where a state has indicated an unwillingness to consider other lands for relinquishment or acquisition is problematic in that it may unnecessarily prohibits evaluation and attainment of optimal management solutions for affected resources, including wildlife. The bill sets the bar too low by rejecting consideration of exchange parameters simply because a state is "unwilling" to consider them. Doing so has the potential to either 1) block exchanges from occurring due to an inability to align the appropriate parcels for exchange; or 2) authorize exchanges that are more in the state's interest than the national public interest without examination of reasonable alternatives that may better serve both interests. The legislation should be changed to allow for "action-no action" analyses in those narrow cases where there is no other reasonable option to consider.

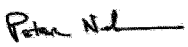
In fact, conservation of wildlife and wildlife habitat is in the public interest and it is appropriate for the Secretary to reject state applications that are not in the public interest (Section 5(e)(3)(D)). To reflect this principle, that section of the legislation should be amended to direct the Secretary to not accept applications that will significantly adversely affect wildlife habitat.

Section 5(g)(2) could be read to restrict the Secretary of Agriculture's discretion so that she only has the option to concur with determinations by the Secretary of the Interior on conveyance of state lands within the boundaries of the National Forest System. The bill should be modified to clarify that the Secretary of Agriculture has the authority to reject applications affecting the National Forest System.

Finally, we are concerned that treatment of grazing use in Section 9(c), including the provision allowing for the use of parcels acquired by the federal government as base properties to qualify for federal grazing permits, could have unintended consequences and long-term ramifications for livestock management and conservation on public lands.

We welcome the opportunity to work with all proponents of this legislation to resolve these concerns so that the integral wildlife values of our public lands are protected, and the public can fully benefit from helpful efforts to resolve patchwork management issues.

Sincerely,



Peter Nelson
Director, Federal Lands
Defenders of Wildlife
pnelson@defenders.org
406-556-2816

Dine' Medicine Men's Association, Inc.
Diné Bi Nahagha' Yee Da' Ahoota'
P.O. Box 4574
Gallup NM 87301

RESOLUTION OF
Dine' Medicine Men's Association, Inc.

To: U.S. Senate Energy and Natural Resources Committee
For the Official Record
Re: S.2907 — 115th Congress (2017-2018)

Via email: fortherecord@energy.senate.gov.

Honorable Committee:

Dine' Medicine Men's Association supports passage of the Chaco Cultural Heritage Area Protection Act of 2018 (S. 2907) to ensure no expanded hydraulic fracturing of mineral leases by the U.S. government, creation of a Protection Zone, and protocols implemented as concerns cited by the Inspector General with regard to non-compliance with MOU's, a lack of oversight and environmental monitoring of oil and gas activities, failure to conduct outreach and lack of consultation with directly affected Navajo allottees' leases necessary to protect land, air, water, Traditional Cultural Properties and sacred sites that are endangered if expanded leases are approved.

WHEREAS: DMMA herewith submits Comments for the Official Record in support of the efforts of Senators Tom Udall and Martin Heinrich to introduce the Chaco Cultural Heritage Area Protection Act of 2018 (S. 2907); and

WHEREAS: Backing the legislation are the Navajo Nation, The All Pueblo Council of Governors, The National Congress of American Indians, the New Mexico Wilderness Alliance, the Wilderness Society and Southwest Native Cultures, archaeologists, cultural preservationists, and conservationists; and

WHEREAS: The Act will create a Chaco Protection Zone around Chaco Canyon and allow the withdrawal of 316,076 acres of oil, natural gas, coal and other minerals around Chaco Canyon to stop further development by the federal government; and

WHEREAS: The time is urgent as the Trump administration proposes to issue new oil and gas leases in more land around Chaco Canyon, the most sacred cultural landscape, intact public lands, endangering ruins that are irreplaceable. We must protect this sacred land and not allow expanded drilling; and

WHEREAS: Chaco Culture National Historical Park and other sites in the Greater Chaco Canyon Region have been designated a World Heritage Site by the United Nations Educational, Scientific and Cultural Organization (UNESCO), one of 22 UNESCO World Heritage Sites in the United States; and

WHEREAS: What is missing is consultation, participation and free, prior and informed consent of DMMA and directly affected allotted land owners hat have been omitted from this discussion; and

WHEREAS: Free, prior and informed consent is an international human right confirmed by the Expert Mechanism on the Rights of Indigenous Peoples in a report to the Human Rights Council of the United Nations. It was accepted by the Navajo Nation Council; and

WHEREAS: Protocols must be created to ensure the free prior and informed consent of the DMMA and allotted land owners before any decisions are made about development projects that threatens our sacred lands and our future; and

WHEREAS: About 80,000 people visit Chaco Canyon each year. Excavated great houses and artifacts maintained in a state of "arrested decay" testify to Chacoans as expert skywatchers, who had knowledge of the cyclic patterns of the sun, moon and stars. Their knowledge reflected in the great houses that stand as a treasure that must be preserved for future generations; and

WHEREAS: The Navajo Nation Council, Resources and Development and Naabik'iyati' Committees passed legislation No. 0025-1 Respectfully Requesting the United Nations to Conduct a Field Hearing Regarding the Impacts of Hydraulic Fracturing; and

WHEREAS: A Report of the Office of the Inspector General, U.S. Department of the Interior dated 2/3/2017. Final Audit Report - Bureau of Indian Affairs' Federal Indian Minerals Office Report No. 2015-EAU-079 notes several areas of non-compliance that have not been implemented; and

WHEREAS: According to this Report, the BLM and BIA Federal Indian Minerals Office (FIMO) is using outdated partnership MOU's. conducting insufficient oversight that is responsible for a lack of oversight of Navajo allottees' leases and environmental monitoring of oil and gas activities by the BLM inspectors and BIA Federal Indian Minerals Office (FIMO); and

WHEREAS: The BLM's AFMSS inventory did not include 23 out of 539 Navajo allotted leases (4 percent) that were included in FIMO's lease inventory. In addition, it was found that BLM had two wells listed in its current Navajo allotted well inspection inventory that had ceased in 2003 to be associated with a Navajo allotted lease. The BIA did not concur, Without a complete reconciled inventory, FIMO cannot ensure that BIA is properly managing all Navajo allotted leases or that BLM is conducting all appropriate field inspections for these leases; and

WHEREAS: Without a complete reconciled inventory, FIMO cannot ensure that BIA is properly managing all Navajo allotted leases or that BLM is conducting all appropriate field inspections for these leases; and

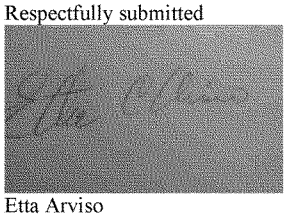
WHEREAS: Our collective histories are in danger. More than 90 percent of public lands within the region are already leased for oil and gas drilling; and

WHEREAS: Chaco Canyon is a sacred area. An ancient Anasazi site is endangered that contains the greatest concentrations of pueblos in the American Southwest. It became a national historical park in 1980, and was designated a UNESCO World Heritage Site in 1987 for its outstanding natural and cultural resources form the common inheritance of all mankind. and

THEREFORE, BE IT RESOLVED:

Dine' Medicine Men's Association supports passage of the Chaco Cultural Heritage Area Protection Act of 2018 (S. 2907) to ensure no expanded hydraulic fracturing of mineral leases by the U.S. government, creation of a Protection Zone, and protocols implemented as concerns cited by the Inspector General with regard to non-compliance with MOU's, a lack of oversight and environmental monitoring of oil and gas activities, failure to conduct outreach and lack of consultation with directly affected Navajo allottees' leases necessary to protect land, air, water, Traditional Cultural Properties and sacred sites that are endangered if expanded leases are approved.

Respectfully submitted



Etta Arviso
Board of Director, Dine' Medicine Men's Association
On Behalf of Dine's Medicine Men's Association
Dated: The 22nd day of August, 2018.
Email: Etta Arviso <bitahnii06@yahoo.com>

See: Report of the Office of the Inspector General, U.S. Department of the Interior dated 2/3/2017. Final Audit Report - Bureau of Indian Affairs' Federal Indian Minerals Office Report No. 2015-EAU-079

From: Lynn Sutcliffe
To: fortherecord (Energy)
Subject: Save Chaco
Date: Wednesday, August 22, 2018 8:59:10 AM

We commend Senators Udall and Heinrich for their proposed legislation to protect Chaco and we support efforts to expand this protection to the larger Chaco region.

To prevent any further damage to the Chaco culture's invaluable heritage, the Bureau of Land Management (BLM) must cease permitting new oil and gas wells in the Chaco region. Especially, and at the very least, they must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018 proposed by Senator Udall and Senator Heinrich. Further, the withdrawal area boundaries of this proposed bill should be *extended* to cover a 20 mile buffer zone around Chaco National Historical Park and 10 mile buffer zones around outlying Chaco Great Houses.

Approaching Chaco today you are confronted with an unreal sight of fracking rigs and flares, creating noise, air, and groundwater pollution. The ground fracturing vibrations risk damage to some of the most valuable archaeological sites in North America.

In 2014, the BLM promised a new Resource and Management Plan to govern all future oil and gas leases. They have not yet delivered. Instead, the BLM plans to sell leases this December *inside* the ten mile 'buffer zone' around Chaco Canyon, a protective boundary they previously assented to. This sets a dangerous precedent for advancing energy activity closer to Chaco Canyon.

The BLM has also permitted many roads to cross the ancient Great North Road's 35 mile course from Chaco Canyon to Kutz Canyon. The Chacoans created this elaborate corridor to connect their ceremonial center to the direction North. For descendant Puebloan peoples it holds profound spiritual significance. However, modern energy roads continue to erase the Great North Road. This erasure risks getting worse: the Chaco people created numerous Great Houses and other 'roads' as a web, uniting their sites with special landforms and astronomical directions. This comprehensive web of a sacred landscape must be protected.

Much of the area adjoining Great Houses in the 'buffer zone' is only beginning to be analyzed with LiDAR (aerial LASER scanning); this data requires much further evaluation, along with on-the-ground truthing by experienced archaeologists. These efforts should proceed and the findings deter any further leasing.

We also urge mitigating actions by the BLM to prevent public health hazards to surrounding communities already encroached upon by intense energy development. We further support a shift in the region's economy to job-creating, sustainable energy enterprises.

Mr. S. Lynn Sutcliffe
CEO
Energysolve LLC
1 Executive Drive, Suite 401
Somerset, NJ 089873
Office phone: 732 748-4200
Mobile phone: 848 565-1213
lsutcliffe@energysolve.com
www.energysolve.com

From: Jane M Farmer
To: fortherecord (Energy)
Subject: Chaco Cultural Heritage Area Protection Act of 2018
Date: Wednesday, August 22, 2018 4:21:01 PM

Dear Members of the US Senate Committee on Energy and Natural Resources:
Subcommittee on Public Lands, Forests, and Mining,

I am writing in support of this legislation that will protect any f**urther damage** to the greater Chaco region by oil and gas mining. This is a major cultural region for the history of the United States as well as a sacred area for many native peoples. It can never be worth the longterm costs to harm this region for shortterm financial gain -that is also degrading the natural environment.

Sincerely,

Jane M. Farmer

--
Jane M Farmer
PO Box 503, Arroyo Hondo, NM 87513-050
Phone, Home: 575-776-3139; Cell: 505-699-2757
EMAIL:janemfarmer@stanfordalumni.org

From: Tim Fohl
To: fortherecord (Energy)
Subject: Chaco
Date: Tuesday, August 21, 2018 9:45:45 AM

Surely the buried energy sources in sensitive areas can be accessed in a nondestructive way as technology evolves. I have watched this in other areas. Just take your time. There are plenty of other targets.

Best,
Tim Fohl

Timothy Fohl
978 371 0194 (Technology Integration Group, Inc.)

Statement for the record of Senator Cory Gardner on S. 2721, the San Juan Mountains Wilderness Act.

August 22. 2018

I appreciate the opportunity to comment on my colleague Senator Bennet's legislation, S. 2721, the San Juan Mountains Wilderness Act.

This act would place over 61,000 acres of National Forest land under different management designations, including additions to two existing wilderness areas, a standalone wilderness area, a special management area designation, and would withdraw from consideration of resource development an area in Naturita Canyon.

I'm generally supportive of wilderness designations where that designation is appropriate and would like this bill to succeed. And I'll note that the three counties in which these new designations would take place, as well as many of the local townships within them, are supportive of this legislation.

However, based on the some of the feedback we have received, I believe that this legislation has some kinks in it that need to be worked out before it is ready to be signed in to law. Which, of course, is the purpose for having these legislative hearings.

I'll submit some of the correspondence in opposition to the legislation now for the record with the understanding Senator Bennet has or will in the coming weeks submit the supportive materials he and his staff have received.

The letters in opposition I am submitting now are from the following organizations: the Colorado Snowmobile Association, the Colorado Trails Preservation Alliance, the Colorado Off-Highway Vehicle Coalition, and the Colorado Woolgrowers association. I am also submitting some of the individual correspondence we have received from various smaller off-road groups throughout the state. I understand some constructive talks are taking place with the Colorado Water Conservation District but that there are also, as of the date of this hearing, still some unresolved water rights issues in the area that need to be worked through.

In sum, I believe that this proposal has merit, but I would like to see the type of consensus that was achieved across stakeholder groups with the Hermosa Creek legislation and I am not sure we are there yet.

I look forward to seeing my colleague work through some of these issues and will stand ready to support him when he does so. Thank you.

From: Matt Basham <ophirbasham@gmail.com>
Sent: Tuesday, May 8, 2018 11:13 AM
To: Bair, Betsy (Gardner)
Subject: San Juan Wilderness Bill

Betsy,

I am emailing you regarding the proposed San Juan Wilderness Bill. I wish to remind you of a few oppositional points/facts, which I believe should be considered during any conversation regarding the proposed Sheep Mountain Special Management Area within the proposed bill.

I am attaching two zoomed in portions of the proposed Sheep Mountain Special Management area. On the first map I have used a black marker to outline where the OSV community plays and travels thru the Ophir valley to access the "open" OSV area of Red Mtn. Pass. This first map also identifies, in black marker, the open OSV area on the East side of Ophir pass, locally known as Paradise Basin and Battleship. Snowmobilers within our Telluride regional community have accessed the Red Mtn. Corridor via Ophir pass for decades, even before the modern mountain snowmobile.

The second map depicts where the regional OSV communities play and travel thru the southern portion of the SMSMA. This second map also has my black marker outlining where we play within the "Barlow" riding zone. The Barlow riding area is a significant riding destination for many OSV communities within the four corners region. It is common to find OSV enthusiasts from Cortez, Durango, New Mexico, Arizona, the West End and of course the Telluride community. Barlow is significant! With the current Grizzly Peak RNA we have already "lost" a treasure of legal riding. With the passing of a Sheep Mountain Special Management Area, the OSV community losses too much prime riding terrain.

In addition to the obvious points mentioned above, I would like to also include the following bullet points.

1. Motorized travel thru the Ophir Valley has existed since the mining era.

2. The wilderness proposal does not allow for safe OSV access thru the Ophir Valley.

3. The Sheep Management Special Management proposal does not identify the OSV community within the historical uses nor is it reflective in any regards to the OSV communities past and current legal riding areas.

4. Although the Town of Ophir supports the Wilderness proposal, the Ophir community, in general, accepts, encourages and advances the creation of illegal mountain biking trails which reside within the Swamp Canyon, Nevada Gulch and Waterfall Canyon areas of the SMSM proposal.

5. Currently the open OSV riding zones surrounding the Telluride Ski area don't receive much attention, mainly due to the social cultural repercussions. I can imagine if passed, the San Juan Wilderness Bill would empower the local OSV community to indulge in this area. Imagine Telluride Ski Area's world class side-country terrain sharing with the OSV community on a regular basis.

6. The Ophir Social Cultural community is sensitive to the open riding zones North of the Ophir Pass Rd. The local OSV community tends to veer away from this area, again probably due to the cultural

repercussions. However, if the wilderness proposal passes, this zone becomes one of the last remaining open OSV areas and I can't imagine Ophir will be happy with us playing just outside of town limits in Spring Gulch, Staatsburg Basin, Carbanero and Chapman Gulch. NOTE: These are not threats, but just hypothesis.

7. The SMSM proposal removes 70% (my estimate) of the above tree-line riding zones within the Barlow OSV area.

8. Cindy Farney (an influential land owner) for several years in early 2000's, worked in conjunction, for profit, with a local snowmobile guide company (Telluride Snowmobile Adventures), allowing for and promoting guided snowmobile tours to her cabin and beyond into the North and South Twin Creek Basin's (now included in the Grizzly Peak RNA and SMSM proposal).

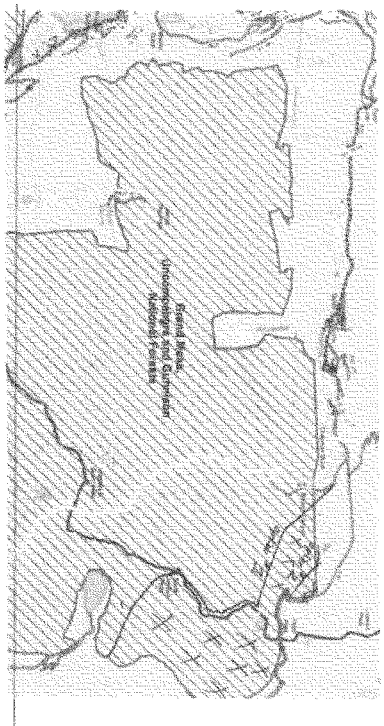
9. The SMSM proposal allows for a commercial helicopter outfitter within a Wilderness designation. I still don't understand this one? Setting Precedent for future Wilderness Bills?

10. There is significant Wilderness areas already in existence within the San Juan & GMUG National Forests.

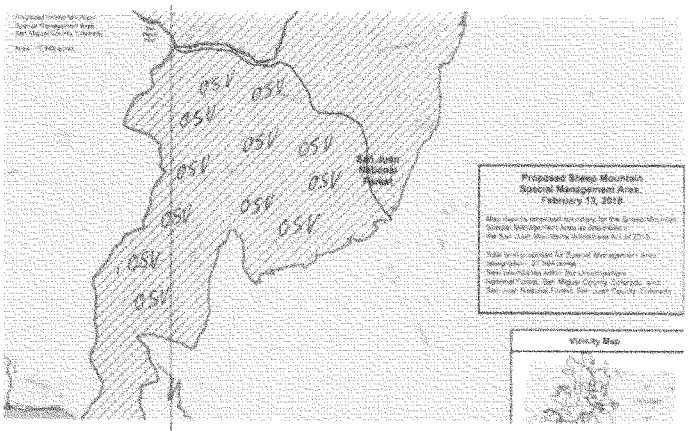
In conclusion, the Sheep Mountain Special Management proposal as well as the San Juan Wilderness proposal just doesn't make rational sense in regards to our past and present recreational activities. There is no rational in allowing for the historical use of a commercial helicopter skiing outfitter while denying the Mountain Biking and OSV community their historical status. This San Juan Wilderness Bill is no good!

I do appreciate your time and efforts and your willingness to reach out to and assist those of us who are passionate about our outdoor recreational activities.

Thank You,
Matt Basham
Ophir, CO

10. 

Map #1: black marker & X's identify where we play and travel thru the Ophir valley and play on the East side of Ophir Pass in Paradise and Battleship Basins.



Map #2: black marker & OSV's identify where we play within the Barlow riding zone. Note, this map includes the Cascade drainage, which does receive OSV travel from time to time.

From: Morgan Boldrin <morganboldrin@me.com>
Sent: Wednesday, May 2, 2018 8:55 AM
To: Bair, Betsy (Gardner)
Subject: San Juan Mountains OHV Recreation.

Hello. I have heard that there is another wilderness area land grab scheme afoot for the San Juan mountains. There is so much history there with the old mines and the roads that connect us to that history. The off road community bring a lot of money and resources to the area. It's important for the small business that thrive off tourist dollars. Another benefit is the cleaning of trash on the trails and trail maintenance help available to the forest service and BLM. My club, The Mile-Hi Jeep Club, volunteer many man hours of time and labor helping the various Ranger districts with land projects. We give back to OUR land and resources.

Thank you for responsibly working for the citizens you serve.

Morgan Boldrin

Bair, Betsy (Gardner)

From: Phillip Bowman <pwbowman38@hotmail.com>
Sent: Wednesday, May 2, 2018 9:36 AM
To: Bair, Betsy (Gardner)
Subject: I oppose the San Juan Wilderness Proposal

Dear Betsy Bair,

I am a passionate, responsible off-road recreationalist who has enjoyed many, many days of riding in the areas that would be affected by the SJWP. I strongly urge that you, Senator Cory Gardner, and others oppose the aforementioned proposal. I have included in the body of email a cut and paste from an organization who I am a member of, COHVCO:

"1. Almost every new Wilderness area would close opportunities to multiple use recreation and sever trails that cross these areas, and result in the loss of hundreds of miles of routes that have been highly valued for more than 50 years.
2. There is not broad community support for the Proposal and the Proposal overturns the broad community support there was for the Hermosa Watershed Legislation that was only recently finalized in planning. Despite the broad community support for the Hermosa Legislation, the San Juan Proposal would remove much of the balance achieved in the Hermosa Legislation.
3. The Proposal would designate many areas as Wilderness that were specifically excluded from further review for designation as Wilderness in the 1980 Colorado Wilderness Legislation. Congress specifically reviewed these usages and excluded these areas due to the high levels of recreational usage in these areas. The 1980 Colorado Wilderness Act clearly stated it was Congress intent to close discussion of possible designation of areas reviewed and not designated as Wilderness in that Legislation. The recreational usage of these has never stopped in these areas and is now more valuable than ever before and has occurred without major conflict. Why would we change a consensus position from the 1980 Colorado Wilderness legislation?
4. Some areas of the San Juan Wilderness (Smith Mtn. and Uncompahgre Primitive Areas) were identified for possible protection prior to the establishment of the Wilderness Act itself and have been found unsuitable for designation for more than 50 years by USFS, USGS, and Bureau of Mines. These areas were released from further management in the 1980 Colorado Wilderness Act. How many more times do we need to look at these areas..... The conclusion has always been the same? The area is not suitable.
5. Many of these areas were also found unsuitable for Upper Tier Roadless area management in the 2012 Colorado Roadless Rule development. If they are unsuitable for Upper Tier management, why would they ever be the basis for Wilderness Management?

6. We continue to struggle to understand what the management need for this Legislation even is.
7. Forest Health impacts must be addressed as many of these areas have been hugely impacted by beetle outbreaks. Rather than streamlining the management response in these areas, the Legislation makes any response more difficult. This simply makes no sense.
8. The benefits to local communities from recreation economics would be greatly reduced as the Dept. of Commerce recently concluded that motorized recreation almost outspends all other user groups combined".

Of particular interest to your constituents from the above list of concerns are items #7 and #8.

Please oppose the San Juan Wilderness Proposal.

thank you,
-Phillip Bowman

PS *I included the cut and paste items because I could not have better expressed the concerns at hand.*

From: Bill Brassfield <wlbrassfield@PaceSetterClaims.com>
Sent: Wednesday, May 2, 2018 7:31 AM
To: Bair, Betsy (Gardner)
Subject: San Juan Wilderness

Please do not close part of the San Juan Wilderness to OHV's. I bring family and friend's to Colorado every year to ride the San Juan Mountains.

Sincerely,

PACESETTER

Bill Brassfield
CEO
918.660.8887 x1214 office
918.740.4209 cell
wlbrassfield@pacesetterclaims.com

Pacesetter Claims Service, Inc
P.O. Box 2130 Catoosa, OK 74015

From: Dan Casebolt <dan@casebolt.com>
Sent: Wednesday, May 2, 2018 2:05 PM
To: Bair, Betsy (Gardner)
Subject: San Juan wilderness legislation

Betsy,
Please let senator Gardner know that I oppose this legislation and support COHVCO's position in this matter. I would really like him to review their open letter here: http://www.coloradotpa.org/2018/03/28/san-juan-wilderness-proposal/ and hope he reconsiders his stance in this issue.
The off roading community partners with the forest service with hundreds of volunteer hours to keep our trails maintained and clean. We also are a large part of the surrounding small business economy. Closing these areas could be devastating to many of the small communities in this are.

Dan Casebolt
Information Security Engineering Manager
Enterprise Technology - DBG
Fiserv
Mobile: 214-799-6539
Please consider the environment before printing this e-mail
{ This message composed of 100% recycled electrons, no trees were harmed in the sending of this e-mail. However billions of electrons were temporarily inconvenienced... }

Bair, Betsy (Gardner)

From: Jim Chambers <jameslchambers@hotmail.com>
Sent: Wednesday, May 2, 2018 10:34 AM
To: Bair, Betsy (Gardner); Whitney, John (Bennet); brian.meinhart@mail.house.gov
Subject: SAN JUAN WILDERNESS PROPOSAL

I am a registered Colorado voter along with my wife, family, and numerous friends and colleagues. I am also a member of the Mile Hi Jeep Club along with 500 other family members. I am a long-time OHV (Off Highway Vehicle) User in the Durango/Telluride/Silverton/Ouray area and would like to express my extreme opposition to the recently introduced San Juan Wilderness Proposal. It appears that this proposal again revisits previously agreed upon management policies for this highly used OHV area. It would change the current multi-use policies by closing hundreds of miles of existing motorized trails which would discriminate against our aging population and limit that population from visiting much of the San Juan Mountains backcountry. It would significantly diminish access to any response to the beetle kill crisis in the area. Support for this proposal appears to be limited to a small number of special interest groups as the proposal would have a significant impact to established businesses in the area due to the loss of OHV spending. In summary, any benefits provided in this proposal are significantly outweighed by negative impacts.

I appreciate the opportunity to comment on this proposal and hope my input is helpful.

Best Regards.....Jim Chambers

May 7, 2018

Gunnison Public Lands Initiative

Via email only @ info@gunnisonpubliclands.org

RE: Gunnison Public Lands Initiative

Dear Sirs;

Please accept this correspondence as the preliminary input of the above Organizations vigorously opposing the Gunnison Public Lands Initiative ("The Proposal"). The Organizations general concerns are generally summarized as follows:

1. While the Proposal asserts there is no lost opportunity for the motorized community, this position simply lacks any factual basis as the Proposal closes extensive portions of the planning area currently open to motorized usage;
2. The Planning area is not the basis for significant conflict in the recreational community, but the Proposal would create immense conflict for the future of these areas;
3. The extensive conflict between the Proposal and existing federal laws for management of many of these areas that resulted from extensive consensus processes previously;
4. The complete lack of scientific basis for much of the recommended management;
5. The complete failure to relate management standards to on the ground conditions as exemplified by conflicts in forest health management treatments; and
6. Claims of balance in the Proposal are not supported by management standards for most areas.

The Proposal appears to start with the position that the entire Gunnison Valley is suitable and available to be designated as Wilderness and asks the public to provide reasons that areas should

not be designated as Wilderness. In a troubling turn of events, there is simply no effort provided in the Proposal to outline current management of areas and any priority management issues in the areas and as a consequence the Proposal would have significant negative impacts on the issues that it is alleged to be addressing. The Organizations must question the value of any public input received as the public is forced to perform hours of research simply to understand the change in management for the area under the Proposal. While the Proposal asserts balance in the Proposal, the Organizations are simply unable to identify a single benefit to the multiple use community as a huge number of the management areas would result in the immediate loss of existing opportunities for multiple use and more troubling, almost every area currently discussed places a cap on existing abilities to expand or improve multiple use opportunities for access, such as Crystal Peak, Lotus Creek, Union Park, East Gunnison, Matchless and many others.

The Organizations have participated in a large number of consensus efforts over the years and throughout these efforts current efforts on issues have always displayed a high level of respect for the conclusions of previous consensus driven efforts, which has not been displayed here. In addition to failing to provide any benefits to the multiple use community, the Proposal fails to address many of the protections and other management standards that have resulted from previous consensus driven efforts, such as those that resulted in the 1980 and 1993 Colorado Wilderness Legislation. Public input has also been consistently provided regarding the management of much of the Gunnison Valley in NEPA processes that have guided planning for public lands in the area for decade. NEPA processes with the USFS have always been successful in obtaining public input and the failure of the Proposal to address this public input is deeply troubling. The Proposal also fail to address existing federal laws that are in place in these areas and as a result many of the Proposals standards and basis for area designations are now directly in conflict with these laws. The Organizations must question the validity of any consensus process that does not comply with federal laws as we have found the desire to comply with federal law an issue where a high degree of consensus is always achieved in the collaborative process. A project that seeks to develop public consensus management for the area that does not start with the consensus management recommendations already in place is off to a troubling start in our position.

The Proposal simply lacks any factual examination of proposed standards and the on the ground conditions in the area. This is exemplified by the fact that the Proposal identifies climate change impacts on habitat as a major concern for the Proposal but fails to relate what is a small land management proposal in Colorado to any identified impact to a global challenge. The failure to meaningfully address the basis for designations has resulted in concrete challenges that are directly degrading habitat in the Proposal area, such as the impacts of pine and spruce beetle on a huge number of trees in the areas actually more difficult to address. Again, this draws the management decisions made in the Proposal into question and directly conflicts with the recommended management standards for many of the species in the area, such as cutthroat trout and other goals of the plan, such as protecting water quality.

1. **The Organizations collaborate with diverse interests throughout the state on trails projects.**

Prior to addressing the specifics of our concerns around the Proposal, the Organizations believe it is important to explain our history and background on working on tough issues with a diverse range of interests with public land managers throughout the state. Even in situations where other user groups have not become involved in discussions for reasons that remain unclear, the Organizations have strived to achieve benefits for all interests and users. A list of a few of the examples of our recent collaborative efforts include:

1. *SB 17-100*- The Organizations spearheaded passage of this Legislation in 2017 that significantly reduced the liability for clubs performing stewardship actions on public lands in Colorado, while the legislation protected all users the only group that showed up and supported these efforts was the Nature Conservancy;
2. *CPW LEAN Event* – This was almost a years' worth of collaborative efforts from the Organizations with CPW, State Treasurers Office and numerous others regarding how to achieve more timely implementation of grants from the trails program and as a result of these efforts all grants are now available to the applicants almost 1 year earlier than before the LEAN event, while these efforts again benefitted all grant applicants there was no support from any other user groups;
3. *Tenderfoot Mountain Project on Dillon Ranger District*- trail was constructed to benefit a wide range of interests including motorized and mechanized users with

improved wildlife habitat in the area after years of collaborative meetings, this project remains ongoing but has extended more than 5 years;

4. *Bear Creek Trails Project on the Pikes Peak Ranger District* - where an entire trail network was moved and rebuilt from scratch to address generically pure cutthroat trout habitat being impacted by the existing trail next work- this took more than 4 years;
5. *Hermosa Watershed Legislation outside Durango-* here first of its kind federal legislation resulted from years of collaboration of interests ranging from water, ranching, local government, snowmobile, summer motorized and mechanized and the Wilderness Society and this effort took almost a decade;
6. *Badger Flats Campground project on South Park Ranger District* – the Organizations collaborated with the Wilderness Society, campers, local property owners and other interests to renovate a poor managed area into a regional trails hub and camping facility with an extensive multiple use trails network effort here remain ongoing but have already covered more than 5 years;
7. *Bangs Canyon SMA outside Grand Junction* – a collaborative effort spanning more than a decade on GJFO where again a diverse range of interests collaborated to develop a multiple use area that also improved wildlife habitat and protected cultural resources and this project has taken more than a decade;
8. *667 Trails Projection Pikes Peak Ranger District*- restoration of a heavily used trail network lost in Hayman Fire and then heavily impacted by flooding which took almost 20 years to complete;
9. *Hartman Rocks area on the Gunnison BLM Field Office* - a multiple use were ongoing efforts longer than a decade have leveraged resources to develop a unique trails-based recreation area that has been highly successful;
10. *Canadian Lynx research with USFWS-* in this project CSA partnered with the USFWS to facilitate targeted lynx research by providing resources and expertise to researchers working to understand the relationship between lynx habitat and recreation. This support ranged from removing snowmobiles broken or stuck in the backcountry during blizzards with CSA grooming equipment to oil and gas for basic operation to educating researchers how to ride and operate equipment in the backcountry.

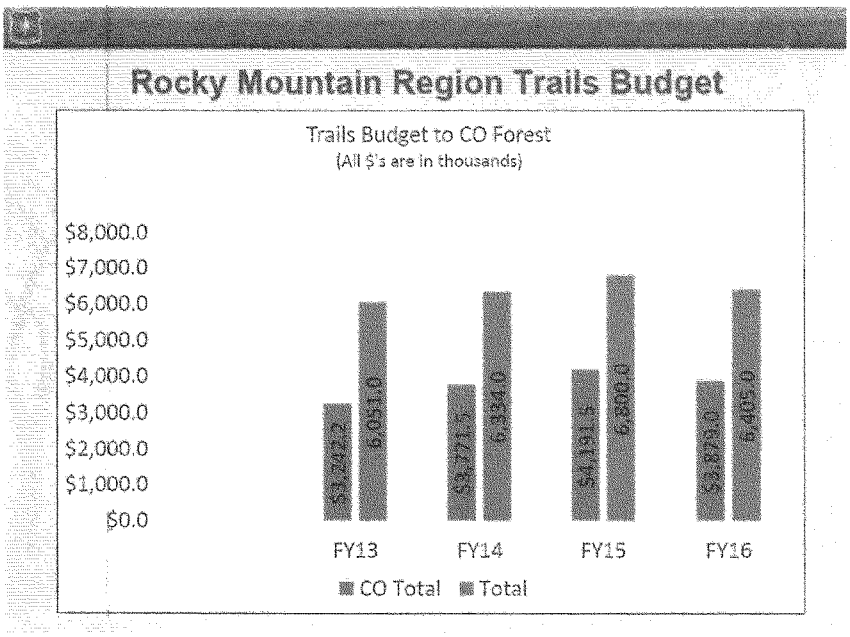
The Organizations are proud of the history of collaborative projects that has been developed across often wide interest's groups with benefits for all parties involved. In these efforts, often laying the groundwork has been very slow and often verging on shaky but throughout these efforts the strong foundation has been important in uniting the groups and interests as the projects moved forward and resulted in quality projects being developed and being successful in the long run.

The Organizations would also note that even in situations where other groups could be excluded from benefits of collaborative efforts because of their failure to become in any manner in the discussions or efforts (such as SB17-100, CPW Lean, Lynx research) these groups have not been excluded. Rather than pursuing true collaboration in the Proposal, such as would be provided in a complete review of existing planning and Legislative efforts, the interests of a single group have been placed above all others and pushed forward at breakneck speeds. Rather than a strong foundation resulting from the shaky slow start, this collaborative effort appears to be put at risk for reasons that simply make no sense to the Organizations.

1b. The Colorado Trails Program protects resources and benefits all users.

In addition to the above collaborative projects, the Organizations have supported the development and implementation of the voluntary registration programs for both summer and winter recreation that is coupled with the funding from the Federal Recreational Trails Program. This program provides almost $8 million (or $1.25 for every resident of the State) per year for trails of all kinds which is almost entirely funded by the motorized community for more than 20 years. The motorized portion of the program provides for almost 60 maintenance crews based throughout the State which are well equipped for both summer and winter maintenance needs. This program actually protects resources in a proactive manner, and this benefit would be lost when trails are closed to multiple use. This program maintains routes for the benefit of all users, as all motorized roads and trails are open to all other forms of recreation and this funding is now critical in providing basic access due to among other things, the Gunnison Valley being some of the hardest hit areas in the country in terms of mountain pine beetle and spruce beetle infestations.

The lion's share of the projects is now directed towards basic maintenance of existing facilities for a variety of reasons including decades of communication with USFS and BLM staff which have consistently identified that proving basic maintenance is the most effective manner to keep routes open. The importance of the $4.3 million to USFS recreational budget is reflected in the tile below from the 2015 OHV workshop presentation from the USFS:



In addition to the $4.3 million in OHV funding the funding is leveraged with an additional $1.1 million dollars for winter recreational route maintenance and almost $2.4 million in funding for maintenance for non-motorized recreation. The Program is providing a massive portion of the funding for basic recreational activity on USFS and BLM lands in the State of Colorado, the motorized community has also been repeatedly identified in Volunteer Stewardship reports prepared by the State of Colorado as the single largest source of volunteer support for trails in the State. Failing to address these direct benefits of multiple use access in the Proposal is unacceptable as there are 3 maintenance crews for summer usage and 2 winter recreation working the Proposal area to protect resources in addition to providing millions for maintenance on an as needed basis for further leveraging of these maintenance crews.

2a. Public input process is in need of improvement.

As the Organizations have noted above, the Organizations are heavily involved in a wide range of collaborative efforts on often wide ranging and difficult topics. It has been the Organizations experience that often the process relied on to develop a consensus position for these challenging issues tells the story as to the value of a minority position or the desire to truly seek consensus. When consensus or balance in the development process is not meaningfully addressed, the end result often directly contradicts the basic purpose and need for the project and does not represent viable balanced position. Rather than consensus of all users, the failure to address minority position concerns results in a weak foundation for the proposal and the views of a small cross section of the interests in the proposal. The impacts of failing establish a proper foundation on large scale planning can be seen with the complete failure of the Desert Renewable Energy Project in southern California to approach consensus and resolution of the goals and objectives of that effort. This should be avoided.

This is the first concern with the GPLI as while we have not participated directly in the meetings, our Organizations have received many questions regarding the process from those that have attended the meeting, both as members of local clubs and as members of the public. Often the response from these attendees has not been positive regarding the meeting process and engagement of the general public that is attending. That is concerning as many of the public may be deeply interested in an issue but also have traditional employment situations and are not able to attend extended meetings during the day on any issue. Generally, the public needs to take time off from work to attend meetings and as a result they may only be able to provide limited input. Any collaborative process should be geared to address this situation and given the response from our members this type of input is not well received.

Our process concerns around development of the Proposal are emphasized by the fact that there are no meeting minutes are available for the public to review regarding the basis for the Proposal. Providing this type of basic information about the proceedings would be critically important in developing true public input as many of the public simply will not be able to attend meetings in person for a variety of reasons. This type of general information on the Proposal would be highly

valued by the public in identifying factors or information that might have been overlooked it the development of the Proposal. Again, this is basic information that should be available to the public for inspection if collaboration and public input is actually being sought.

2b. Participation does not always mean support.

As the Organizations have stated previously, a complete representation of all interests in collaborative efforts is critical to developing a balanced proposal. The Organizations are very concerned that much of the public participation in the process is being misunderstood as support for the Proposal, especially from the motorized community, as reflected by the numerous pictures of motorized usages that are spread throughout the Proposal. Many of the members we have spoken to about the Proposal are simply opposed to the recommendations completely. There is a significant difference between participation and support and often the Organizations participate in processes that will never be supported by the membership. There is also a significant difference between ***seeking*** a group support and actually ***obtaining*** that groups support. The need to comment on such basic issues again makes the Organizations concerned that there is very little interest in developing a consensus position but rather the interest in the Proposal is seeking to create the appearance of public support for a decision that has already been made. These are two very different processes and basis for seeking public consensus.

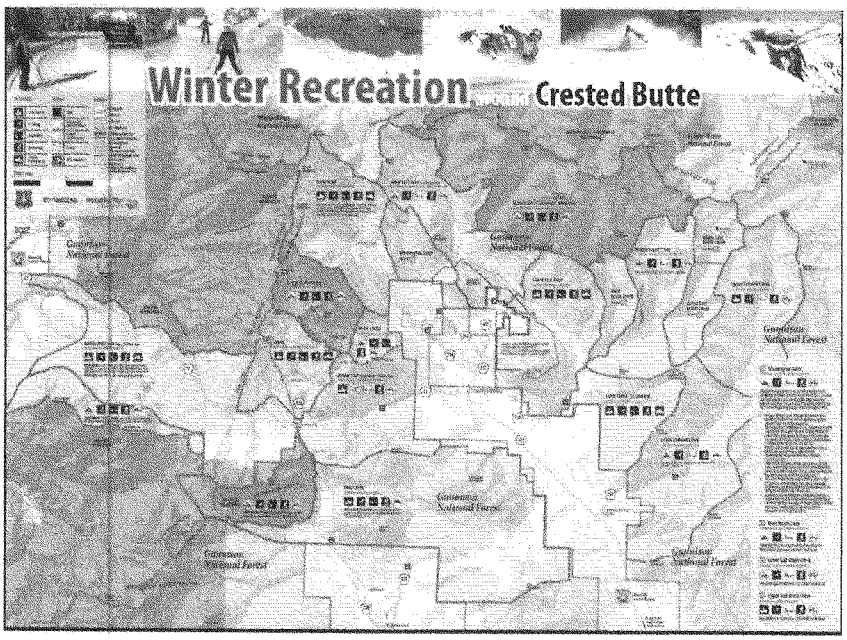
3a. Many of the foundational assumptions are simply incorrect regarding OSV travel in the area.

Throughout the Proposal, numerous assertions about possible impacts to various recreational activities are made without any basis for such positions, such as the assertion that the Proposal does not affect popular over the snow riding areas.[1] **CSA submits this position is completely inaccurate and much of the designations in the Proposal would close highly valued recreational areas for the OSV community.** This is highly frustrating to the OSV community as we have worked hard to collaborate with many of the same interest groups and people participating in

[1] *See*, Proposal at pg. 9.

the GPLI process to develop collaborative management on the GMUG for OSV usage that satisfied a broad range of interests and users. For those efforts to now be simply cast aside is highly frustrating and causes us to question why we would ever get involved in collaborative efforts to resolve issues, when the partners in those efforts simply cast the conclusions and effective management conclusions that have been reached so easily.

The map below is the current OSV travel restricts from the USFS and the systemic conflict between this decision document and any assertion of consistency of the Proposal is immediate. [2]



While the above map addresses collaborative efforts in the Crested Butte area with the USFS, this is by no means the only location the OSV community has collaborated on in Gunnison County.

[2] For a detailed version of this map, please see https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5397031.pdf

A complete review of the GMUG OSV planning that has been done to date is available on the USFS website.[3] At no point in the discussions is there any analysis regarding the current management of any of the proposal areas but rather the discussion starts from a position that there is no conflict with the Proposal and current management. This failure to address the current management of these areas is highly frustrating as the GMUG has along a successful history of collaboratively addressing OSV travel in the Proposal area. The Organizations submit that the complete lack of factual accuracy around the position that the Proposal does not close OSV areas is troubling at a minimum.

3b. Many of the foundational positions are simply incorrect regarding OHV travel in the Proposal area

The complete lack of factual basis for many of the assertions made in the Proposal is also exemplified by the analysis of multiple use summer recreation is exemplified as the Proposal starts from a position that no roads or trails will be closed by the GPLI proposal[4]. Again, no basis is provided for this position and the Organizations vigorously assert that this position entirely lacks merit, as the Proposal would have a massive impact on future development of OHV roads and trails. Many of the areas addressed in the GPLI are currently managed for the long-term expansion of multiple use recreation. Even in SMA areas where OHV usage is addressed, each of these areas provides for a cap on any expansion in terms of mileage but fails to provide any protection for the levels of activity that are currently allowed and have been occurring for extended period of time without issue.

These failures in factual analysis are deeply troubling as the message from the consistent assertion of inaccurate information on recreational activity would be that motorized access to the Gunnison Valley was the single largest threat to resources in the valley. Clearly that issue is not supported by factual analysis given that the northern portions of the Gunnison Valley are

[3] https://www.fs.usda.gov/detail/gmug/landmanagement/projects/?cid=fseprd488168
[4] *See*, Proposal at pg. 10.

some of the hardest hit in terms of poor forest health as in many areas, tree mortality has easily exceeded 50% kill rates and is significantly higher in many locations.

3c (1). Much of the Proposal directly contradicts with federal law for the management of Proposal areas.

The lack of factual consistency of the Proposal with the broad and vigorous history of collaboration in the Gunnison Valley is not limited to motorized recreational issues, as the clarity of previous Congressional actions addressing public lands in Gunnison County is also not addressed. Rather the Proposal appears to simply starts from a position that that Congress has not spoken on the management of these areas and that these areas are not currently the basis for previous Congressional decision that sought to be bring balance to previous consensus positions for these areas. There is a long and highly specific history of Congressional action on these areas and the extensive discussions that have taken place trying to provide some type of balance in the usage of areas not designated as Wilderness. The Organizations must question the value of any consensus process that does not recognize the value in the determinations of consensus and community groups that is previously been undertaken.

The high levels of clarity around previous Congressional actions addressing public lands in Gunnison County is exemplified in the 1980 Colorado Wilderness Act that created the Colligate Peaks, Raggeds and Fossil Ridge Wilderness areas. The 1980 Colorado Wilderness act specifically spoke of the need to protect multiple use in areas it was not designating as Wilderness as follows:

SEC. 101. (a) The Congress finds that-

> (1) many areas of undeveloped National Forest System lands in the State of Colorado possess outstanding natural characteristics which give them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;
>
> (2) the Department of Agriculture's second Roadless Area Review and Evaluation (RARE II) of National Forest System lands in the State of Colorado and the related

congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System; and

(3) the Department of Agriculture's second Roadless Area Review and Evaluation of National Forest System lands in the State of Colorado and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws.....

(b)(2) The purposes of this title are to..... Insure that certain other National Forest System lands in the State of Colorado are available for non-wilderness multiple uses."

Additional clarity regarding the desire of Congress to return multiple use to areas that were not designated as Wilderness in the 1980 legislation is also provided by Section 107 of the 1980 Colorado Wilderness legislation, which clearly states as follows:

"(3) areas in the State of Colorado reviewed in such Act; for study by Congress or remaining in further planning upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and"

Given the long history of clear Congressional action regarding the management of so much of the Proposal area, the Organizations must question what has changed in these areas and why would the previous consensus positions now need to be changed in terms of management of these areas. Clearly these previous Legislative actions developed high levels of public participation and consensus and should be honored. The fact that one group did not get exactly what they wanted

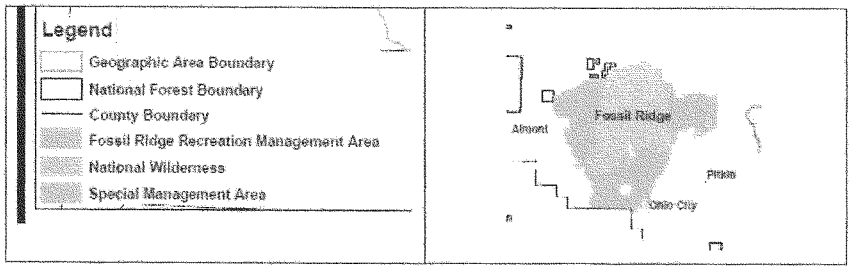
in consensus efforts previously does not create the need for new consensus efforts without a serious change in the circumstances in the area.

3c (2). Fossil Ridge Recreation Management area

The failure to address previous Congressional actions in the Proposal area is highlighted by the fact that the Fossil Ridge Management area prescriptions are simply never addressed in the Proposal. These concepts were again specifically included in the 1993 Colorado Wilderness Act, which designated the Fossil Ridge Wilderness. The 1993 Colorado Wilderness act also specifically created the fossil ridge recreation management zone, which specifically addressed multiple use recreational access in the SMA as follows:

> "(g) OFF-ROAD RECREATION. —Motorized travel shall be permitted within the recreation management area only on those established trails and routes existing as of July 1, 1991, on which such travel was permitted as of such date, except that other trails and routes may be used where necessary for administrative purposes or to respond to an emergency. No later than one year after the date of enactment of this Act, the Secretary shall identify such routes and trails and shall prepare and make available to the public a map showing such routes and trails. Nothing in this subsection shall be construed as precluding the Secretary from closing any trail or route from use for purposes of resource protection or public safety."

The current boundary of Fossil Ridge Recreation Management area is provided below:



In addition to the above protections the Fossil Ridge area is also the subject of extensive site-specific management areas standards.[5] In a very troubling course of conduct, again these provisions simply are not addressed in the Proposal, despite being specifically provided for in two pieces of legislation more than 10 years apart and the result of extensive public input and collaboration in their development. The existence of the fossil Ridge Recreation Management area should at least be addressed in the Proposal management zones in these areas but simply is never mentioned.

3c (3). Many of the Proposal areas directly violate Federal law specifically stating there shall be no buffer areas around many Wilderness areas.

As identified above there have been significant congressional actions to address the management of many areas within the upper Gunnison Valley for more than 50 years that are not addressed in the Proposal. The 1980 and 1993 Colorado Wilderness acts implemented additional protections for usages of areas outside the designated Wilderness areas with the addition of the "no buffer" concept to further protect multiple usage in boundary areas. Clearly, these "no buffer" protections were put in place to facilitate the consensus of multiple users and interests in these lands. The Organizations can see no reason why these consensus positions should be changed now. There are several areas in the Proposal such as Crystal Creek, Lottis Creek, Matchless and Signal Peak areas that propose to manage areas in direct violation of federal law addressing the areas. Fossil Ridge, Colligate Peaks, Uncompahgre, Powderhorn and Raggeds Wilderness areas were created by the 1980 and 1993 Colorado Wilderness Act both of which specifically subject to no buffer requirements provided in the pieces of legislation as the 1993 Colorado Wilderness Act as follows:

> "(e) BUFFER ZONES. —Congress does not intend that the designation by this Act of wilderness areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that

[5] https://www.western.edu/sites/default/files/media/raw/Fossil%20Ridge%20Wilderness.pdf

> nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area." [6]

While existing federal law, reflecting the consensus position that was reached in the 1993 Wilderness Expansion Legislation, is exceptionally clear on the usages that are allowed outside these Wilderness areas and that there shall NOT be any buffers around these new Wilderness areas, the Proposal openly asserts that the basis for the designation of these areas is to provide a buffer for the Wilderness area.

An example of the cavalier disregard the Proposal has for previous consensus efforts now reflected in federal law is evidenced by the following statements around the Lottis Creek addition:

> "Primary Issues, Concerns, and Opportunities
> • Improved Wilderness boundary management for the USFS
> • Wilderness character
> Rationale for Recommendation
> The Working Group is unaware of any existing uses that are not compatible with Wilderness in this area. A Wilderness addition would improve the integrity of the Fossil Ridge Wilderness, maintain the wilderness character of the area, and improve the Forest Service's ability to manage the existing Fossil Ridge Wilderness.
> Next steps
> • This area is ready for a final review to ensure that the boundary is identifiable on the ground and that the designation will not have unintended consequences."[7]

The Organizations vigorously assert that most of the Proposal designations are a direct violation of federal laws developed and specifically addressing the Lottis Creek area and many others. Similar basis for designations and management are reflected in virtually every designation around the Fossil Creek Wilderness and other Wilderness areas within the Proposal boundaries but are not reflected here simply to avoid repetition. This is deeply troubling to the Organizations as most consensus efforts we have participated in start from a position that

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[6] See, PL 103-77 @ §3(2)(3).
[7] *See*, Proposal at pg. 44.

any recommendation be in compliance with relevant laws and regulations. It is even more troubling the large public efforts that surrounded these legislative efforts that are now simply being overlooked based on an assertion of seeking consensus.

3c (4). Congress has looked at many of the areas now proposed to be Wilderness and specifically spoke to why they were not designated previously, such as the northern boundary of the Big Blue/Uncompahgre Wilderness.

Congressional action regarding the management of public lands in Gunnison County has not been limited to the identification of usages in buffer areas and the release of proposed areas back to multiple use. The Organizations must highlight the exceptional detail that Congress looked at balancing usages and drawing boundaries for Wilderness areas in the southern portions of Gunnison County when the 1980 Colorado Wilderness Legislation was developed. House Report 96-617 provides a detailed analysis of why the northern boundaries of the Big Blue/ Uncompahgre and Powderhorn look the way they do. This report provides as follows:

> "The committee feels the additions of these lands is vital to the overall integrity of any Big Blue Wilderness, and especially notes their outstanding scenic and watershed values. At the same time, the Committee recognized that the public currently relies on motorized access to certain key areas and therefore amended the Bill to exclude lands in the vicinity of Nellie Creek and to excise two road corridors which extend part way up the Middle and West Fork Cimarron River Drainages. Another boundary adjustment was made on the extreme western end of the area near Baldy Peak to exclude 15000 acres which are used by grazing permittee for frequent motorized access and intensive management....."[8]

[8] See House Report 96-617 paragraph 9. A copy of this report has been attached for your convenience.

The desire of Congress to address boundary areas with such detail is unusual and provides a compelling basis for the Wilderness designation boundaries being drawn in the manner they were. Clearly Congress anticipated discussions such as this occurring in the future and this explains why this information is recorded with such high levels of detail. In a troubling turn of events, many of the specific areas that Congress released in 1980 due to high value multiple use interests are again being proposed as Wilderness as part of the Uncompaghre and Powderhorn additions. Not only does this violate the no buffer principals it violates the direct statements of Congress in 1980 that the public access to these areas was critically important.

3c (5). Wilson Mtn., Uncompahgre and Uncompahgre Contiguous Primitive areas were released in the 1980 Colorado Wilderness Act.

The Organizations would be remiss if the broad nature of the consensus process around both the 1980 and 1993 Colorado Wilderness acts was not discussed. The additional clarity of Congressional action regarding the desire to provide for future multiple use of the planning areas was provided for with the additional step of removing both the Wilson Mtn. and Uncompahgre Primitive area designations that had encompassed a large portion of Southern Gunnison County. The USGS inventory of these areas extended outside formal primitive area boundary as was directly evidenced by the inventory of the Uncompahgre Primitive areas adjacent process as well. Copies of these detailed reports are available upon request. As a result of the existence of these primitive areas before the passage of the 1964 Wilderness Act, these areas were also reviewed by the US Geological Survey and the Bureau of Mines. These detailed site-specific analyses were incorporated in the 1980 Colorado Wilderness Act as Congress clearly stated they balanced interest in the areas by drawing boundaries in the way they did as Congress felt the areas not designated as Wilderness were unmanageable due to the large number of private inholdings.

Again, Congress has clearly spoken about the desire to manage public lands in this area with the abolition of both the Wilson Mtn., Uncompahgre and Uncompahgre Adjacent Primitive areas with the 1980 Colorado Wilderness Act, and the Organizations can see no reason for this to

change. These are issues that directly contradict the Proposal management recommendations and draw any assertion of consensus position into question.

4a. First round RARE inventory

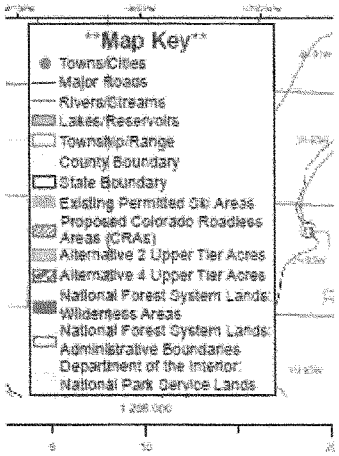
Most of these areas were inventoried for possible roadless designations in USFS RARE inventory process and were subject to specific release by Congress in the 1980 Colorado Wilderness Act as previously addressed in these comments. It is significant to note that many of the uses that were found to be the basis for unsuitability in the original RARE inventories in the 1970's and early 1980's remains in these areas. Given these usages, the Organizations must again highlight how many determinations have been made against the recommended management for many of these areas in the Proposal.

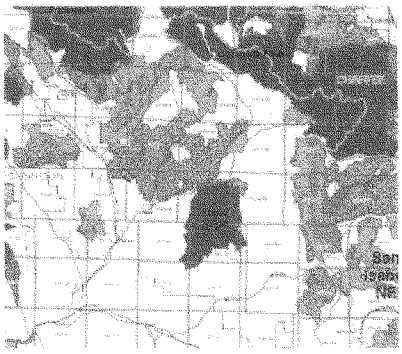
4b. Most areas proposed to be Wilderness was found unsuitable for designation as Upper Tier Roadless areas in the 2012 Colorado Roadless Rule Process.

The Organizations were heavily involved in the development of the 2012 Colorado Roadless Rule, where both additional management flexibility was to be provided in Roadless areas and additional protection of less developed areas was explored. Extensive site-specific inventories of areas were again provided as part of development of the Colorado Roadless Rule to ensure that current information about any area was relied on in the inventory process. As a result of this process, significant portions of the areas now proposed to be Wilderness or the subject of other exclusionary management standard were inventoried for possible inclusion in upper tier roadless designations under the 2012 Colorado Roadless Rule development. Similar to the RARE inventory conclusions almost every area proposed to be Wilderness was found unsuitable for management as upper tier only a few years ago. The Organizations must question why the heightened restriction of Wilderness management is thought to be warranted, when lower levels of protection have already been identified as unsuitable several times.

In the Roadless Rule process, generally two categories of management inventory were explored, which were Colorado Roadless areas and Upper Tier Roadless areas. In an Upper Tier roadless

area, management was closer to a Congressionally Designated Wilderness and in Colorado Roadless Area management direction was moved towards higher levels of usage and flexibility. Under Alternative 2 (preferred) the designation of Upper Tier Roadless management is reflected in areas highlighted in yellow on the map below and alternative 4 of the Proposal provided a more extensive acreage of areas for possible upper tier designation, which is reflected in the red freckled areas on the map below. The stark differences between the scope of alternative 2 and alternative 4 of the inventory are reflected in the map below:





The Organizations must note that almost EVERY area now proposed to be Wilderness was reviewed under Alternative 4 of the Roadless Rule EIS and found to be unsuitable for this lower level of protection and management of an Upper Tier management designation. In the site-specific descriptions of each of these areas, a detailed discussion of the reasons for designation of these areas either as CRA or Upper Tier was provided. The overlap of the CRA process and RARE inventories conclusions is significant and weighs heavily against the Proposal and many management standards.

The Organizations must question any assertion that these areas are suitable for Wilderness designations, when these areas were recently inventoried and found unsuitable for the lower level of protection provided by an Upper Tier designation. Any assertion of factual basis for such management would not be supported by the extensive site-specific inventory and review that was created as part of the Colorado Roadless Rule development. The Colorado Roadless Rule process was another administrative confirmation that these areas do not warrant heightened protections and should be managed for multiple use.

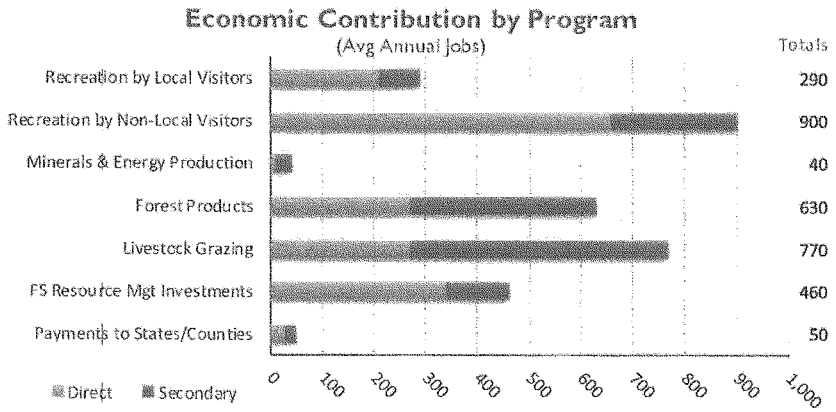
5. Economics of Wilderness Recreation.

The Organizations are also very concerned that much of the Proposal management directly conflicts with best available science on issues. Our concerns on the basic conflict will be highlighted in comparing habitat issues and economics. The Organizations are aware that many counties in the vicinity have moved away from the dark economic times that plagued them several years ago, as exemplified by Summit County Colorado identification as number 3 on the Wall Street Journal list of 21st Century Ghost Towns.[9] Unfortunately many communities outside the direct influence of ski area-based revenue continue to struggle and overly rely on recreational opportunities to provide basic services to residents. Many of these communities might include Paonia, Almont or Marble as examples. Given the importance of recreation to these communities and many of our members that live in these communities, the Organizations believe a brief update of the economic impacts to these communities that resulted from the Proposal is warranted. Significant new information identifies the strong negative relationship between Wilderness designations and local economic activity involving recreation.

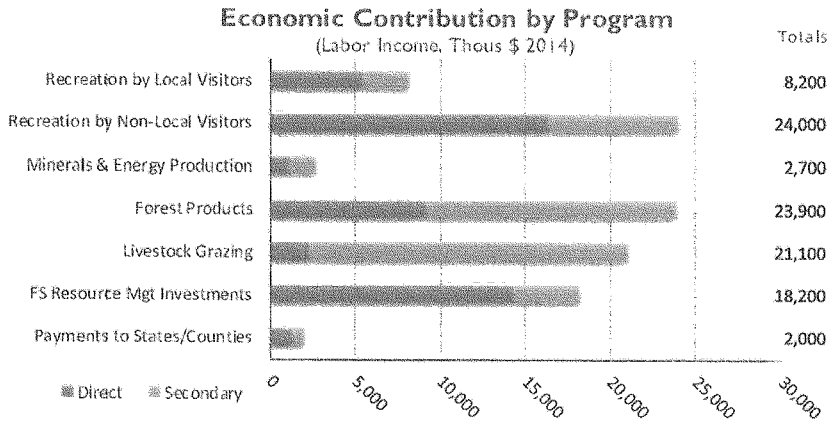
The first piece of new scientific research is the local economic information from USFS, as part of their "at a glance" summaries for the GMUG National Forest, which identifies the overwhelming

[9] *See*, Douglas Macintyre; "*American Ghost Towns of the 21st Century*"; The Wall Street Journal; April 11, 2011

importance that recreation plays in the success of local communities. The USFS summarizes their conclusions in the following graphs[10]:



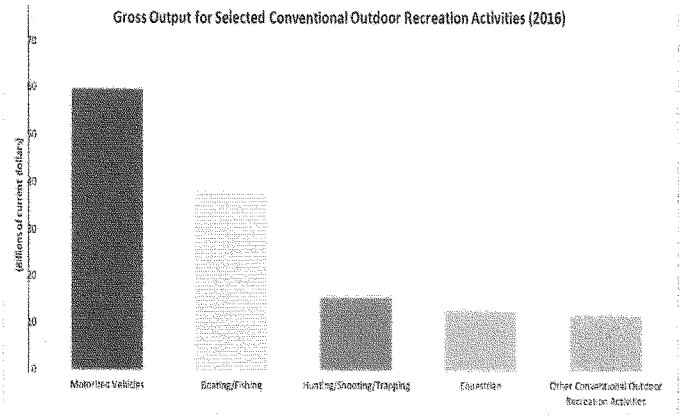
[10] See, USDA Forest Service; "GMUG *NF- Job and Income Contributions for 2014 at a glance*"; September 2016 A complete copy of this research is available here https://www.fs.fed.us/emc/economics/contributions/documents/at-a-glance/published/rockymountain/AtaGlance-GMUG.pdf



It is difficult to understate the importance of the economic contribution of recreational activity and other activities that would be prohibited in the Proposal to local communities, when the USFS estimates that the economic benefits of these activities outpace all other usages combined by a factor of more than 12.

New research highlighting the economic importance of multiple use recreation to the recreational spending benefits flowing to local communities comes from research from the Department of Commerce. This analysis was prepared at the request of Department of Interior Secretary Sally Jewel in 2012, addressing the importance of recreational spending in the Gross Domestic Product.[11] This research clearly identified the important role that motorized access plays in recreational spending, which is summarized in the following chart:

[11] *See*, Department of Commerce; Bureau of Economic Analysis; "*Outdoor Recreation Satellite Account: Prototype Statistics for 2012-2016*"; February 14, 2018 at pg. 2.



This research concludes that motorized recreation outpaces the economic contribution of boating and fishing at almost twice the rate and that motorized recreation almost outspends all other categories of recreation combined. Given that motorized usage plays major roles in both the hunting and fishing economic analysis, the three largest components of economic benefit from recreational activity would be prohibited in a Wilderness area. As a result of the overwhelming nature of these conclusions, the Organizations have to express serious concerns when the lion's share of economic drivers are excluded from using any portion of public lands as clearly economic benefits are limited. The negative economic impact concerns regarding degrading multiple use access are immediately apparent.

The risk of negative economic impacts is also highlighted in newly released research from the US Forest Service, which estimates that recreation on National Forest Service Lands accounts for more than $13.6 billion in spending annually.[12] Experts estimate that recreational spending related to Wilderness areas accounts for only 5% of that total spending or approximately

[12] *See, USDA Forest Service;* National Forest Support a Recreation Economy- a complete study copy is available here: http://blog.nwf.org/2014/07/national-forests-support-recreation-economy/

$700,000 million nationally. [13] The limited economic driver of Wilderness based recreation is compounded by the fact that more than 20% of the trail network that is currently located on USFS lands is within Wilderness areas. Again, this type of underutilization of any recreational resource is concerning to the Organizations simply because of the allocation of the resources and funding.

The basis for the underutilization of Wilderness based recreational resources is easily identifiable when USFS comparisons for economic activity of recreational users is compared in the research below: [14]

Table 3. Visitor spending for high, average, and low spending areas by activity, $ per party per trip ($2007)

	Non-Local Day Trips			Non-Local Overnight Trips[a]			Local Day Trips			Local Overnight Trips[a]		
Activity	Low	Avg	High	Low	Avg	High	Low	Avg	High	Low	Avg	High
Downhill skiing	$126	$130	$181	$468	$798	$893	$68	$64	$69	$359	$386	$489
Cross-country skiing	$87	$97	$135	$315	$537	$951	$26	$27	$31	$242	$259	$329
Snowmobile	$116	$129	$180	$377	$642	$1,139	$72	$74	$74	$289	$311	$394
Hunting	$79	$88	$122	$253	$368	$652	$41	$51	$51	$230	$248	$314
Fishing	$52	$55	$77	$214	$331	$548	$36	$38	$38	$154	$161	$205
Nature-related	$56	$65	$90	$269	$473	$826	$36	$37	$42	$182	$195	$247
OHV-use	$98	$109	$151	$219	$277	$491	$63	$58	$58	$125	$134	$170
Driving	$42	$54	$75	$338	$576	$1,021	$28	$32	$30	$259	$278	$353
Developed camping	n a	n a	n a	$183	$206	$300	n a	n a	n a	$178	$171	$217
Prim. camping/pack	n a	n a	n a	$108	$134	$196	n a	n a	n a	$121	$120	$153
Hiking/biking	$53	$50	$64	$228	$473	$765	$20	$21	$18	$126	$150	$190
Other	$60	$72	$100	$216	$330	$569	$36	$40	$32	$170	$187	$237
Total	**$58**	**$65**	**$90**	**$214**	**$366**	**$648**	**$34**	**$34**	**$29**	**$165**	**$177**	**$224**
Ratio to average	**0.90**		**1.39**	**0.59**		**1.77**	**0.98**		**0.84**	**0.93**		**1.27**

Shaded cells were filled using rules 1, 2, 3, or 4 as described in the text. Other figures are estimated directly from the NVUM sample.

[a] Includes visitors on overnight trips staying on or off the forest.

We will not be addressing this research at length as we have included this analysis in our previous comments other than to note the conclusions of this research are consistent with conclusions that high spending user groups, such as snowmobile and OHV users are consistently excluded from Wilderness areas, while low spending groups such as cross-country skiers and hiker are permitted in these areas. Given the fact that low spending profile users are often spending only

[13] *See*, Holmes & White; *National & Community Market Contributions of Wilderness; Society & Natural Resources*; An International Journal; Volume 30 2017

[14] *See*, UDSA Forest Service; White & Stynes; *Updated Spending Profiles for National Forest Recreation Visitors by Activity; Joint venture between USDA Forest Service Pacific Northwest Research Station and Oregon State University;* November 2011 at pg. 6.

20% of higher spending profile groups, these conclusions are consistent with the conclusions of both the Department of Commerce and new USFS research.

While the imbalance in spending profiles is problematic, the fact that once Wilderness is designated the general public fails to use the limited recreational opportunities in these areas is even more concerning. Nationally, congressionally designated Wilderness accounts for approximately 19% of USFS lands but results in only 3.4% of all visitor days.[15] In the State of Colorado, there is approximately 22% of USFS lands managed as Wilderness[16] but despite the expanded opportunity results in only 3.7% of visitor days on the GMUG National Forest.[17] As we have noted in previous comments there are significant declines over time in the visitation to and demand for Wilderness based recreational experiences. Given the significant underutilization of Wilderness resources in the area of the Proposal, the Organizations must vigorously assert that any economic risk is significantly negative and must be addressed or at least recognized by the communities in the vicinity of the Proposal areas.

6a. Habitat change in being impacted by poor forest health in a far more direct manner than climate change.

The Organizations are highly frustrated with the fact that the Proposal claims to be seeking benefits to habitat in the management area but really never addresses many of the challenges that are directly impacting habitat quality in the area. The Proposal repeatedly identifies the need for management changes to address climate ghange but completely fails to address the fact that much of the Proposal area has been heavily impacted by poor forest health conditions that have resulted from the fact land managers have simply been unable to cut trees in Colorado for decades. The Organizations are vigorously opposed to continuing to manage Colorado public lands in this manner as the exceptionally poor quality of Colorado Forests provides a compelling

[15] *See,* USDA Forest Service, National Visitor Use Monitoring; *"National Visitor Use Monitoring Survey Results; National Summary Report; Data collected FY 2012 through FY 2016"*; 2016 at pg. 1.
[16] *See,* USDA Forest Service; 36 CFR Part 294 Special Areas; *Roadless Area Conservation; Applicability to the National Forests in Colorado;* Final Environmental Impact Statement; May 2012 pg. 19
[17] *See,* USDA Forest Service; *National Visitor Use Monitoring Results; GMUG National Forest; Round 3*; last updated January 26, 2018 at pg. 9.

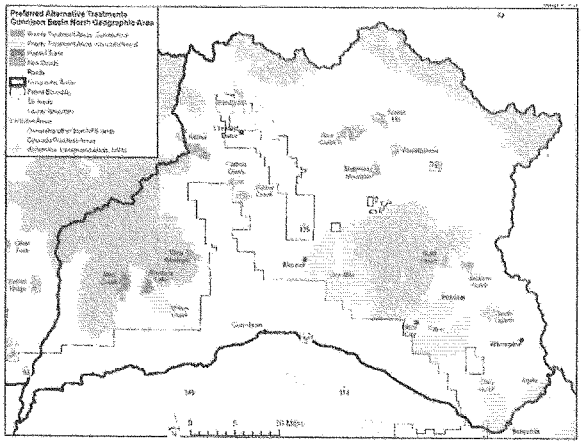
reason for active management of the issue. The following photo provides a compelling reason for active management of public lands:

Pictures such as the one above is entirely too frequent in Colorado and are offensive to the Organizations. While the Proposal identifies that trees and forests serve as a sink for possible negative impacts of climate change, this position is based on the fact that the forest is healthy. This position simply is not relevant in Colorado as the overwhelming portion of Colorado forests area dead and unlike live trees, dead trees don't serve as a sink for anything. In addition to the negative impacts that poor forest health has had on a huge amount of natural resources in Colorado, the dead and falling trees are probably the single largest management challenge that is encountered by the recreational community. When these foundational issues are not addresses, the Organizations are concerned about the scientific foundation for much of the Proposal as best available science is a critical tool in developing planning and management of public lands.

6b. Much of the recommended management direction in the Proposal completely conflicts with SBEADMR determinations

The Organizations would be remiss if the immediate and direct conflict with much of the recommended management in the Proposal has with the Spruce Beetle Epidemic and Aspen Decline Management Response (SBDEARMR) process that was recently concluded on the GMUG[18] was not addressed. Almost every recommendation in the Proposal would change or complicate management of forest health issues in the Proposal area, but no basis for these changes is addressed. This management is critical in preserving recreational opportunities as poor forest health is the single largest challenge facing the recreational community in Colorado. The Organizations vigorously supported the proactive and vigorous response of GMUG planners to the poor forest health issue that now plagues so much of Colorado. The Organizations believe this management is critically needed to bring balance back into the forest and protect all resources in the future. If there is a management recommendation that is provided in the Proposal that conflicts with the SBDEARMR it should be specifically addressed.

The following map reflects the priority treatment areas identified in the SBEARMR project in the Proposal area:



[18] https://www.fs.usda.gov/project/?project=42387

While almost every area in the Proposal is a priority management treatment area in the SBEADMR project, these conflicts are only recognized in three of the management designations. Again, this causes serious concern for the Organizations regarding the scientific basis for the Proposal and any claimed benefits.

6c. Best available science on water quality does not support the management direction in the Proposal.

Throughout the Proposal the protection of water quality is identified as a management objective in the Proposal, but at no point is the strong negative relationship between poor forest health and water quality compared to the management recommendations in the Proposal. Best available science on this relationship has consistently identified the compelling need for active management of poor forest health to protect water quality. Strong correlation between water quality and production in areas impacted by the pine/spruce beetle epidemic is reflected in the following summary of the situation:

> "Changes in annual water yield following beetle kill were variable (Figure 4). We expected an increase in annual water yield with increased beetle killed area. Instead, we detected water yield decreases, that is less water yield than before the beetle kill. With further examination, we found that not all forest stands infected by beetles are equal."[19]

Colorado State Forest Service has provided decades of high quality site specific information on the negative impacts on water quality from the mountain pine beetle epidemic, and actually devoted their entire 2016 annual report to the issue. The highlights of the 2016 report are as follows:

> **-8% of ALL trees in Colorado are dead and the rate of mortality is increasing;**[20]
>
> **- the total number of dead trees has increased 30% in the last 8 years;**[21]
>
> - Research has shown that in mid-elevation forests on Colorado's Front Range, **hillslope sediment production rates after recent, high-severity wildfire can be up to 200 times greater than for areas burned at moderate to low severity.**[22]

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[19] *See*, Stednek et al; Effects of Pine Beetle Infestations on Water Yield and Water Quality at the watershed scale in Northern Colorado;
[20] http://csfs.colostate.edu/2017/02/15/800-million-standing-dead-trees-colorado/
[21] 2016 Forest Health Report at pg. 6
[22] 2016 Forest Health Report at pg. 24

- A 2011 study involved monthly monitoring of stream chemistry and sediment in South Platte River tributaries before and after fire and showed that **basins that burned at high severity on more than 45 percent of their area had streams containing four times the amount of suspended sediments as basins burned less severely. This effect also remained for at least five years post-fire.**[23]

- High-severity wildfires responsible for negative outcomes are more common in unmanaged forests with heavy fuel loads than in forests that have experienced naturally recurrent, low-intensity wildfires or prior forest treatments, such as thinning. **It is far easier to keep water in a basin clean, from the source headwaters and through each usage by recipients downstream, than to try and restore water quality once it is degraded.**[24]

-During 2016's Beaver Creek Fire, which burned 38,380 acres northwest of Walden, foresters and firefighters were given a glimpse into likely future challenges facing wildfire suppression and forest management efforts. **These include longer duration wildfires due to the amount and arrangement of heavy fuels. Observations from fire managers indicated that instead of small branches on live trees, the larger, dead fuels in jackstraw stands were the primary driver of fire spread.... "The hazards and fire behavior associated with this fuel type greatly reduce where firefighters can safely engage in suppression operations"**[25]

A copy of this report and many other detailed planning tools addressing the impacts of not managing for poor forest health is available on the state forest service website. [26] Additionally, the critical need for active management of watersheds as a result of the mountain pine beetle impacts is also highlighted in the Front Range Fuels treatment partnership. [27] This group highlighted impacts as follows:

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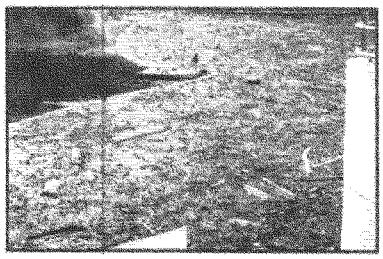
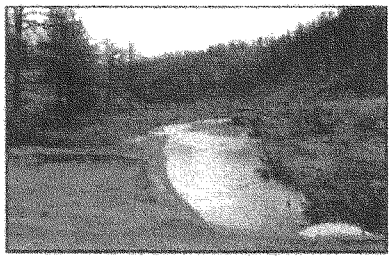
[23] 2016 Forest Health Report at pg. 24
[24] 2016 Forest Health Report at pg. 24
[25] 2016 Forest Health Report at pg. 5
[26] https://csfs.colostate.edu/media/sites/22/2017/02/CSU_304464_ForestReport-2016-www.pdf
[27] See, Le Master et al; PROTECTING FRONT RANGE FOREST WATERSHEDS FROM HIGH-SEVERITY WILDFIRES AN ASSESSMENT BY THE PINCHOT INSTITUTE FOR CONSERVATION FUNDED BY THE FRONT RANGE FUELS TREATMENT PARTNERSHIP; a copy of this document is available here. http://www.frftp.org/research_education





The front range partnership outlined management needed as follows:

Given the strong corollary between best available science regarding the need for active management of water resources in poor forest health areas, the basic direction of management prescriptions in the Proposal is very concerning. Any recommendation in the Proposal should be reflecting best available science regarding the need for the management in the area and what the actual on the ground conditions and challenges are for that area.

7. Conclusion

The Organizations have serious concerns about many of the positions that are being taken in the Proposal such as not impacting multiple use access to the area and as a result must vigorously oppose the Proposal. This simply is untrue as many of the areas that are would be closed to multiple use in the Proposal are currently open to multiple use and represent important

expansion areas for these uses in the future. Additionally, large amounts of the Proposal management directly conflict with the numerous inventory of characteristics of areas by the agency, such as the roadless inventories of the upper Gunnison Valley, which is concerning given the huge amounts of public input that were received during these agency inventories.

Further many of the recommendations now made in the Proposal, are directly in conflict with the conclusions Congress has made about the suitability of these areas for this type of management, such as the areas north of the Uncompahgre Wilderness that were specifically released back to multiple use management in the 1980 Colorado Wilderness Legislation. Other Congressional mandates, such as the lack of buffer areas around many of the Wilderness areas simply are never addressed.

Please feel free to contact Scott Jones, Esq. if you should wish to discuss any of the issues that have been raised in these comments further. His contact information is Scott Jones, Esq., 508 Ashford Drive, Longmont Colorado 80504; phone 518-281-5810; email Scott.jones46@yahoo.com

Respectfully Submitted,

Don Riggle

Scott Jones, Esq.
COHVCO/TPA Authorized Representative
CSA President

D.E. Riggle
Director of Operations
Trails Preservation Alliance

CC: Sen. Gardner; Sen Bennet; Congressman Tipton

PO Box 292 ◦ Delta, CO 81416-0292 (970) 874-1433 ◦ (970) 874-4170 fax
cwgawool@aol.com ◦ coloradosheep.org

Senator Michael Bennet
Washington, DC
Patrick_Donovan@bennet.senate.gov
john_whitney@bennet.senate.gov

August 20, 2018

RE: Opposition to S. 2721 San Juan Wilderness/Special Management Areas

Dear Senator Bennet:

The Colorado Wool Growers Association is opposed the S. 2721 San Juan Wilderness/Special Management Areas.

The U.S. Forest Service has previously inventoried and designated wilderness areas that met the criteria of the Wilderness Act. Preservation management is in opposition to the multiple-use mandate of our national forests. Carving out special exemptions, such as helicopter access for recreation and maintenance for an organized competitive running event, speaks to the fact, that these areas are and should remain multiple-use.

We do not support legislation that further restricts the utilization of our natural, renewable resources. Logging and grazing are excellent land management tools to reduce fuel loads on our national forests. As we are experiencing another summer of catastrophic wildfires across the western United States, it's just bad policy to further hamstring our land management agencies with more special management area designations that cater to a small segment of recreationalists.

Sincerely,

Ernie Etchart
President

From: K Goodmaster <kyle.goodmaster@gmail.com>
Sent: Friday, May 4, 2018 2:39 PM
To: Brian.Meinhart@mail.house.gov; Whitney, John (Bennet); Bair, Betsy (Gardner)
Subject: San Juan trail closures / Wilderness proposal

Dear all who it concerns:

I'm writing to you to voice my unhappiness with the proposed changes to the Durango area forest areas that are under consideration for Wilderness designation. I run a business in Denver, and am an active trail runner, hiker, camper, mountain biker, and OHV/dirt bike rider. It pains me to see all the citizens of our country lose access to some of the best land in the country for riding and recreation due to wilderness designations.

Restricting more people from the forests of our country only results in oil & gas give-aways, and less engaged youth. When no one can go, no one cares anymore. Let the citizens of this country enjoy the woods the way they want to!

Kyle Goodmaster
Denver CO Resident
Owner & Operator of Oil Path MTB & Dirt bike Suspension Services

From: Michael and Debbie Gray <Mikeanddeb303@msn.com>
Sent: Wednesday, May 2, 2018 8:01 PM
To: Bair, Betsy (Gardner)
Subject: More Wilderness?

1. Almost every new Wilderness area would close opportunities to multiple use recreation and sever trails that cross these areas, and result in the loss of hundreds of miles of routes that have been highly valued for more than 50 years.
2. There is not broad community support for the Proposal and the Proposal overturns the broad community support there was for the Hermosa Watershed Legislation that was only recently finalized in planning. Despite the broad community support for the Hermosa Legislation, the San Juan Proposal would remove much of the balance achieved in the Hermosa Legislation.
3. The Proposal would designate many areas as Wilderness that were specifically excluded from further review for designation as Wilderness in the 1980 Colorado Wilderness Legislation. Congress specifically reviewed these usages and excluded these areas due to the high levels of recreational usage in these areas. The 1980 Colorado Wilderness Act clearly stated it was Congress intent to close discussion of possible designation of areas reviewed and not designated as Wilderness in that Legislation. The recreational usage of these has never stopped in these areas and is now more valuable than ever before and has occurred without major conflict. Why would we change a consensus position from the 1980 Colorado Wilderness legislation?
4. Some areas of the San Juan Wilderness (Smith Mtn. and Uncompahgre Primitive Areas) were identified for possible protection prior to the establishment of the Wilderness Act itself and have been found unsuitable for designation for more than 50 years by USFS, USGS, and Bureau of Mines. These areas were released from further management in the 1980 Colorado Wilderness Act. How many more times do we need to look at these areas….. The conclusion has always been the same? The area is not suitable.
5. Many of these areas were also found unsuitable for Upper Tier Roadless area management in the 2012 Colorado Roadless Rule development. If they are unsuitable for Upper Tier management, why would they ever be the basis for Wilderness Management?
6. We continue to struggle to understand what the management need for this Legislation even is.
7. Forest Health impacts must be addressed as many of these areas have been hugely impacted by beetle outbreaks. Rather than streamlining the management response in these areas, the Legislation makes any response more difficult. This simply makes no sense.
8. The benefits to local communities from recreation economics would be greatly reduced as the Dept. of Commerce recently concluded that motorized recreation almost outspends all other user groups combined.

From: Quintin & Lori Gray <qlorigray@gmail.com>
Sent: Wednesday, May 2, 2018 8:52 AM
To: Bair, Betsy (Gardner); Meinhart@mail.house.gov; Whitney, John (Bennet)
Cc: Ron Magnus
Subject: Colorado Wilderness

Please reconsider your proposal to turn any more of the state of Colorado into Wilderness area.

I am a paraplegic and use a wheelchair to get around and use my wheelchair all the time.

The only way I can see these wonderful parts of Colorado is riding on my ATV.

I have made many trips to the areas you want to ban motor vehicles from. I want to make many more trips into these areas. Last summer 7 of us (paraplegics) in wheelchairs rode our ATV's into these areas. Yes, we took 4 abled bodied persons with us on their ATV's to assist us should the need arise. We have always returned to our starting point safely.

I am already prohibited from seeing many other beautiful areas of Colorado because you have already turned them into areas where only able bodied hikers are able to go. This is one of the few activities left for me to enjoy, you know the view from some of these high mountain vistas that I am unable to get to without the assistance of a motorized vehicles. My family and I spend many weekends out In the beautiful Colorado Mountains.

Please do not turn any more of the beautiful state of Colorado into "an elite" area that only the able bodied people can get too. We already have too much of that. You never know when your age or ability will catch up to you. Removing this access will eventually remove your access.

Sincerely,

Quintin Gray

From: ALAN HARRIS <harris1488@comcast.net>
Sent: Wednesday, May 2, 2018 11:33 AM
To: Bair, Betsy (Gardner); brian.meinhart@mail.house.gov
Subject: Colorado Wilderness Act of 1980

The above act has been reviewed and its benefits confirmed several times since its adoption. Now Sen. Bennet is attempting to eliminate recreational use of lands protected for this purpose in the act by turning the land into a wilderness area. These lands in the San Juan and Uncompahgre areas that have been available for recreational use must remain so for the enjoyment of citizens. In addition, making these lands off limits would restrict reasonable forest management with respect to beetle kill trees and fire danger.

This proposal must be defeated.

Alan Harris

From: Russ H <h2arctic@yahoo.com>
Sent: Monday, May 7, 2018 11:06 AM
To: Bair, Betsy (Gardner)
Subject: San Juan Wilderness Act 2018

Senator Bair

I am opposed the new wilderness area since almost every new Wilderness area would close opportunities to multiple use recreation and sever trails that cross these areas, and result in the loss of hundreds of miles of routes that have been highly valued for more than 50 years. This area does not have broad community support for the Proposal and the Proposal overturns the broad community support there was for the Hermosa Watershed Legislation that was only recently finalized in planning. Despite the broad community support for the Hermosa Legislation, the San Juan Proposal would remove much of the balance achieved in the Hermosa Legislation.

The Proposal would designate many areas as Wilderness that were specifically excluded from further review for designation as Wilderness in the 1980 Colorado Wilderness Legislation. Congress specifically reviewed these usages and excluded these areas due to the high levels of recreational usage in these areas. The 1980 Colorado Wilderness Act clearly stated it was Congress intent to close discussion of possible designation of areas reviewed and not designated as Wilderness in that Legislation. The recreational usage of these has never stopped in these areas and is now more valuable than ever before and has occurred without major conflict. Why would we change a consensus position from the 1980 Colorado Wilderness legislation?

Some areas of the San Juan Wilderness (Smith Mtn. and Uncompahgre Primitive Areas) were identified for possible protection prior to the establishment of the Wilderness Act itself and have been found unsuitable for designation for more than 50 years by USFS, USGS, and Bureau of Mines. These areas were released from further management in the 1980 Colorado Wilderness Act. How many more times do we need to look at these areas….. The conclusion has always been the same? The area is not suitable.

Many of these areas were also found unsuitable for Upper Tier Roadless area management in the 2012 Colorado Roadless Rule development. If they are unsuitable for Upper Tier management, why would they ever be the basis for Wilderness Management?

The benefits to local communities from recreation economics would be greatly reduced as the Dept. of Commerce recently concluded that motorized recreation almost outspends all other user groups combined.

Russ Higgins
Highlands Ranch CO 80130

From: Hoover, Mitchell D <mitchell.d.hoover@ml.com>
Sent: Wednesday, May 2, 2018 12:03 PM
To: brian.meinhart@mail.house.gov; Whitney, John (Bennet); Bair, Betsy (Gardner)
Subject: San Juan Wilderness Proposal

Hello,

I'm writing to convey my concern over the newly (re)submitted San Juan Wilderness Proposal. I'm an avid user of the trail systems in Colorado and am alarmed at the attempt to restrict access to the great outdoors. An outline of my opposition is detailed below. I strongly urge you to reconsider and cancel this proposal.

Regards,

Mitch Hoover

Reasons for Opposition

1. Almost every new Wilderness area would close opportunities to multiple use recreation and sever trails that cross these areas, and result in the loss of hundreds of miles of routes that have been highly valued for more than 50 years.

2. There is not broad community support for the Proposal and the Proposal overturns the broad community support there was for the Hermosa Watershed Legislation that was only recently finalized in planning. Despite the broad community support for the Hermosa Legislation, the San Juan Proposal would remove much of the balance achieved in the Hermosa Legislation.

3. The Proposal would designate many areas as Wilderness that were specifically excluded from further review for designation as Wilderness in the 1980 Colorado Wilderness Legislation. Congress specifically reviewed these usages and excluded these areas due to the high levels of recreational usage in these areas. The 1980 Colorado Wilderness Act clearly stated it was Congress intent to close discussion of possible designation of areas reviewed and not designated as Wilderness in that Legislation. The recreational usage of these has never stopped in these areas and is now more valuable than ever before and has occurred without major conflict. Why would we change a consensus position from the 1980 Colorado Wilderness legislation?

4. Some areas of the San Juan Wilderness (Smith Mtn. and Uncompahgre Primitive Areas) were identified for possible protection prior to the establishment of the Wilderness Act itself and have been found unsuitable for designation for more than 50 years by USFS, USGS, and Bureau of Mines. These areas were released from further management in the 1980 Colorado Wilderness Act. How many more times do we need to look at these areas..... The conclusion has always been the same? The area is not suitable.

5. Many of these areas were also found unsuitable for Upper Tier Roadless area management in the 2012 Colorado Roadless Rule development. If they are unsuitable for Upper Tier management, why would they ever be the basis for Wilderness Management?

6. We continue to struggle to understand what the management need for this Legislation even is.

7. Forest Health impacts must be addressed as many of these areas have been hugely impacted by beetle outbreaks. Rather than streamlining the management response in these areas, the Legislation makes any response more difficult. This simply makes no sense.

8. The benefits to local communities from recreation economics would be greatly reduced as the Dept. of Commerce recently concluded that motorized recreation almost outspends all other user groups combined.

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From: Gregg Howey <howeygp@yahoo.com>
Sent: Wednesday, May 2, 2018 7:49 AM
To: Whitney, John (Bennet)
Cc: Bair, Betsy (Gardner)
Subject: San Juan Wilderness Proposal

Dear Senator Bennet,

I strongly oppose your recent legislation on the San Juan Wilderness Proposal in Colorado. I am an ATV enthusiast and I am a long-time member of the Colorado Quad Runners ATV club. Your legislation, if passed, would restrict my rights to ride and camp in the proposed area which will impede my rights as a tax-paying citizen.

Gregg Howey
Westminster, Colorado

From: EDWARD <edwardjohnson11@msn.com>
Sent: Wednesday, May 2, 2018 9:12 AM
To: Bair, Betsy (Gardner)
Subject: Fwd: My opposition to more trail closures

Begin forwarded message:

From: Edward Johnson <edwardjohnson11@msn.com>
Subject: My opposition to more trail closures
Date: May 2, 2018 at 9:09:04 AM MDT
To: Brian.Meinhart@mail.house.gov, John_whitney@bennet.senate.gov, Betsy.bair@gardner.senate.gov

1. Almost every new Wilderness area would close opportunities to multiple use recreation and sever trails that cross these areas, and result in the loss of hundreds of miles of routes that have been highly valued for more than 50 years.

2. There is not broad community support for the Proposal and the Proposal overturns the broad community support there was for the Hermosa Watershed Legislation that was only recently finalized in planning. Despite the broad community support for the Hermosa Legislation, the San Juan Proposal would remove much of the balance achieved in the Hermosa Legislation.

3. The Proposal would designate many areas as Wilderness that were specifically excluded from further review for designation as Wilderness in the 1980 Colorado Wilderness Legislation. Congress specifically reviewed these usages and excluded these areas due to the high levels of recreational usage in these areas. The 1980 Colorado Wilderness Act clearly stated it was Congress intent to close discussion of possible designation of areas reviewed and not designated as Wilderness in that Legislation. The recreational usage of these has never stopped in these areas and is now more valuable than ever before and has occurred without major conflict. Why would we change a consensus position from the 1980 Colorado Wilderness legislation?

4. Some areas of the San Juan Wilderness (Smith Mtn. and Uncompahgre Primitive Areas) were identified for possible protection prior to the

establishment of the Wilderness Act itself and have been found unsuitable for designation for more than 50 years by USFS, USGS, and Bureau of Mines. These areas were released from further management in the 1980 Colorado Wilderness Act. How many more times do we need to look at these areas..... The conclusion has always been the same? The area is not suitable.

5. Many of these areas were also found unsuitable for Upper Tier Roadless area management in the 2012 Colorado Roadless Rule development. If they are unsuitable for Upper Tier management, why would they ever be the basis for Wilderness Management?

6. We continue to struggle to understand what the management need for this Legislation even is.

7. Forest Health impacts must be addressed as many of these areas have been hugely impacted by beetle outbreaks. Rather than streamlining the management response in these areas, the Legislation makes any response more difficult. This simply makes no sense.

8. The benefits to local communities from recreation economics would be greatly reduced as the Dept. of Commerce recently concluded that motorized recreation almost outspends all other user groups combined.

Please don't send a form letter thanking me for support - I do not support more trail closures.

Edward Johnson
3512 Saint Clair Ave
Pueblo, CO 81005

Sherer, Dustin (Gardner)

From:	Meinhart, Brian <Brian.Meinhart@mail.house.gov>
Sent:	Wednesday, September 5, 2018 12:54 PM
To:	Sherer, Dustin (Gardner)
Subject:	FW: San Juan Wilderness Act Subcommittee Hearing
Attachments:	1980 Colorado Wilderness act.pdf; House Report 96-617.pdf; Wilderness balance outline v4.pdf; BILLS-103hr631enr.pdf

From: Scott Jones <scott.jones46@yahoo.com>
Sent: Tuesday, August 28, 2018 11:40 AM
To: Greco, Ashley <Ashley.Greco@mail.house.gov>; Meinhart, Brian <Brian.Meinhart@mail.house.gov>; Bair, Betsy (Gardner) <betsy_bair@gardner.senate.gov>
Subject: Re: San Juan Wilderness Act Subcommittee Hearing

Hi Ashley

I really appreciate the email as Senator Bennett office has completely failed to address any of our concerns around the proposal. We got a similar ask from Gov Hickenloopers office before his letter of support went out last week. John Whitney just keeps telling us we are wrong despite docs and other efforts. We have an inventory of areas we would like to see addressed we have tried to discuss with him and basically step 1 with John was to throw that document out the window. It is attached. We have been working with Betsy and Brian in Grand Junction on this issue and I think Betsy has about a foot of comments on her desk from our folks raising concerns about the proposal.

San Juan Legislation would seriously impact in many areas for OHV either directly or by bringing the Wilderness boundary within 50ft of existing trails. With that type of boundary any sort of serious trail maintenance or reroute would be almost impossible in the future. Those trails are at risk when Wilderness is within 50ft of the boundary. By Comparison the hiking community asserts they need 1/4 mile around the continental divide trail to be excluded from motorized but when they want to close Wilderness to existing trails 50ft is ok? We even offer to discuss some protections for the trails such as a national designation and that completely failed.

Additionally, the San Juan legislation would designate Wilderness in areas that were specifically released for non-Wilderness uses in the 1980 Colorado Wilderness Act (§102b2) due to trail proximity and other reasons and designate many areas as Wilderness that were provided a no buffer protection in that legislation (section 110). The bill memo addressing the 1980 boundaries and why they look the way they do (it is attached) - pgs 6&7 of the memo are very specific about why the boundaries are where they are in numerous areas and some are due to the proximity of trails in the area. Really sad to see that level of community effort and involvement not even recognized or addressed in the san juan legislation as many of those trails are still there and hugely valuable to us.

A large amount of the San Juan areas were also protected with no buffer language in the 1993 Colorado Wilderness act (§3e)- these types of protections are really valuable to us even if there are no recreational interests in these areas simply because they were balancing provisions in previous legislation. If we are willing to overlook the previous balancing provisions what is to stop the next Wilderness proposal from overturning the balance we worked so hard for in Hermosa.

The white house and several others proposed areas were inventoried as primitive areas as part of Wilson Mtn and Uncompahgre Primitive areas and found unsuitable by Congress, bureau of mines and USFS for designation - again why would they be suitable for Wilderness now when so much was inventoried in

the 1980s and found unsuitable and then reinventoried in 2012 for roadless and still found unsuitable. Will send those reports under separate cover so I don't fry emails

Those issues are frustrating by itself - this gets worse as I previously mentioned we have been absolutely closed out of any meaningful discussion with Sen Bennett office about the legislation and some of the protections we would have liked to have seen. John Whitney just kept telling us we were wrong despite the fact we showed all these docs to him. We actually supported the Hermosa Watershed legislation and as you are aware your office played a huge role in those discussions and getting balance in that piece, which designated a large Wilderness outside Durango due to the balance that was in that effort. San Juan is no where near that level of community support-

Thanks for everything and please feel free to give me a call to discuss
Scott
518-281-5810

On Tuesday, August 28, 2018, 10:58:00 AM MDT, Greco, Ashley <Ashley.Greco@mail.house.gov> wrote:

Hi Scott,

I wanted to reach out to make sure you were aware that Senator Bennet held a subcommittee hearing last week on the San Juan Wilderness Act. I wanted to check with you to see if your voice for the HVO community has been heard and addressed by Bennet's office. We keep hearing that all hands are on deck and want to make sure Senator Bennet has gone through proper vetting to include all interested stakeholders.

Best,

Ashley Greco

Field Representative

Congressman Scott Tipton | CO-03

835 E. Second Avenue, Suite 230

Durango, CO 81301

t| 970.2591490

f| 970.259.1563

m| 970.712.4264

e| ashley.greco@mail.house.gov

http://tipton.house.gov/

Public Law 96-560
96th Congress

An Act

To designate certain National Forest System lands in the States of Colorado, South Dakota, Missouri, South Carolina, and Louisiana for inclusion in the National Wilderness Preservation System, and for other purposes.

Dec. 22, 1980
[H.R. 5487]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Forest System lands, designations.

TITLE I

STATEMENT OF FINDINGS AND POLICY

SEC. 101. (a) The Congress finds that—

(1) many areas of undeveloped National Forest System lands in the State of Colorado possess outstanding natural characteristics which give them high values as wilderness and will, if properly preserved, contribute as an enduring resource of wilderness for the benefit of the American people;

(2) the Department of Agriculture's second Roadless Area Review and Evaluation (RARE II) of National Forest System lands in the State of Colorado and the related congressional review of such lands have identified areas which, on the basis of their landform, ecosystem, associated wildlife, and location, will help to fulfill the National Forest System's share of a quality National Wilderness Preservation System; and

(3) the Department of Agriculture's second Roadless Area Review and Evaluation of National Forest System lands in the State of Colorado and the related congressional review of such lands have also identified areas which do not possess outstanding wilderness attributes or which possess outstanding energy, mineral, timber, grazing, dispersed recreation and other values and which should not now be designated as components of the National Wilderness Preservation System but should be available for nonwilderness multiple uses under the land management planning process and other applicable laws.

(b) The purposes of this title are to—

(1) designate certain National Forest System lands in the State of Colorado as components of the National Wilderness Preservation System, in order to promote, perpetuate, and preserve the wilderness character of the land, protect watersheds and wildlife habitat, preserve scenic and historic resources, and promote scientific research, primitive recreation, solitude, physical and mental challenge, and inspiration for the benefit of all the American people, to a greater extent than is possible in the absence of wilderness designation; and

(2) insure that certain other National Forest System lands in the State of Colorado be available for nonwilderness multiple uses.

SEC. 102. (a) In furtherance of the purposes of the Wilderness Act, the following lands in the State of Colorado are hereby designated as

16 USC 1131 note.

wilderness and, therefore, as components of the National Wilderness Preservation System:

16 USC 1132 note.

(1) certain lands in the Uncompahgre National Forest, Colorado, which comprise approximately ninety-seven thousand seven hundred acres, as generally depicted on a map entitled "Big Blue Wilderness—Proposed", dated November 1980, and which shall be known as the Big Blue Wilderness;

16 USC 1132 note.

(2) certain lands in the Roosevelt National Forest, Colorado, which comprise approximately nine thousand four hundred acres, as generally depicted on a map entitled "Cache La Poudre Wilderness—Proposed", dated October 1979, and which shall be known as the Cache La Poudre Wilderness;

16 USC 1132 note.

(3) certain lands in the Gunnison, San Isabel, and White River National Forests, Colorado, which comprise approximately one hundred and fifty-nine thousand nine hundred acres, as generally depicted on a map entitled "Collegiate Peaks Wilderness—Proposed", dated November 1980, and which shall be known as the Collegiate Peaks Wilderness;

16 USC 1132 note.

(4) certain lands in the Roosevelt National Forest, Colorado, which comprise approximately sixty-seven thousand five hundred acres, as generally depicted on a map entitled "Comanche Peak Wilderness—Proposed", dated November 1980, and which shall be known as the Comanche Peak Wilderness;

16 USC 1132 note.

(5) certain lands in the San Isabel and White River National Forests, Colorado, which comprise approximately one hundred and twenty-six thousand acreas, as generally depicted on a map entitled "Holy Cross Wilderness—Proposed", dated November 1980, and which shall be known as the Holy Cross Wilderness: *Provided*, That no right, or claim of right, to the diversion and use of existing conditional water rights for the Homestake Water Development project by the cities of Aurora and Colorado Springs shall be prejudiced, expanded, diminished, altered, or affected by this Act. Nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance or repair of said project, nor the operation thereof, or any exchange or modification of the same agreed to by the cities and the United States, acting through any appropriate agency thereof;

(6) certain lands in the Rio Grande and Gunnison National Forests, Colorado, which comprise approximately sixty thousand acres, as generally depicted on a map entitled "La Garita Additions—Proposed", dated October 1979, and which are hereby incorporated in and shall be deemed to be a part of the La Garita Wilderness as designated by Public Law 88-577;

16 USC 1131 note.

16 USC 1132 note.

(7) certain lands in the San Juan and Uncompahgre National Forests, Colorado, which comprise approximately forty thousand acres, as generally depicted on a map entitled "Lizard Head Wilderness—Proposed", dated November 1980, and which shall be known as the Lizard Head Wilderness;

16 USC 1132 note.

(8) certain lands in the Pike National Forest, Colorado, which comprise approximately one hundred and six thousand acres, as generally depicted on a map entitled "Lost Creek Wilderness—Proposed", dated June 1980, and which shall be known as the Lost Creek Wilderness;

(9) certain lands in the Gunnison and White River National Forests, Colorado, which comprise approximately one hundred and three thousand acres, as generally depicted on a map entitled "Maroon Bells—Snowmass Additions—Proposed",

dated November 1980, and which are hereby incorporated in and shall be deemed to be a part of the Maroon Bells-Snowmass Wilderness as designated by Public Law 88-577;

16 USC 1131 note.

(10) certain lands in the Arapaho and Pike National Forests, Colorado, which comprise approximately seventy-three thousand acres, as generally depicted on a map entitled "Mount Evans Wilderness—Proposed", dated June 1980, and which shall be known as the Mount Evans Wilderness;

16 USC 1132 note.

(11) certain lands in the San Isabel National Forest, Colorado, which comprise approximately twenty-six thousand acres, as generally depicted on a map entitled "Mount Massive Wilderness—Proposed", dated October 1979, and which shall be known as the Mount Massive Wilderness;

16 USC 1132 note.

(12) certain lands in the Uncompahgre National Forest, Colorado, which comprise approximately sixteen thousand two hundred acres, as generally depicted on a map entitled "Mount Sneffels Wilderness—Proposed", dated October 1979, and which shall be known as the Mount Sneffels Wilderness;

16 USC 1132 note.

(13) certain lands in the Routt National Forest, Colorado, which comprise approximately sixty-eight thousand five hundred acres, as generally depicted on a map entitled "Mount Zirkel Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness as designated by Public Law 88-577;

16 USC 1131 note.

(14) certain lands in the Roosevelt National Forest, Colorado, which comprise approximately nine thousand nine hundred acres, as generally depicted on a map entitled "Neota Wilderness Proposal", dated October 1979, and which shall be known as the Neota Wilderness;

16 USC 1132 note.

(15) certain lands in the Arapaho National Forest, Colorado, which comprise approximately fourteen thousand one hundred acres, as generally depicted on a map entitled "Never Summer Wilderness—Proposed", dated September 1980, and which shall be known as the Never Summer Wilderness;

16 USC 1132 note.

(16) certain lands in the Gunnison and White River National Forests, Colorado, which comprise approximately sixty-eight thousand acres, as generally depicted on a map entitled "Raggeds Wilderness—Proposed", dated November 1980, and which shall be known as the Raggeds Wilderness;

16 USC 1132 note.

(17) certain lands in the Roosevelt and Routt National Forests, Colorado, which comprise approximately forty-eight thousand nine hundred and thirty acres, as generally depicted on a map entitled "Mount Rawah Wilderness Additions—Proposed", dated October 1979, and which are hereby incorporated in and shall be deemed to be a part of the Rawah Wilderness as designated by Public Law 88-577: *Provided*, That the Secretary shall permit motorized access and the use of motorized equipment used for the periodic maintenance and repair of the McGuire Water Transmission Line ditch;

16 USC 1131 note.

(18) certain lands in the San Juan National Forest, Colorado, which comprise approximately one hundred and thirty thousand acres, as generally depicted on a map entitled "South San Juan Wilderness—Proposed", dated October 1979, and which shall be known as the South San Juan Wilderness;

16 USC 1132 note.

(19) certain lands in the Rio Grande and San Juan National Forests, Colorado, which comprise approximately sixty-six thousand acres, as generally depicted on a map entitled "Weminuche

Wilderness Additions—Proposed", dated October 1979, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness as designated by Public Law 93-632; and

16 USC 1132 note.

(20) certain lands in the Gunnison National Forest, Colorado, which comprise approximately one hundred and thirty-three thousand acres, as generally depicted on a map entitled "West Elk Wilderness Additions—Proposed", dated November 1980, and which are hereby incorporated in and shall be deemed to be a part of the West Elk Wilderness as designated by Public Law 88-577.

16 USC 1131 note.

(b) The previous classifications of the Uncompahgre Primitive Area and the Wilson Mountains Primitive Area are hereby abolished.

16 USC 1132 note.

SEC. 103. In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands in the Black Hills National Forest, South Dakota, which comprise approximately ten thousand seven hundred acres, as generally depicted on a map entitled "Black Elk Wilderness—Proposed", dated October 1979, and shall be known as the Black Elk Wilderness: *Provided,* That the provisions of the Act establishing the Custer State Park Sanctuary (41 Stat. 986) and the later named Norbeck Wildlife Preserve (63 Stat. 708) shall also apply to the Black Elk Wilderness to the extent they are not inconsistent with the provisions of the Wilderness Act.

16 USC 675-678b.

SEC. 104. (a) As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file the maps referred to in this title and legal descriptions of each wilderness area designated by this title with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) Subject to valid existing rights, each wilderness area designated by this title shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

16 USC 1131 note.

16 USC 1132 note.

SEC. 105. (a) The Secretary of Agriculture shall review and within three years after the date of enactment of this Act, shall report to the President and the Congress in accordance with subsections 3(c) and 3(d) of the Wilderness Act of 1964 (78 Stat. 892), his recommendations on the suitability or unsuitability for inclusion in the National Wilderness Preservation System of the following lands:

16 USC 1132.

(1) the Buffalo Peaks Wilderness Study Area, consisting of approximately fifty-six thousand nine hundred acres in the San Isabel National Forest, as generally depicted on a map entitled "Buffalo Peaks Wilderness Study Area Proposal", dated June 1980;

(2) the Fossil Ridge Wilderness Study Area, consisting of approximately fifty-four thousand seven hundred acres in the Gunnison National Forest, as generally depicted on a map

entitled "Fossil Ridge Wilderness Study Area Proposal", dated December 1979;

(3) the Greenhorn Mountain Wilderness Study Area, consisting of approximately twenty-two thousand three hundred acres in the San Isabel National Forest, as generally depicted on a map entitled "Greenhorn Mountain Wilderness Study Area Proposal", dated June 1980;

(4) the South San Juan Wilderness Expansion Study Area, consisting of approximately thirty-two thousand eight hundred acres in the San Juan National Forest, as generally depicted on a map entitled "Montezuma Peak-V Rock Trail Wilderness Study Area", dated June 1980;

(5) the Piedra Wilderness Study Area, consisting of approximately forty-one thousand five hundred acres in the San Juan National Forest, as generally depicted on a map entitled "Piedra Wilderness Study Area Proposal", dated June 1980;

(6) the Sangre de Cristo Wilderness Study Area, consisting of approximately two hundred and twenty-one thousand acres in the Rio Grande and San Isabel National Forests, as generally depicted on a map entitled "Sangre de Cristo Wilderness Study Area Proposal", dated June 1980;

(7) the Spanish Peaks Wilderness Study Area, consisting of approximately nineteen thousand six hundred acres in the San Isabel National Forest, as generally depicted on a map entitled "Spanish Peaks Wilderness Study Area Proposal", dated June 1980;

(8) the Vasquez Peak Wilderness Study Area, consisting of approximately twelve thousand eight hundred acres in the Arapaho National Forest, as generally depicted on a map entitled "Vasquez Peak Wilderness Study Area Proposal", dated September 1980; and

(9) the West Needle Wilderness Study Area, consisting of approximately fifteen thousand eight hundred acres in the San Juan National Forest, as generally depicted on a map entitled "West Needle Wilderness Study Area Proposal", dated June 1980.

Review and report to President and Congress.

(b) The Secretary of the Interior and the Secretary of Agriculture shall review jointly the Wheeler Geologic Study Area consisting of approximately fourteen thousand acres in the Gunnison National Forest, as generally depicted on a map entitled "Wheeler Geologic Study Area Proposal", dated November 1980, and within three years following the date of enactment of this Act shall report to the President and to Congress their recommendations for management of the lands in such study area. In making such review and report, such Secretaries shall consider—

(1) the natural, historical, cultural, scenic, economic, educational, scientific, energy, mineral, and geologic values of the study area;

(2) the management and protection of fragile geologic resources within the area;

(3) possible land management options or designations including national park, national monument, or national recreation area designation; addition to the National Wilderness Preservation System; special administrative designations; and management under the general laws and regulations applicable to the National Forest System;

(4) the effect of possible land managment options on consumers, national security, and national, State and local economies,

including timber harvest, tourism, grazing, energy, water, mineral, and other commercial activities;

(5) the need for additional mineral exploration in such area; and

(6) the suitability and desirability of permanent or temporary road or other mechanized access into the study area, with special attention to access by the elderly and the handicapped.

(c) Subject to valid existing rights, the study areas designated by subsections (a) and (b) of this section shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided*, That with respect to grazing of livestock and oil, gas, or mineral exploration and development activities, such study areas shall be administered according to the laws generally applicable to the National Forest System.

16 USC 1132 note.

SEC. 106. (a) The Secretary of Agriculture shall review and within three years after the date of enactment of this Act, shall report to the President and the Congress in accordance with subsections 3(c) and 3(d) of the Wilderness Act of 1964 (78 Stat. 892), his recommendations on the suitability or unsuitability for inclusion in the National Wilderness Preservation System of the following area:

16 USC 1132.

(1) the Oh-Be-Joyful Wilderness Study Area, consisting of approximately five thousand five hundred acres in the Gunnison National Forest, as generally depicted on a map entitled "Oh-Be-Joyful Wilderness Study Area—Proposed", dated November 1980.

(b) Subject to valid existing rights, the Oh-Be-Joyful Wilderness Study Area shall be administered by the Secretary of Agriculture so as to maintain its presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided*, That such management requirement shall not extend beyond a period of two years from the date of submission to Congress of the President's recommendation that such area be designated as wilderness, or beyond the date of submission to Congress of the President's recommendation that such area not be designated as wilderness: *Provided further*, That, with respect to oil, gas and mineral exploration and development operations in such study area, the terms of the Wilderness Act of 1964 shall apply.

16 USC 1131 note.

SEC. 107. (a) The Congress finds that—

(1) the Department of Agriculture has completed the second Roadless Area Review and Evaluation program (RARE II); and

(2) the Congress has made its own review and examination of National Forest System roadless areas in the State of Colorado and of the environmental impacts associated with alternative allocations of such areas.

(b) On the basis of such review, the Congress hereby determines and directs that—

(1) without passing on the question of the legal and factual sufficiency of the RARE II Final Environmental Statement (dated January 1979) with respect to National Forest System lands in States other than Colorado, such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Colorado;

(2) with respect to the National Forest System lands in the State of Colorado which were reviewed by the Department of Agriculture in the second Roadless Area Review and Evaluation (RARE II), except those lands remaining in further planning

upon enactment of this Act, areas listed in sections 105 and 106 of this Act, or previously congressional designated wilderness study areas, that review and evaluation shall be deemed for the purposes of the initial land management plans required for such lands by the Forest and Rangeland Renewable Resources Planning Act of 1974 as amended by the National Forest Management Act of 1976 to be an adequate consideration of the suitability of such lands for inclusion in the National Wilderness Preservation System and the Department of Agriculture shall not be required to review the wilderness option prior to the revision of the initial plans and in no case prior to the date established by law for completion of the initial planning cycle;

16 USC 1600 note.
16 USC 1600 note.

(3) areas in the State of Colorado reviewed in such Final Environmental Statement and not designated as wilderness or for study by Congress or remaining in further planning upon enactment of this Act need not be managed for the purpose of protecting their suitability for wilderness designation pending revision of the initial plans; and

(4) unless expressly authorized by Congress the Department of Agriculture shall not conduct any further statewide Roadless Area Review and Evaluation of National Forest System lands in the State of Colorado for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

SEC. 108. The Congress hereby declares that, without amending the Wilderness Act of 1964, with respect to livestock grazing in National Forest wilderness areas, the provisions of the Wilderness Act relating to grazing shall be interpreted and administered in accordance with the guidelines contained under the heading "Grazing in National Forest Wilderness" in the House Committee Report (H. Report 96-617) accompanying this Act.

16 USC 1133 note.
16 USC 1131 note.

SEC. 109. The Secretary of Agriculture is directed to review all policies, practices, and regulations of the Department of Agriculture regarding disease or insect outbreaks, forest fires, and the use of modern suppression methods and equipment in National Forest System components of the National Wilderness Preservation System in the State of Colorado, to insure that—

(a) such policies, practices, and regulations fully conform with and implement the intent of Congress regarding forest fire, disease and insect control, as such intent is expressed in the Wilderness Act and this Act; and

(b) policies, practices, and regulations are developed that will allow timely, and efficient fire, insect, and disease control, to provide, to the extent reasonably practicable, adequate protection of adjacent Federal, State, and private nonwilderness lands from forest fires and disease or insect infestations.

SEC. 110. Congress does not intend that designation of wilderness areas in the State of Colorado lead to the creation of protective perimeters of buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

SEC. 111. (a) The boundaries of Rocky Mountain National Park, the Roosevelt National Forest, and the Arapaho National Forest are revised as generally depicted on the map entitled "Boundary Adjustments, Rocky Mountain National Park", numbered 121-80,047, dated October 1, 1979, which shall be on file and available for public inspection in the Office of the Director, National Park Service,

16 USC 192b-9.

Department of the Interior, and the Office of the Chief, Forest Service, Department of Agriculture: *Provided,* That the area shown on such map as E-5 and known as the Twin Sisters area shall remain a part of the Rocky Mountain National Park. All lands added or tranferred by this Act to Rocky Mountain National Park, Roosevelt National Forest, and Arapaho National Forest shall be subject to the laws and regulations applicable to the appropriate National Park or National Forest. Lands within the Indian Peaks Wilderness Area as designated by Public Law 95-450 (92 Stat. 1099) that are transferred by this Act to Rocky Mountain National Park shall remain in the National Wilderness Preservation System. Lands within the Rocky Mountain National Park that are adjacent to the Indian Peaks Wilderness and that are transferred by this Act to the Roosevelt National Forest shall be incorporated in and become part of the Indian Peaks Wilderness.

16 USC 460jj note.

(b) The Secretary of the Interior, with respect to lands added or transfered by this Act to Rocky Mountain National Park, and the Secretary of Agriculture, with respect to lands added or transferred by this Act to Roosevelt and Arapaho National Forests, may acquire lands and interests in such lands, by donation, purchase with donated or appropriated funds, or by exchange. The Secretary of Agriculture, under the provisions of the Act of March 20, 1922 (42 Stat. 465), as amended, may accept on behalf of the United States title to any land in section 30, township 7 north, range 73 west, of the sixth principal meridian which lies within the boundary of Rocky Mountain National Park as revised by this Act, in exchange for which the Secretary of the Interior, notwithstanding section 8(a) of the Wild and Scenic Rivers Act (Public Law 90-542, 82 Stat. 906), is authorized to issue patent to lands lying within the Cache La Poudre Wild and Scenic River study corridor. Upon completion of the exchange, the Secretary of Agriculture shall transfer to the administrative jurisdiction by the Secretary of the Interior the portion of such land lying within the boundary of the Rocky Mountain National Park as revised by this Act.

16 USC 485, 486.

16 USC 1279.

(c) The Federal lands within the administrative jurisdiction of the Bureau of Land Management and within the areas referred to as E-2 and GL-3 on the map referred to in subsection (a) shall be transferred to Rocky Mountain National Park without transfer of funds.

(d) If the city of Longmont, Colorado, notifies the Secretary of the Interior that lands within the area referred to as E-8 on the map referred to in subsection (a) of this section that are owned by such city are necessary for the development of a reservoir, the Secretary shall by publication of a revised boundary description in the Federal Register revise the boundary of Rocky Mountain Park within such area to exclude the lands which are necessary for the development of the reservoir: *Provided,* That the authority of such Secretary to revise the boundary for this purpose shall expire on November 1, 1981; and the only lands which may be excluded are the approximately one hundred twenty-nine acres owned by such city.

(e) If after the completion of two complete fiscal years following the date of enactment of this Act the Secretary of the Interior has not purchased interests in the lands of approximately one thousand two hundred acres known as the Old McGregor Ranch located within the area referred to as E-2 on the map referred to in subsection (a), and the owner of such lands petitions the Secretary to exclude such lands from Rocky Mountain National Park, the Secretary shall by publication of a revised boundary description in the Federal Register return

the boundary of Rocky Mountain National Park in such area E-2 to the boundary as it existed before the enactment of this Act.

(f) The Secretary of the Interior shall convey, to the city of Grand Lake, Colorado, without compensation or consideration, the lands, not to exceed two acres, within the area referred to as GL-5 on the map referred to in subsection (a).

(g) The Secretary of the Interior may provide for the use of snowmobiles along the East Shore Trail of Shadow Mountain Lake if after study the Secretary determines such use will not result in any significant adverse impact upon wildlife.

TITLE II

SEC. 201. In furtherance of the purposes of the Wilderness Act, the following lands are hereby designated as wilderness, and therefore, as components of the National Wilderness Preservation System—

(a) certain lands in the Mark Twain National Forest, Missouri, which comprise approximately eight thousand five hundred and thirty acres, are generally depicted on a map entitled "Bell Mountain Wilderness—Proposed", dated February 1980, and shall be known as the Bell Mountain Wilderness; 16 USC 1132 note.

(b) certain lands in the Mark Twain National Forest, Missouri, which comprise approximately three thousand nine hundred and twenty acres, are generally depicted on a map entitled "Rockpile Mountain Wilderness—Proposed", dated February 1980, and shall be known as the Rockpile Mountain Wilderness; 16 USC 1132 note.

(c) certain lands in the Mark Twain National Forest, Missouri, which comprise approximately eight thousand four hundred acres, are generally depicted on a map entitled "Piney Creek Wilderness—Proposed", dated February 1980, and shall be known as the Piney Creek Wilderness; 16 USC 1132 note.

(d) certain lands in the Mark Twain National Forest, Missouri, which comprise approximately six thousand eight hundred acres, are generally depicted on a map entitled "Devils Backbone Wilderness—Proposed", dated February 1980, and shall be known as the Devils Backbone Wilderness; 16 USC 1132 note.

(e) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately five thousand one hundred acres, are generally depicted on a map entitled "Wambaw Swamp Wilderness—Proposed", dated May 1980, and shall be known as the Wambaw Swamp Wilderness; 16 USC 1132 note.

(f) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately one thousand nine hundred and eighty acres, are generally depicted on a map entitled "Hell Hole Bay Wilderness—Proposed", dated May 1980, and shall be known as the Hell Hole Bay Wilderness; 16 USC 1132 note.

(g) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately five thousand acres, are generally depicted on a map entitled "Little Wambaw Swamp Wilderness—Proposed", dated May 1980, and shall be known as the Wambaw Swamp Wilderness; 16 USC 1132 note.

(h) certain lands in the Francis Marion National Forest, South Carolina, which comprise approximately one thousand six hundred and forty acres, are generally depicted on a map entitled "Wambaw Creek Wilderness—Proposed", dated May 1980, and shall be known as the Wambaw Creek Wilderness; 16 USC 1132 note.

(i) certain lands in the Kisatchie National Forest, Louisiana, which comprise approximately eight thousand seven hundred 16 USC 1132 note.

acres, are generally depicted on a map entitled "Kisatchie Hills Wilderness—Proposed", dated May 1980, and shall be known as the Kisatchie Hills Wilderness.

MAPS AND DESCRIPTIONS

SEC. 202. As soon as practicable after the provisions of this Act take effect, the Secretary of Agriculture shall file maps and legal descriptions of each wilderness area designated by this title with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the House of Representatives and the Committees on Energy and Natural Resources and Agriculture, Nutrition, and Forestry of the United States Senate, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief, United States Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

16 USC 1131 note.

SEC. 203. Subject to valid existing rights, each wilderness area designated by this title shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 (78 Stat. 892) governing areas designated by that Act as wilderness areas, except that, with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

Approved December 22, 1980.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 96-617 (Comm. on Interior and Insular Affairs) and No. 96-1521 (Comm. of Conference).
SENATE REPORT No. 96-914 (Comm. on Energy and Natural Resources).
CONGRESSIONAL RECORD:
Vol. 125 (1979): Dec. 10, considered and passed House.
Vol. 126 (1980): Sept. 25, considered and passed Senate, amended.
Dec. 3, House agreed to conference report.
Dec. 4, Senate agreed to conference report.

96TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 96–617

DESIGNATING CERTAIN NATIONAL FOREST SYSTEM LANDS IN THE NATIONAL WILDERNESS PRESERVATION SYSTEM, AND FOR OTHER PURPOSES

NOVEMBER 14, 1979.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. UDALL, from the Committee on Interior and Insular Affairs, submitted the following

REPORT

[To accompany H.R. 5487]

[Including cost estimate of the Congressional Budget Office]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 5487) to designate certain national forest system lands in the State of Colorado for inclusion in the national wilderness preservation system, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 1, beginning on line 3, strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. (a) In furtherance of the purposes of the Wilderness Act of September 3, 1964 (78 Stat. 890), the following National Forest lands in the States of Colorado and South Dakota, as generally depicted on maps appropriately referenced, dated October 1979, are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) certain lands in the Arapahoe-Roosevelt National Forest, Colorado, which comprise approximately fourteen thousand nine hundred acres, are generally depicted on a map entitled "Never Summer Wilderness Proposal", and shall be known as the Never Summer Wilderness;

(2) certain lands in the Arapahoe-Roosevelt National Forest, Colorado, which comprise approximately fifty-nine thousand four hundred and ninety acres, are generally depicted on a map entitled "Comanche Peak Wilderness Proposal", and shall be known as the Comanche Peak Wilderness;

(3) certain lands in the Arapahoe-Roosevelt and Pike National Forests, Colorado, which comprise approximately seventy-four thousand acres, are generally depicted on a map entitled "Mount Evans Wilderness Proposal", and shall be known as the Mount Evans Wilderness;

(4) certain lands in the Arapahoe-Roosevelt National Forest, Colorado, which comprise approximately nine thousand four hundred acres, are gen-

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erally depicted on a map entitled "Cache La Poudre Wilderness Proposal", and shall be known as the Cache La Poudre Wilderness;

(5) certain lands in the Arapahoe-Roosevelt National Forest, Colorado, which comprise approximately nine thousand nine hundred acres, are generally depicted on a map entitled "Neota Wilderness Proposal", and shall be known as the Neota Wilderness;

(6) certain lands in the San Isabel and White River National Forests, Colorado, which comprise approximately one hundred one thousand four hundred and thirty-two acres, are generally depicted on a map entitled "Holy Cross Wilderness Proposal", and shall be known as the Holy Cross Wilderness: *Provided*, That no right, or right of claim of right, to the diversion and use of existing conditional water rights for the Homestake Water Development project by the cities of Aurora and Colorado Springs, shall be prejudiced, expanded, diminished, altered, or affected by this Act. Nothing in this Act shall be construed to expand, abate, impair, impede, or interfere with the construction, maintenance or repair of said project, nor the operation thereof, or any exchange or modification of the same agreed to by the cities and the United States, acting through any appropriate agency thereof;

(7) certain lands in the Gunnison, San Isabel, and White River National Forests, Colorado, which comprise approximately one hundred fifty-five thousand acres, are generally depicted on a map entitled "Elk Mountain-Collegiate Wilderness Proposal", and shall be known as Elk Mountain-Collegiate Wilderness;

(8) certain lands in the Grand Mesa-Uncompahgre National Forest, Colorado, which comprise approximately sixty-seven thousand acres, are generally depicted on a map entitled "Raggeds Wilderness Proposal", and shall be known as the Raggeds Wilderness;

(9) certain lands in the San Juan and Uncompahgre National Forests, Colorado, which comprise approximately forty thousand acres, are generally depicted on a map entitled "Mount Wilson Primitive Area Proposal", and shall be known as the Lizard Head Wilderness;

(10) certain lands in the Uncompahgre National Forest, Colorado, which comprise approximately sixteen thousand two hundred acres, are generally depicted on a map entitled "Mount Sneffels Wilderness Proposal", and shall be known as Mount Sneffels Wilderness;

(11) certain lands in the Uncompahgre National Forest, Colorado, which comprise approximately one hundred thousand acres, are generally depicted on a map entitled "Big Blue-Courthouse Wilderness Proposal", and shall be known as the Big Blue Wilderness;

(12) certain lands in the Gunnison and White River National Forests, Colorado, which comprise approximately one hundred one thousand five hundred acres, are generally depicted on a map entitled "Maroon Bells-Snowmass Additions—Proposed", and which are hereby incorporated in and shall be deemed to be a part of the Maroon Bells-Snowmass Wilderness as designated by Public Law 88-577;

(13) certain lands in the Routt National Forest, Colorado, which comprise approximately sixty-eight thousand acres, are generally depicted on a map entitled "Mount Zirkel Wilderness Additions—Proposed", and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness as designated by Public Law 88-577; *Provided*, That the Secretary shall permit motorized access and the use of motorized equipment used for the periodic maintenance and repair of the Lookout Ditch and headgate;

(14) certain lands in the Arapahoe-Roosevelt National Forest, Colorado, which comprise approximately forty-eight thousand nine hundred and thirty acres, are generally depicted on a map entitled "Mount Rawah Wilderness Additions—Proposed", and which are hereby incorporated in and shall be deemed to be a part of the Rawah Wilderness as designated by Public Law 88-577: *Provided*, That the Secretary shall permit motorized access and the use of motorized equipment used for the periodic maintenance and repair of the McGuire Water Transmission Line ditch;

(15) certain lands in the Rio Grande and San Juan National Forests, Colorado, which comprise approximately sixty-six thousand acres, are generally depicted on a map entitled "Weminuche Wilderness Additions—Proposed", and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness as designated by Public Law 93-632;

(16) certain lands in the San Isabel and White River National Forest, Colorado, which comprise approximately twenty-six thousand acres, and are

generally depicted on a map entitled "Hunter-Fryingpan Wilderness Additions—Proposed", and which are hereby incorporated in and shall be deemed to be a part of the Hunter-Fryingpan Wilderness as designated by Public Law 95-237;

(17) certain lands in the Grand Mesa-Uncompahgre National Forest, Colorado, which comprise approximately one hundred and thirty thousand acres, and are generally depicted on a map entitled "West Elk Wilderness Additions—Proposed", and which are hereby incorporated in and shall be deemed to be a part of West Elk Wilderness as designated by Public Law 88-577;

(18) certain lands in the San Juan National Forest, Colorado, which comprise approximately one hundred thirty thousand acres, and are generally depicted on a map entitled "South San Juan Wilderness—Proposed", and which shall be known as the South San Juan Wilderness;

(19) certain lands in the Rio Grande and Gunnison National Forests, Colorado, which comprise approximately sixty thousand acres, and are generally depicted on a map entitled "La Garita Additions—Proposed", and which are hereby incorporated in and shall be deemed to be a part of the La Garita Wilderness as designated by Public Law 88-577: *Provided*, That the area depicted on such map as the "Wheeler Geologic Special Study Area" and comprising approximately eleven thousand acres, shall be jointly evaluated and studied by the Secretary of Interior and Secretary of Agriculture as provided in section 2 of this Act.

(20) certain lands in the Black Hills National Forest, South Dakota, which comprise approximately ten thousand seven hundred acres, and are generally depicted on a map entitled "Harney Peak Wilderness—Proposed", and shall be known as the Harney Peak Wilderness; provided that the provisions of the Act establishing the Custer State Park Sanctuary (41 Stat. 986) and the later named Norbeck Wildlife Preserve (63 Stat. 708) shall also apply to the Harney Peak Wilderness to the extent they are not inconsistent with the provisions of the Wilderness Act;

(b) The previous classification of the Wilson Mountains Primitive Area and the Uncompahgre Primitive Area are hereby abolished.

SEC. 2. Within twelve months of the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall undertake and complete a comprehensive report studying and evaluating the "Wheeler Geologic Special Study Area", and shall submit such report along with their recommendations to the Committee on Interior and Insular Affairs of the House of Representatives and the Committee on Energy and Natural Resources of the Senate. Such report shall fully evaluate the following, including, but not limited to:

(a) the natural, historical, cultural, scenic, economic, educational, scientific, and geologic values of the special study area;

(b) the management and protection of fragile geologic resources within the area;

(c) possible land management options or designations including national park, monument, or national recreation area designation, addition to the wilderness system, special administrative designations, and management under the general laws and regulations applicable to the National Forest System;

(d) the effect of possible land management options on State and local economies, including timber harvest, tourism, grazing, mineral and other commercial activities;

(e) the suitability and desirability of permanent or temporary road or other mechanized access to the Special Study Area, with special attention to access by the elderly and handicapped.

SEC. 3. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file maps and legal descriptions of each wilderness area designated by this Act with the Committee on Energy and Natural Resources, United States Senate, and the Committee on Interior and Insular Affairs, House of Representatives, and each such map and legal description shall have the same force and effect as if included in this Act: *Provided, however*, That correction of clerical and typographical errors in such legal descriptions and maps may be made. Each such map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

ADMINISTRATION OF WILDERNESS

SEC. 4. Subject to valid existing rights, each wilderness area designated by this Act shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964 governing areas designated by that

Act as wilderness areas except that with respect to any area designated in this Act, any reference in such provisions to the effective date of the Wilderness Act of 1964 shall be deemed to be a reference to the effective date of this Act.

GRAZING IN NATIONAL FOREST WILDERNESS

SEC. 5. The Secretary of Agriculture is directed to review all policies, practices and regulations of the Department of Agriculture regarding livestock grazing in national forest wilderness areas in order to ensure that such policies, practices and regulations fully conform with and implement the intent of Congress regarding grazing in such areas, as such intent is expressed in the Wilderness Act and this Act.

Amend the title so as to read:

A bill to designate certain National Forest System lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes.

PURPOSES

H.R. 5487 [1] would add 19 areas in Colorado totaling approximately 1.3 million acres, and the 10,700 acre Harney Peak roadless area in South Dakota, to the National Wilderness Preservation System.

BACKGROUND AND NEED

H.R. 5487 is the product of the Committee's consideration of the 1974 Administration recommendations for wilderness in and adjacent to the Wilson Mountains and Uncompahgre Primitive Areas, plus a review of many of the President's RARE II wilderness recommendations in the states of Colorado and South Dakota. Although the President's RARE II proposals provided the catalyst for the consideration of these areas in an "omnibus" fashion, the Committee notes that many of the new wilderness areas and additions to existing wilderness in the bill represent longstanding wilderness proposals, some of which have been reviewed by the Committee, and deferred without prejudice in preceding Congresses. Thus, the Committee feels H.R. 5487 is a long overdue response to a backlog of several major Colorado wilderness proposals which are in need of Congressional decisionmaking. As is noted hereinafter, all these lands possess characteristics which make them highly desirable for addition to the National Wilderness Preservation System. Not only do opportunities for primitive recreation and wildlife habitat protection abound in these areas, but perhaps more importantly, their natural production of invaluable supplies of high quality water provide a compelling reason for preserving them in their natural state.

As reported by the Committee, H.R. 5487 would add the following areas to the wilderness system:

1. Never Summer Wilderness: The 14,900 acre Never Summer Wilderness proposal straddles the Continental Divide and is contiguous to the northwest boundary of Rocky Mountain National Park and the Colorado State Forest. Its name is derived from its overall high elevation and the famous Never Summer Mountain range. Resource conflicts are virtually non-existent in the area proposed for wilderness, and wilderness would assist in protecting wildlife and watershed

[1] H.R. 5487 was introduced by Representatives Johnson and Kogovsek of Colorado. In addition H.R. 5301, designating the Harney Peak Wilderness in South Dakota was introduced by Representative Abdnor.

values. In the vicinity of Baker Gulich, the proposed wilderness boundary is set back at least 300 horizontal feet from the south side of the Grand Ditch so as to preclude any possible interference with the continued operation, maintenance, or possible future enhancement of the ditch.

2. Comanche Peak Wilderness: The 54,490 acre area recommended for wilderness lies directly north of Rocky Mountain National Park and within an easy drive of the Denver metropolitan area. It contains numerous small lakes and important wildlife habitat and is characterized by a great diversity of terrain. Elevation ranges from 7,500 to 12,700 feet.

3. Mount Evans Wilderness: Mount Evans is a very well known Front Range landmark visible from Denver, and the Mount Evans area, together with the existing Indian Peaks Wilderness, will provide the closest wilderness opportunity to this fast growing area. The 74,000 acre proposed wilderness contains some 30 lakes and is highly popular for primitive recreation. Access to the wilderness will be facilitated by the Mount Evans Highway corridor which penetrates several miles into the proposed wilderness. The area harbors one of Colorado's largest herds of bighorn sheep, and wilderness will insure that their habitat remains in its primeval state.

4. Cache La Poudre Wilderness: The area is partially bisected by the spectacular canyon of the Little South Fork of the Cache La Poudre River. On the north, it borders the main stem of the Cache La Poudre River and another significant canyon. Due to its relatively low elevation and dry climate, the area contains important winter range for deer. Scenic qualities of the entire area are outstanding, and primitive recreation use promises to increase dramatically as the nearby community of Fort Collins expands.

5. Neota Wilderness: Like the proposed Never Summer Wilderness, this 9,900 acre area lies adjacent to Rocky Mountain National Park and the Colorado State Forest. Elevations range between 10,000 and 11,800 feet. About 30 percent of the proposed wilderness is alpine tundra and bare rocks, with the remainder being spruce-fir forest and numerous wet meadows.

6. Holy Cross Wilderness: This 101,432-acre proposed wilderness is a central component of the high country which separates the rapidly growing communities around Aspen and Vail, and is a wilderness proposal of longstanding nature. It had one of the highest wilderness quality scores nationwide in RARE I. The area is dominated by the 13,670 Mount of the Holy Cross, and contains numerous other peaks over 12,000 feet. Indeed, much of the proposed wilderness lies above timberline. In addition to its wildlife and watershed values, the wilderness area will accommodate the growing demand for primitive recreation experiences which is being generated in the Aspen/Vail area. The bill reported by the Committee contains language to assure that the wilderness designation will not interfere with, enhance, or diminish, possible future construction, operation and maintenance of the so-called Homestake Water Development Project. According to information and plans supplied to the Committee, the proposed activities and structures associated with the portion of the project that would lie within the Holy Cross Wilderness will largely be located underground, and, as such,

the Committee determined that the project, as planned, would not be incompatible with wilderness designation.

7. Elk Mountain-Collegiate Wilderness: The Collegiate Mountains area has 10 peaks in excess of 14,000 feet and comprises the core of some of the most rugged (and highest) terrain in the Rocky Mountains. As a result, primitive recreation use is heavier than on any other RARE II inventory area in Colorado. The bulk of this high country lies within the Committee's 155,000 acre wilderness proposal. However, the Committee deleted approximately 38,000 acres from the President's wilderness recommendation to exclude lands which appear to be highly favorable for mineral development. The largest deletion lies in the Winfield/La Plata area where recent mining exploration activities show the possibility of significant deposits of molybdenum, silver, gold, lead and copper. Blocks of patented mining claims in the headwaters of Lincoln Gulch and the South Fork of Lake Creek were likewise deleted. The Committee also excised a corridor to allow for continued motorized access in the Tellurium Creek drainage, and dropped some 260 acres in the vicinity of Gold Hill to exclude the Goodwin-Greene Cabin and permit motorized access thereto.

8. Raggeds Wilderness: This spectacular "backbone" of mountains rises sharply from the surrounding countryside and is extremely rugged in nature. Unique geological features include the Dark Canyon of Anthracite Creek and the Dyke in the Ruby Range. The Committee amended the President's proposal to include some 6,500 acres in the Oh-Be-Joyful Creek drainage. This drainage is highly scenic, and comprises the secondary watershed for the Town of Crested Butte. It also adds diversity to the wilderness by virtue of its inclusion of numerous lakes. The Committee deleted some 500 acres in the northwest corner of the Raggeds to allow for frequent motorized access and other intensive management activities associated with grazing activities. Total recommended wilderness: 67,000 acres.

9. Lizard Head, Mount Sneffels, and Big Blue Wildernesses: These three separate wilderness proposals of 40,000, 16,200, and 100,000 acres, respectively, comprise what many feel is the most scenic and spectacular area in the entire State of Colorado, and is sometimes called the "Switzerland of America". The area's outstanding beauty and wild nature has been officially recognized since 1932 when the Wilson Mountains and Uncompahgre Primitive Areas were established by administrative regulation. In accordance with section 3(b) of the Wilderness Act, the wilderness character of the two primitive areas was reviewed, and a wilderness recommendation on five separate tracts was forwarded to Congress in 1974. The RARE II process resulted in further wilderness recommendations on lands continguous to three of the five tracts.

The Committee reviewed the Administration's recommendations and determined that the 16,200-acre Mount Sneffels proposal was adequate to protect the highly scenic country north of Telluride. To the southwest, the Committee proposes a 40,000-acre Lizard Head Wilderness to link up the Administration's Mount Wilson and Dolores Peak recommendations and include the headwaters of the Dolores River plus the landmark Lizard Head and Wilson Meadows. These additional lands largely lie within the existing Wilson Mountains Primitive Area and

have important wildlife values as well as superlative wilderness qualities. The Committee therefore determined that wilderness should replace the current primitive area designation.

Similarly, the Committee recommends a 100,000-acre Big Blue Wilderness to join the Administration's Big Blue and Courthouse Mountain proposals. The Committee additions include the heart of the eastern unit of the Uncompahgre Primitive Area and such outstanding natural features as Matterhorn Peak, Wetterhorn Peak, Precipice Peak, Dunsinane Peak, Cow Creek and portions of the West, Middle and East Forks of the Cimarron River. The Committee feels the addition of these lands is vital to the overall integrity of any Big Blue Wilderness, and especially notes their outstanding scenic and watershed values. At the same time, the Committee recognizes that the public currently relies on motorized access to certain key areas, and therefore amended the bill to exclude lands in the vicinity of Nellie Creek and to excise two road corridors which extend part of the way up the Middle and West Fork Cimarron River drainages. Another boundary adjustment was made on the extreme western end of the area near Baldy Peak to exclude about 1,500 acres which are used by grazing permittees for frequent motorized access and intensive management activities associated with livestock grazing. The bill abolishes the Uncompahgre and Wilson Mountain Primitive Area designations for those residual Primitive Area lands lying outside the boundaries of the three proposed wildernesses. Most of these remaining lands are so interspersed with patented mining claims that their management as wilderness would prove infeasible.

10. Maroon Bells-Snowmass Additions: This 101,500 acre addition to the existing Maroon Bells-Snowmass Wilderness is a logical addition to one of Colorado's most popular wilderness areas. The wilderness additions will protect critical sheep habitat, as well as help disperse heavy primitive recreation use over a wider area. The additions contain several prominent peaks including the solitary Mount Sopris and the 14,265 foot Castle Peak, one of Colorado's highest. The Committee amended the bill to exclude some 1,500 acres near the Lead King Basin. This area shows a high potential for lead, zinc, copper and silver. The Committee also rectified an error contained in the bill as introduced so that a portion of Virginia Basin is excluded from wilderness, as recommended by the President. At the suggestion of the Rocky Mountain Biological Laboratory, approximately 400 acres were added to the wilderness in the vicinity of Mount Belleview in order to protect a zone where extremely rare plant species have been identified. The area concerned lies directly across the valley from the current Gothic Natural Area, and the Committee believes wilderness is the best option to insure the land is permanently protected for ongoing scientific research and educational purposes.

11. Mount Zirkel Wilderness Additions: The 68,000 acres of proposed additions lie to the west, east, and north of the existing Mount Zirkel Wilderness, and represent an outstanding opportunity to add to the diversity of the wilderness. The eastside additions tied for the highest RARE II wilderness quality rating in the entire state, and add key lower elevation terrain and wildlife habitat. Resource conflicts are minimal, especially when compared to the area's wilderness and nu-

merous scenic attractions such as Rainbow Lakes, Farwell Mountain and Done Peak. The Committee deleted some 1,500 acres from the bill as introduced in the vicinity of Burn Creek to allow for frequent motorized access and intensive management activities associated with livestock grazing.

12. Mount Rawah Wilderness Additions: These 49,930 acres of lower elevation additions complement the higher elevation peaks of the existing Mount Rawah Wilderness. Being within a two-hour drive of Denver, the area receives heavy primitive recreation use, and the wilderness additions should promote the wilderness experience by adding diversity to the unit. Numerous wildlife species are found in the area including bighorn sheep, bear and elk. Where the eastern boundary of the Mount Rawah addition is paralleled by the Rawah and Skyline ditches, the boundary has been set back a distance of at least 300 horizontal feet from the ditches so as to preclude any possible interference with the continued operation, maintenance, or possible future enhancement of the ditches.

13. Weminuche Wilderness Additions: These wilderness additions generally round out the boundaries of the existing wilderness. The largest addition is the so-called Goose Creek area which was deleted without prejudice from the Endangered American Wilderness Act (Public Law 95–237 in the 95th Congress. Goose Creek contains key elk calving grounds and winter range and important cutthroat trout fisheries in all the major streams. The boundary proposed by the President and the Committee excludes most of the commercial-timber and mineralization in the area.

14. Hunter-Fryingpan Wilderness Additions: Sometimes known as the "Mt. Massive" area after 14.421 foot Mount Massive (the second highest mountain in the state, this proposed wilderness addition lies just east of the Continental Divide. It contains several high lakes which are stocked for fishing, and is readily accessible from the nearby Independence Pass road. Due to the overall high elevation, commercial timber values and other resource conflicts are almost nil.

15. West Elk Wilderness Additions: As its name implies, this approximate 130,000-acre addition to the West Elk Wilderness is a haven for elk and contains key calving grounds and winter range. The additions are important to the state's hunting and guiding industry, which, when combined with other forms of backcountry recreation, significantly contribute to the economies of Gunnison and Crested Butte. The Committee deleted approximately 5,000 from the bill, as introduced, in the vicinity of Curecanti Creek in order to accommodate frequent motorized access and other management activities associated with livestock grazing. Approximately 3,000 acres were added on the north flanks of Mount Gunnison. This mountain (terrain) has a vertical drop of nearly 6,000 feet and represents a highly diverse transition of life forms and ecosystems for such a relatively small area. The Committee also added some 1,500 acres on the east side of the existing wilderness which were inadvertently deleted from the bill as introduced.

16. South San Juan Wilderness: The core of this 130,000 wilderness proposal is generally conceded to be perhaps the wildest area remaining in the State of Colorado, and is the location of a recent confirmed

grizzly bear sighting. The proposed wilderness contains the headwaters of the Conejos River, which is currently under study for addition to the National Wild and Scenic River System, as well as portions of the headwaters of the San Juan and Blanco Rivers. Most major timbered areas have been excluded from the bill, and mineral potential appears low. The Committee modified the President's proposed boundary on the east side to place the wilderness at the edge of the wild and scenic river study corridor. Other minor adjustments were made to provide for more manageable boundaries, and to include Duck Lake, several other scenic lakes and a waterfall below Dipping Lakes, within the wilderness.

17. La Garita Wilderness Additions: Like the Goose Creek additions to the Weminuche Wilderness, 217,000 acres of La Garita additions were eliminated without prejudice from the Endangered American Wilderness Act (Public Law 95–237) in the 95th Congress. H.R. 5487 proposes that 60,000 acres of this area be added to the wilderness, and that another 11,000 acres in and around the Wheeler Geologic Area be evaluated by the Forest Service and Park Service to determine the most suitable future management for this sensitive resource. The bulk of the wilderness additions proposed in the bill are contained in the RARE II "Mineral Mountain" (02215) unit which tied with the Mount Zirkel additions for the highest wilderness quality rating in the state. In addition, the area has a sizable herd of bighorn sheep and provides a key elk habitat. The Committee notes that water diversion facilities exist within a portion of the proposed wilderness additions, and it is the Committee's intention that wilderness designation not interfere with necessary operation, maintenance or repair of such facilities.

18. Harney Peak Wilderness: The 10,700 acre proposed Harney Peak wilderness lies adjacent to Mt. Rushmore National Monument and includes some of the highest elevation country east of the Rocky Mountains, ranging from 4,050 to 7,242 feet. Rolling hills, two mountain lakes, granite walls, and stands of Ponderosa Pine are primary attractions, and provide habitat for numerous wildlife species. The proposed wilderness lies within the existing Norbeck Wildlife Preserve, and the Committee included language in the bill to insure that the provisions of the legislation establishing the Wildlife Preserve will remain in force in the wilderness area to the extent they are not inconsistent with the Wilderness Act.

WATER FACILITIES

Within the wilderness areas designated by H.R. 5487, the Committee has identified several cases where water transmission facilities such as ditches, impoundments, headgates, etc., would lie inside the actual boundaries of the wilderness. In past reports, the Committee has made clear Congress' intention that the operation, maintenance and repair of such facilities (including occasional motorized access where necessary) is permissible in wilderness, and that ample precedent exists in other wilderness areas (including the operation of hydroelectric facilities in the Desolation Wilderness as established by Public Law 91–82 and watershed management facilities in the Lone Peak Wilderness as designated by Public Law 95–237) for the continuation of activities

necessary to the operation, maintenance and repair of such facilities. Water facilities associated with livestock use are also addressed in great depth in the "Grazing and Wilderness" section of this report.

At the request of local citizens, the Committee added special management language to the bill covering access to, and maintenance of, the McGuire ditch in the Rawah Additions and the Lookout ditch and headgate in the Mount Zirkel Additions. In so doing, it is the Committee's intention that the uses authorized by such special management language not be construed by any agency or judicial authority as being precluded in other wilderness areas, but should instead be considered as a direction and reaffirmation of congressional policy on this subject.

GRAZING IN NATIONAL FOREST WILDERNESS AREAS

Section 4(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.

Including those areas established in the Wilderness Act of 1964, Congress has designated some 188 areas, covering lands administered by the Forest Service, Fish and Wildlife Service, National Park Service and Bureau of Land Management as components of the National Wilderness Preservation System. A number of these areas contain active grazing programs, which are conducted pursuant to existing authorities. In all such cases, when enacting legislation classifying an area as wilderness, it has been the intent of the Congress, based on solid evidence developed by testimony at public hearings, that the practical language of the Wilderness Act would apply to grazing within wilderness areas administered by all Federal agencies, not just the Forest Service. In fact, special language appears in all wilderness legislation, the intent of which is to assure that the applicable provisions of the Wilderness Act, including Section 4(d)(4)(2), will apply to all wilderness areas, regardless of agency jurisdiction.

Further, during the 95th Congress, Congressional committees became increasingly disturbed that, despite the language of section 4(d)(4)(2) of the Wilderness Act and despite a history of nearly 15 years in addressing and providing guidance to the wilderness management agencies for development of wilderness management policies, National Forest administrative regulations and policies were acting to discourage grazing in wilderness, or unduly restricting on-the-ground activities necessary for proper grazing management. To address this problem, two House Committee on Interior and Insular Affairs Reports (95–620 and 95–1321) specifically provided guidance as to how section 4(d)(4)(2) of the Wilderness Act should be interpreted. This guidance appeared in these reports as follows:

> Section 4(d)(4) of the Wilderness Act states that grazing in wilderness areas, if established prior to designation of the

area as wilderness, "shall be permitted to continue subject to such reasonable regulations as are deemed necessary by the Secretary of Agriculture". To clarify any lingering doubts, the committee wishes to stress that this language means that there shall be no curtailment of grazing permits or privileges in an area simply because it is designated as wilderness. As stated in the Forest Service regulations (36 CFR 293.7), grazing in wilderness areas ordinarily will be controlled "under the general regulations governing grazing of livestock on National Forests * * *". This includes the establishment of normal range allotments and allotment management plans. Furthermore, wilderness designation should not prevent the maintenance of existing fences or other livestock management improvements, nor the construction and maintenance of new fences or improvements which are consistent with allotment management plans and/or which are necessary for the protection of the range.

Despite the language of these two reports, RARE II hearings and field inspection trips in the 96th Congress have revealed that National Forest administrative policies on grazing in wilderness are subject to varying interpretations in the field, and are fraught with pronouncements that simply are not in accordance with section 4(d)(4)(2) of the Wilderness Act. This has led to demands on the part of grazing permittees that section 4(d)(4)(2) of the Wilderness Act be amended to clarify the intentions of Congress. However, because of the great diversity of conditions under which grazing uses (including different classes of livestock) is managed on the public lands, the Committee feels that the original broad language of the Wilderness Act is best left unchanged. Any attempts to draft specific statutory language covering grazing in the entire wilderness system (presently administered by four separate agencies in two different Departments) might prove to be unduly rigid in a specific area, and deprive the land management agencies of flexible opportunities to manage grazing in a creative and realistic site specific fashion. Therefore, the Committee declined to amend section 4(d)(4)(2) of the Wilderness Act, opting instead for a reaffirmation of the 4(d)(4)(2) of the Wilderness language in section 5 of H.R. 5487 and for the following nationwide guidelines and specific statements of legislative policy. It is the intention of the Committee that these 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 and 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. Moreoever, 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 in 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 these 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 in this report, 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 activ-

ities 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.

SECTION-BY SECTION ANALYSIS

Section 1(a). Designates the following areas as wilderness or additions to existing wilderness:

	Acres
Never Summer Wilderness	9,900
Comanche Peak Wilderness	59,400
Mount Evans Wilderness	74,000
Cache La Poudre Wilderness	9,400
Neota Wilderness	9,900
Holy Cross Wilderness	101,432
Elk Mountain-Collegiate Wilderness	155,000
Raggeds Wilderness	67,000
Lizard Head Wilderness	40,000
Mount Sneffels Wilderness	16,200
Big Blue Wilderness	100,000
Maroon Bells-Snowmass Additions	101,500
Mount Zirkel Additions	68,000
Mount Rawah Additions	48,930
Weminuche Additions	66,000
Hunter-Fryingpan Additions	26,000
West Elk Additions	130,000
South San Juan Wilderness	130,000
La Garita Additions	60,000
Harney Peak Wilderness	10,700

Section 1(a)(19)—Also designates an 11,000 acre Wheeler Geologic Special Study Area.

Section 1(b)—Abolishes the existing classification of the Wilson Mountains and Uncompahgre Primitive Areas.

Section 2—Directs a one-year joint study of the Wheeler Geologic Special Study Area by the Forest Service and Park Service.

Sections 3 and 4—Contains the standard language of all wilderness bills pertaining to the filming of maps and descriptions and management of the wilderness areas designated by the bill.

Section 5—Mandates a review of Forest Service policies, practices and regulations on grazing in national forest wilderness in order to insure that they fully conform with and implement the intent of Congress regarding grazing in wilderness.

COST AND BUDGET COMPLIANCE

H.R. 12264 authorizes no appropriations and should have no impact on the Federal budget. The estimate of the Congressional Budget Office follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., November 13, 1979.

Hon. MORRIS K. UDALL,
Chairman, Committee on Interior and Insular Affairs, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has reviewed

H.R. 5487, a bill to designate certain National Forest System lands in the States of Colorado and South Dakota for inclusion in the National Wilderness Preservation System, and for other purposes, as ordered reported by the House Committee on Interior and Insular Affairs, November 7, 1979.

This bill adds approximately 1.3 million acres of National Forest lands to the National Wilderness Preservation System and directs the Secretary of Agriculture to prepare a comprehensive report studying and evaluating the Wheeler Geologic Special Study Area. The potential annual sales volume of the timber on the lands affected by this bill is approximately 19.6 million board feet, but less than a third of it is in areas where timber sales have been planned in the next five years. At an average price of $40 per thousand board feet, the loss in timber receipts to the federal government resulting from enactment of this legislation would be approximately $300,000 over the next five fiscal years. Based on historical costs of similar studies, it is estimated that the study mandated in this bill will cost approximately $100,000 during fiscal years 1980 and 1981.

Sincerely,

ROBERT D. REISCHAUER
(For Alice M. Rivlin, Director).

INFLATIONARY IMPACT

Pursuant to rule XI, clause 2(l)(4) of the Rules of the House of Representatives, the Committee believes that enactment of H.R. 5487, as amended, would have virtually no inflationary impact on the national economy.

LEGISLATIVE HISTORY AND OVERSIGHT STATEMENT

Several of the areas in the bill were discussed on March 8, 1979 during oversight hearings on RARE II conducted by the Public Lands Subcommittee. No recommendations were received by the Committee pursuant to the provisions of Rule X, clause 2(b)(2).

The Subcommittee viewed or visited each of the Colorado areas (either by air or on the ground) between August 3–7. Hearings on H.R. 5487 and H.R. 5301 (Harney Peak) were held in Washington, D.C., on October 18 and 19, 1979, during which 20 witnesses testified on the Colorado areas, and one Harney Peak. On November 2, the Subcommittee adopted an amendment in the nature of a substitute which combined the provisions of H.R. 5487 and H.R. 5301, and recommended the substitute to the Interior Committee by unanimous voice vote.

COMMITTEE RECOMMENDATION

On November 7, 1979, the Committee on Interior and Insular Affairs favorably reported H.R. 5487, as amended, by unanimous voice vote.

O

H. R. 631

One Hundred Third Congress of the United States of America

AT THE FIRST SESSION

Begun and held at the City of Washington on Tuesday, the fifth day of January, one thousand nine hundred and ninety-three

An Act

To designate certain lands in the State of Colorado as components of the National Wilderness Preservation System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND DEFINITIONS.

(a) SHORT TITLE.—This Act may be cited as the "Colorado Wilderness Act of 1993".

(b) DEFINITIONS.—(1) As used in this Act with reference to lands in the National Forest System, the term "the Secretary" means the Secretary of Agriculture.

(2) As used in this Act with respect to lands not in the National Forest System, the term "the Secretary" means the Secretary of the Interior.

SEC. 2. ADDITIONS TO THE WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following lands in the State of Colorado are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System:

(1) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 3,390 acres, as generally depicted on a map entitled "American Flats Additions to the Big Blue Wilderness Proposal (American Flats)", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by section 102(a)(1) of Public Law 96-560 and renamed Uncompahgre Wilderness by section 3(f) of this Act.

(2) Certain lands in the Gunnison Resource Area administered by the Bureau of Land Management which comprise approximately 815 acres, as generally depicted on a map entitled "Bill Hare Gulch and Larson Creek Additions to the Big Blue Wilderness", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the wilderness area designated by section 102(a)(1) of Public Law 96-560 and renamed Uncompahgre Wilderness by section 3(f) of this Act.

(3) Certain lands in the Pike and San Isabel National Forests which comprise approximately 43,410 acres, as generally depicted on a map entitled "Buffalo Peaks Wilderness Proposal", dated January, 1993, and which shall be known as the Buffalo Peaks Wilderness.

(4) Certain lands in the Gunnison National Forest and in the Powderhorn Primitive Area administered by the Bureau

of Land Management which comprise approximately 60,100 acres, as generally depicted on a map entitled "Powderhorn Wilderness Proposal", dated January, 1993, and which shall be known as the Powderhorn Wilderness.

(5) Certain lands in the Routt National Forest which comprise approximately 20,750 acres, as generally depicted on a map entitled "Davis Peak Additions to Mount Zirkel Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Mount Zirkel Wilderness designated by Public Law 88–555, as amended by Public Law 96–560.

(6) Certain lands in the Gunnison National Forests which comprise approximately 33,060 acres, as generally depicted on a map entitled "Fossil Ridge Wilderness Proposal", dated January, 1993, and which shall be known as the Fossil Ridge Wilderness.

(7) Certain lands in the San Isabel National Forest which comprise approximately 22,040 acres, as generally depicted on a map entitled "Greenhorn Mountain Wilderness Proposal", dated January, 1993, and which shall be known as the Greenhorn Mountain Wilderness.

(8) Certain lands within the Pike National Forest which comprise approximately 14,700 acres, as generally depicted on a map entitled "Lost Creek Wilderness Addition Proposal", dated January, 1993, which are hereby incorporated in and shall be deemed to be a part of the Lost Creek Wilderness designated by Public Law 96–560: *Provided*, That the Secretary is authorized to acquire, only by donation or exchange, various mineral reservations held by the State of Colorado within the boundaries of the Lost Creek Wilderness additions designated by this Act.

(9) Certain lands in the Gunnison National Forests which comprise approximately 5,500 acres, as generally depicted on a map entitled "O-Be-Joyful Addition to the Raggeds Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Raggeds Wilderness designated by Public Law 96–560.

(10) Certain lands in the Rio Grande and San Isabel National Forests and lands in the San Luis Resource Area administered by the Bureau of Land Management which comprise approximately 226,455 acres, as generally depicted on four maps entitled "Sangre de Cristo Wilderness Proposal (North Section)", "Sangre de Cristo Wilderness Proposal (North Middle Section)", "Sangre de Cristo Wilderness Proposal (South Middle Section)", and "Sangre de Cristo Wilderness Proposal (South Section)", all dated January, 1993, and which shall be known as the Sangre de Cristo Wilderness.

(11) Certain lands in the Routt National Forest which comprise approximately 47,140 acres, as generally depicted on a map entitled "Service Creek Wilderness Proposal (Sarvis Creek Wilderness)", dated January, 1993, and which shall be known as the Sarvis Creek Wilderness.

(12) Certain lands in the San Juan National Forest which comprise approximately 31,100 acres, as generally depicted on two maps, one entitled "South San Juan Wilderness Expansion Proposal, Montezuma Peak" and the other entitled "South San Juan Wilderness Expansion Proposal, V-Rock Trail", both dated

January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the South San Juan Wilderness designated by Public Law 96–560.

(13) Certain lands in the White River National Forest which comprise approximately 8,330 acres, as generally depicted on a map entitled "Spruce Creek Addition to the Hunter-Fryingpan Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be part of the Hunter Fryingpan Wilderness designated by Public Law 95–327: *Provided*, That no right, or claim of right, to the diversion and use of waters by the Fryingpan-Arkansas Project shall be prejudiced, expanded, diminished, altered, or affected by this Act, nor shall anything in this Act be construed to expand, abate, impair, impede, limit, interfere with, or prevent the construction, operation, use, maintenance, or repair of the project facilities and diversion systems to their full extent.

(14) Certain lands in the Arapaho National Forest which comprise approximately 8,095 acres, as generally depicted on a map entitled "Byers Peak Wilderness Proposal", dated January, 1993, and which shall be known as the Byers Peak Wilderness.

(15) Certain lands in the Arapaho National Forest which comprise approximately 12,300 acres, as generally depicted on a map entitled "Vasquez Peak Wilderness Proposal", dated January, 1993, and which shall be known as the Vasquez Peak Wilderness.

(16) Certain lands in the San Juan National Forest which comprise approximately 28,740 acres, as generally depicted on a map entitled "West Needle Wilderness Proposal and Weminuche Additions", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Weminuche Wilderness designated by Public Law 93–632, as amended by Public Law 96–560.

(17) Certain lands in the Rio Grande National Forest which comprise approximately 25,640 acres, as generally depicted on a map entitled "Wheeler Addition to the La Garita Wilderness Proposal", dated January, 1993, and which shall be incorporated in and shall be deemed to be a part of the La Garita Wilderness designated by Public Law 96–560.

(18) Certain lands in the Arapaho National Forest which comprise approximately 13,175 acres, as generally depicted on a map entitled "Farr Wilderness Proposal", dated January, 1993, and which shall be known as the Ptarmigan Peak Wilderness.

(19) Certain lands in the Arapaho National Forest which comprise approximately 6,990 acres, as generally depicted on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993, and which are hereby incorporated in and shall be deemed to be a part of the Never Summer Wilderness designated by Public Law 96–560.

(b) MAPS AND DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the appropriate Secretary shall file a map and a boundary description of each area designated as wilderness by this Act with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Natu-

ral Resources of the United States House of Representatives. Each map and description shall have the same force and effect as if included in this Act, except that the appropriate Secretary is authorized to correct clerical and typographical errors in such boundary descriptions and maps. Such maps and boundary descriptions shall be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture, and the Office of the Director of the Bureau of Land Management, Department of the Interior, as appropriate.

SEC. 3. ADMINISTRATIVE PROVISIONS.

(a) IN GENERAL.—(1) Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture or the Secretary of the Interior, as appropriate, in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) Administrative jurisdiction over those lands designated as wilderness pursuant to paragraphs (2) and (10) of section 2(a) of this Act, and which, as of the date of enactment of this Act, are administered by the Bureau of Land Management, is hereby transferred to the Forest Service and such lands are hereby added to the appropriate National Forest.

(b) GRAZING.—Grazing of livestock in wilderness areas designated by this Act shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)), as further interpreted by section 108 of Public Law 96–560, and, as regards wilderness managed by the Bureau of Land Management, the guidelines set forth in Appendix A of House Report 101–405 of the 101st Congress.

(c) STATE JURISDICTION.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the State of Colorado with respect to wildlife and fish in Colorado.

(d) CONFORMING AMENDMENT.—Section 2(e) of the Endangered American Wilderness Act of 1978 (92 Stat. 41) is amended by striking "Subject to" and all that follows through "System.".

(e) BUFFER ZONES.—Congress does not intend that the designation by this Act of wilderness areas in the State of Colorado creates or implies the creation of protective perimeters or buffer zones around any wilderness area. The fact that nonwilderness activities or uses can be seen or heard from within a wilderness area shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(f) WILDERNESS NAME CHANGE.—The wilderness area designated as "Big Blue Wilderness" by section 102(a)(1) of Public Law 96–560, and the additions thereto made by paragraphs (1) and (2) of section 2(a) of this Act, shall hereafter be known as the Uncompahgre Wilderness. Any reference to the Big Blue Wilderness in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Uncompahgre Wilderness.

(g) BOUNDARIES AND AUTHORIZATIONS TO USE LANDS.—(1) For the purpose of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of affected

National Forests, as modified by this section, shall be considered to be the boundaries of such National Forests as of January 1, 1965.

(2) Nothing in this subsection shall affect valid existing rights of any person under the authority of law.

(3) Authorizations to use lands transferred by this section which were issued prior to the date of enactment of this Act shall remain subject to the laws and regulations under which they were issued, to the extent consistent with this Act. Such authorizations shall be administered by the Secretary of Agriculture. Any renewal or extension of such authorizations shall be subject to the laws and regulations pertaining to the Forest Service, Department of Agriculture, and the applicable law, including this Act. The change of administrative jurisdiction resulting from the enactment of this section shall not in itself constitute a basis for denying or approving the renewal or reissuance of any such authorization.

SEC. 4. WILDERNESS RELEASE.

(a) REPEAL OF WILDERNESS STUDY PROVISIONS.—Sections 105 and 106 of the Act of December 22, 1980 (Public Law 96–560), are hereby repealed.

(b) INITIAL PLANS.—Section 107(b)(2) of the Act of December 22, 1980 (Public Law 96–560), is amended by striking out "except those lands remaining in further planning upon enactment of this Act, areas listed in sections 105 and 106 of this Act, or previously congressionally designated wilderness study areas,".

SEC. 5. FOSSIL RIDGE RECREATION MANAGEMENT AREA.

(a) ESTABLISHMENT.—(1) In order to conserve, protect, and enhance the scenic, wildlife, recreational, and other natural resource values of the Fossil Ridge area, there is hereby established the Fossil Ridge Recreation Management Area (hereinafter referred to as the "recreation management area").

(2) The recreation management area shall consist of certain lands in the Gunnison National Forest, Colorado, which comprise approximately 43,900 acres, as generally depicted as "Area A" on a map entitled "Fossil Ridge Wilderness Proposal", dated January, 1993.

(b) ADMINISTRATION.—The Secretary of Agriculture shall administer the recreation management area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the recreation management area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) TIMBER HARVESTING.—No timber harvesting shall be allowed within the recreation management area except to the extent that would be permitted in wilderness under section 4(d)(1) of the Wilderness Act for necessary control of fire, insects, and diseases, and for public safety.

(e) LIVESTOCK GRAZING.—The designation of the recreation management area shall not be construed to prohibit, or change the administration of, the grazing of livestock within the recreation management area.

(f) DEVELOPMENT.—No developed campgrounds shall be constructed within the recreation management area. After the date of enactment of this Act, no new roads or trails may be constructed within the recreation management area.

(g) OFF-ROAD RECREATION.—Motorized travel shall be permitted within the recreation management area only on those established trails and routes existing as of July 1, 1991, on which such travel was permitted as of such date, except that other trails and routes may be used where necessary for administrative purposes or to respond to an emergency. No later than one year after the date of enactment of this Act, the Secretary shall identify such routes and trails and shall prepare and make available to the public a map showing such routes and trails. Nothing in this subsection shall be construed as precluding the Secretary from closing any trail or route from use for purposes of resource protection or public safety.

SEC. 6. BOWEN GULCH PROTECTION AREA.

(a) ESTABLISHMENT.—(1) There is hereby established in the Arapaho National Forest, Colorado, the Bowen Gulch Protection Area (hereinafter in this Act referred to as the "protection area").

(2) The protection area shall consist of certain lands in the Arapaho National Forest, Colorado, which comprise approximately 11,600 acres, as generally depicted as "Area A" on a map entitled "Bowen Gulch Additions to Never Summer Wilderness Proposal", dated January, 1993.

(b) ADMINISTRATION.—The Secretary shall administer the protection area in accordance with this section and the laws and regulations generally applicable to the National Forest System.

(c) WITHDRAWAL.—Subject to valid existing rights, all lands within the protection area are hereby withdrawn from all forms of entry, appropriation, or disposal under the public land laws, from location, entry, and patent under the mining laws, and from disposition under the mineral and geothermal leasing laws, including all amendments thereto.

(d) DEVELOPMENT.—No developed campgrounds shall be constructed within the protection area. After the date of enactment of this Act, no new roads or trails may be constructed within the protection area.

(e) TIMBER HARVESTING.—No timber harvesting shall be allowed within the protection area except to the extent that would be permitted in wilderness under section 4(d)(1) of the Wilderness Act for necessary control of fire, insects, and diseases, and for public safety.

(f) MOTORIZED TRAVEL.—Motorized travel shall be permitted within the protection area only on those designated trails and routes existing as of July 1, 1991, and only during periods of adequate snow cover. At all other times, mechanized, non-motorized travel shall be permitted within the protection area.

(g) MANAGEMENT PLAN.—During the revision of the Land and Resource Management Plan for the Arapaho National Forest, the Forest Service shall develop a management plan for the protection area, after providing for public comment.

SEC. 7. OTHER LANDS.

Nothing in this Act shall affect ownership or use of lands or interests therein not owned by the United States or access to such lands available under other applicable law.

SEC. 8. WATER.

(a) FINDINGS, PURPOSE, AND DEFINITION.—(1) Congress finds that—

(A) the lands designated as wilderness by this Act are located at the headwaters of the streams and rivers on those lands, with few, if any, actual or proposed water resource facilities located upstream from such lands and few, if any, opportunities for diversion, storage, or other uses of water occurring outside such lands that would adversely affect the wilderness values of such lands; and

(B) the lands designated as wilderness by this Act are not suitable for use for development of new water resource facilities, or for the expansion of existing facilities; and

(C) therefore, it is possible to provide for proper management and protection of the wilderness value of such lands in ways different from those utilized in other legislation designating as wilderness lands not sharing the attributes of the lands designated as wilderness by this Act.

(2) The purpose of this section is to protect the wilderness values of the lands designated as wilderness by this Act by means other than those based on a Federal reserved water right.

(3) As used in this section, the term "water resource facility" means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures.

(b) RESTRICTIONS ON RIGHTS AND DISCLAIMER OF EFFECT.—(1) Neither the Secretary of Agriculture nor the Secretary of the Interior, nor any other officer, employee, representative, or agent of the United States, nor any other person, shall assert in any court or agency, nor shall any court or agency consider, any claim to or for water or water rights in the State of Colorado, which is based on any construction of any portion of this Act, or the designation of any lands as wilderness by this Act, as constituting an express or implied reservation of water or water rights.

(2)(A) Nothing in this Act shall constitute or be construed to constitute either an express or implied reservation of any water or water rights with respect to the Piedra, Roubideau, and Tabeguache areas identified in section 9 of this Act, or the Bowen Gulch Protection Area or the Fossil Ridge Recreation Management Area identified in sections 5 and 6 of this Act.

(B) Nothing in this Act shall be construed as a creation, recognition, disclaimer, relinquishment, or reduction of any water rights of the United States in the State of Colorado existing before the date of enactment of this Act, except as provided in subsection (g)(2) of this section.

(C) Except as provided in subsection (g) of this section, nothing in this Act shall be construed as constituting an interpretation of any other Act or any designation made by or pursuant thereto.

(D) Nothing in this section shall be construed as establishing a precedent with regard to any future wilderness designations.

(c) NEW OR EXPANDED PROJECTS.—Notwithstanding any other provision of law, on and after the date of enactment of this Act neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the areas described in sections 2, 5, 6, and 9 of this Act

or the enlargement of any water resource facility within the areas described in sections 2, 5, 6, and 9 of this Act.

(d) ACCESS AND OPERATION.—(1) Subject to the provisions of this subsection (d), the Secretary shall allow reasonable access to water resource facilities in existence on the date of enactment of this Act within the areas described in sections 2, 5, 6, and 9 of this Act, including motorized access where necessary and customarily employed on routes existing as of the date of enactment of this Act.

(2) Existing access routes within such areas customarily employed as of the date of enactment of this Act may be used, maintained, repaired, and replaced to the extent necessary to maintain their present function, design, and serviceable operation, so long as such activities have no increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6, and 9 of this Act than existed as of the date of enactment of this Act.

(3) Subject to the provisions of subsections (c) and (d), the Secretary shall allow water resource facilities existing on the date of enactment of this Act within areas described in sections 2, 5, 6, and 9 of this Act to be used, operated, maintained, repaired, and replaced to the extent necessary for the continued exercise, in accordance with Colorado State law, of vested water rights adjudicated for use in connection with such facilities by a court of competent jurisdiction prior to the date of enactment of this Act: *Provided*, That the impact of an existing facility on the water resources and values of the area shall not be increased as a result of changes in the adjudicated type of use of such facility as of the date of enactment of this Act.

(4) Water resource facilities, and access routes serving such facilities, existing within the areas described in sections 2, 5, 6, and 9 of this Act on the date of enactment of this Act shall be maintained and repaired when and to the extent necessary to prevent increased adverse impacts on the resources and values of the areas described in sections 2, 5, 6, and 9 of this Act.

(e) EXISTING PROJECTS.—Except as provided in subsections (c) and (d) of this section, the provisions of this Act related to the areas described in sections 2, 5, 6, and 9 of this Act, and the inclusion in the National Wilderness Preservation System of the areas described in section 2 of this Act, shall not be construed to affect or limit the use, operation, maintenance, repair, modification, or replacement of water resources facilities in existence on the date of enactment of this Act within the boundaries of the areas described in sections 2, 5, 6, and 9 of this Act.

(f) MONITORING AND IMPLEMENTATION.—The Secretaries of Agriculture and the Interior shall monitor the operation of and access to water resource facilities within the areas described in sections 2, 5, 6, and 9 of this Act and take all steps necessary to implement the provisions of this section.

(g) INTERSTATE COMPACTS AND NORTH PLATTE RIVER.—(1) Nothing in this Act, and nothing in any previous Act designating any lands as wilderness, shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State of Colorado and other States. Except as expressly provided in this section, nothing in this Act shall affect or limit the develop-

ment or use by existing and future holders of vested water rights of Colorado's full apportionment of such waters.

(2) Notwithstanding any other provision of law, neither the Secretary of Agriculture nor any other officer, employee, or agent of the United States, or any other person, shall assert in any court or agency of the United States or any other jurisdiction any rights, and no court or agency of the United States shall consider any claim or defense asserted by any person based upon such rights, which may be determined to have been established for waters of the North Platte River for purposes of the Platte River Wilderness Area established by Public Law 98–550, located on the Colorado-Wyoming State boundary, to the extent such rights would limit the use or development of water within Colorado by present and future holders of vested water rights in the North Platte River and its tributaries, to the full extent allowed under interstate compact or United States Supreme Court equitable decree. Any such rights shall be exercised as if junior to, in a manner so as not to prevent, the use or development of Colorado's full entitlement to interstate waters of the North Platte River and its tributaries within Colorado allowed under interstate compact or United States Supreme Court equitable decree.

SEC. 9. PIEDRA, ROUBIDEAU, AND TABEGUACHE AREAS.

(a) AREAS.—The provisions of this section shall apply to the following areas:

(1) Certain lands in the San Juan National Forest, Colorado, comprising approximately 62,550 acres, as generally depicted on the map entitled "Piedra Area" dated January, 1993;

(2) Certain lands in the Uncompahgre National Forest, Colorado, comprising approximately 19,650 acres, as generally depicted on the map entitled "Roubideau Area" dated January, 1993; and

(3) Certain lands in the Uncompahgre National Forest, Colorado, and in the San Juan Resource Area administered by the Bureau of Land Management, comprising approximately 17,240 acres, as generally depicted on the map entitled "Tabeguache Area" dated January, 1993.

(b) MANAGEMENT.—(1) Subject to valid existing rights, the areas described in subsection (a) are withdrawn from all forms of location, leasing, patent, disposition, or disposal under public land, mining, and mineral and geothermal leasing laws of the United States.

(2) The areas described in subsection (a) shall not be subject to any obligation to further study such lands for wilderness designation.

(3) Until Congress determines otherwise, and subject to the provisions of section 8 of this Act, activities within such areas shall be managed by the Secretary of Agriculture and the Secretary of the Interior, as appropriate, so as to maintain the areas' presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(4) Livestock grazing in such areas shall be permitted and managed to the same extent and in the same manner as of the date of enactment of this Act. Except as provided by this Act, mechanized or motorized travel shall not be permitted in such areas: *Provided,* That the Secretary may permit motorized travel on trail number 535 in the San Juan National Forest during periods of adequate snow cover.

(c) DATA COLLECTION.—The Secretary of Agriculture and the Secretary of the Interior, in consultation with the Colorado Water Conservation Board, shall compile data concerning the water resources of the areas described in subsection (a) and existing and proposed water resource facilities affecting such values.

SEC. 10. SPANISH PEAKS PLANNING AREA STUDY.

(a) REPORT.—Not later than three years from the date of enactment of this Act, the Secretary shall report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate on the status of private property interests located within the Spanish Peaks planning area of the San Isabel National Forest in Colorado, as generally depicted on a map entitled "Spanish Peaks Further Planning Area Study", dated January, 1993.

(b) CONTENTS OF REPORT.—The report required by this section shall identify the location of all private property situated within the exterior boundaries of the Spanish Peaks planning area; the nature of such property interests; the acreage of such private property interests; and the Secretary's views on whether the owners of said properties would be willing to enter into either a sale or exchange of these properties at fair market value if such a transaction became available in the near future.

(c) NO AUTHORIZATION OF EMINENT DOMAIN.—Nothing contained in this Act authorizes, and nothing in this Act shall be construed to authorize, the acquisition of real property by eminent domain.

(d) MANAGEMENT.—Notwithstanding the provisions of section 4(a) of this Act, for a period of three years from the date of enactment of this Act, the Secretary shall manage the Spanish Peaks planning area as provided by section 105(c) of Public Law 96–560.

SEC. 11. PUMPING PLANT NAME CHANGE.

The facility of the Bureau of Reclamation, Department of the Interior, known as the Granby Pumping Plant of the Colorado-

Big Thompson Project, in the State of Colorado, shall hereafter be known as the Farr Pumping Plant. Any reference to the Granby Pumping Plant in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Farr Pumping Plant.

Speaker of the House of Representatives.

Vice President of the United States and President of the Senate.

From: Chris Klaber <cjklaber@yahoo.com>
Sent: Friday, May 4, 2018 10:05 PM
To: Bair, Betsy (Gardner)
Cc: Crash; Jim; Nick
Subject: San Juan Wilderness legislation opposition

Dear Senator and Representative,

As a Colorado resident, an OHV enthusiast, and person who frequents the Durango/Telluride /Ouray area I must state my opposition to your proposal in the San Juan Wilderness.

Thank you,
Chris Klaber

From: Lloyd Liebetrau <lloyd.liebetrau@totalspeed.com>
Sent: Wednesday, May 30, 2018 10:21 PM
To: Bair, Betsy (Gardner)
Subject: Fwd: San Juan Wilderness proposal

betsy_bair@gardner.senate.gov.

Senator Cory Gardner

Att: Betsy Bair

400 Rood Ave,

Federal Bldg.- Suite 220

Grand Junction CO 81501

Below I listed several reasons to not support the San Juan Wilderness bill.
Not only am I an OHV user I have served on the CPW OHV Sub committee for 27 years and this proposal goes against decades of earlier agreements on what limits there are to wilderness in this area. The OHV grant process has spent millions of dollars over the past 20 years on multi use trails with the understanding these trails and area would be kept multi use. I'm asking you to oppose this bill for the reasons listed below

1. Almost every new Wilderness area would close opportunities to multiple use recreation and sever trails that cross these areas, and result in the loss of hundreds of miles of routes that have been highly valued for more than 50 years.

2. There is not broad community support for the Proposal and the Proposal overturns the broad community support there was for the Hermosa Watershed Legislation that was only recently finalized in planning. Despite the broad community support for the Hermosa Legislation, the San Juan Proposal would remove much of the balance achieved in the Hermosa Legislation.

3. The Proposal would designate many areas as Wilderness that were specifically excluded from further review for designation as Wilderness in the 1980 Colorado Wilderness Legislation. Congress specifically reviewed these usages and excluded these areas due to the high levels of recreational usage

in these areas. The 1980 Colorado Wilderness Act clearly stated it was Congress intent to close discussion of possible designation of areas reviewed and not designated as Wilderness in that Legislation. The recreational usage of these has never stopped in these areas and is now more valuable than ever before and has occurred without major conflict. Why would we change a consensus position from the 1980 Colorado Wilderness legislation?

4. Some areas of the San Juan Wilderness (Smith Mtn. and Uncompahgre Primitive Areas) were identified for possible protection prior to the establishment of the Wilderness Act itself and have been found unsuitable for designation for more than 50 years by USFS, USGS, and Bureau of Mines. These areas were released from further management in the 1980 Colorado Wilderness Act. How many more times do we need to look at these areas..... The conclusion has always been the same? The area is not suitable.

5. Many of these areas were also found unsuitable for Upper Tier Roadless area management in the 2012 Colorado Roadless Rule development. If they are unsuitable for Upper Tier management, why would they ever be the basis for Wilderness Management?

6. We continue to struggle to understand what the management need for this Legislation even is.

7. Forest Health impacts must be addressed as many of these areas have been hugely impacted by beetle outbreaks. Rather than streamlining the management response in these areas, the Legislation makes any response more difficult. This simply makes no sense.

8. The benefits to local communities from recreation economics would be greatly reduced as the Dept. of Commerce recently concluded that motorized recreation almost outspends all other user groups combined.

Lloyd J. Liebetrau
24525 Ute Trail Road
Cedaredge, CO 81413

From: Ron Magnus <ron@coloradohelicopters.com>
Sent: Wednesday, May 2, 2018 12:18 AM
To: Bair, Betsy (Gardner); Meinhart@mail.house.gov; Whitney, John (Bennet)
Subject: New Wilderness Area Proposal in Colorado

Please reconsider your proposal to turn any more of the state of Colorado into Wilderness area.

I am a disabled veteran. I am a paraplegic and my legs are amputated at the knees. I have to use a wheelchair all the time.

The only way I can see these wonderful parts of Colorado is riding on my ATV.

I have made many trips to the areas you want to ban motor vehicles from. I want to make many more trips into these areas. Last summer 7 of us (paraplegics) in wheelchairs rode our ATV's into these areas. Yes, we took 4 abled bodied "scrape up" persons with us on their ATV's. The "scrape up" persons carry scrappers and scrape us up off and rocks and trees. LOL Ok, OK, they make sure we are able to return to civilization.

I am already prohibited from seeing many other beautiful areas of Colorado because you have already turned them into areas where only good looking able bodied hikers are able to go. (OK, OK, just joking about the "good looking" but you get my point).

Please do not turn any more of the beautiful state of Colorado into "an elite" area that only the able bodied people can get too. We already have too much of that. Some of us old crippled geezers like to see the mountains of Colorado also.

Sincerely,

Ron Magnus

719-495-0100

ron@coloradohelicopters.com

Virus-free. www.avg.com

From: Tom Moretti <tommore2003@outlook.com>
Sent: Wednesday, May 2, 2018 2:18 PM
To: Bair, Betsy (Gardner)
Cc: Tom Moretti
Subject: San Juan Wilderness Proposal

Hi Betsy, I am writing you to oppose the current draft San Juan Wilderness Proposal. The current proposal is overly onerous and not in keeping with the social good. As a member of COHVCO our position is as follows to the current proposal:

1. Almost every new Wilderness area would close opportunities to multiple use recreation and sever trails that cross these areas, and result in the loss of hundreds of miles of routes that have been highly valued for more than 50 years.
2. There is not broad community support for the Proposal and the Proposal overturns the broad community support there was for the Hermosa Watershed Legislation that was only recently finalized in planning. Despite the broad community support for the Hermosa Legislation, the San Juan Proposal would remove much of the balance achieved in the Hermosa Legislation.
3. The Proposal would designate many areas as Wilderness that were specifically excluded from further review for designation as Wilderness in the 1980 Colorado Wilderness Legislation. Congress specifically reviewed these usages and excluded these areas due to the high levels of recreational usage in these areas. The 1980 Colorado Wilderness Act clearly stated it was Congress intent to close discussion of possible designation of areas reviewed and not designated as Wilderness in that Legislation. The recreational usage of these has never stopped in these areas and is now more valuable than ever before and has occurred without major conflict. Why would we change a consensus position from the 1980 Colorado Wilderness legislation?
4. Some areas of the San Juan Wilderness (Smith Mtn. and Uncompahgre Primitive Areas) were identified for possible protection prior to the establishment of the Wilderness Act itself and have been found unsuitable for designation for more than 50 years by USFS, USGS, and Bureau of Mines. These areas were released from further management in the 1980 Colorado Wilderness Act. How many more times do we need to look at these areas..... The conclusion has always been the same? The area is not suitable.
5. Many of these areas were also found unsuitable for Upper Tier Roadless area management in the 2012 Colorado Roadless Rule development. If they are unsuitable for Upper Tier management, why would they ever be the basis for Wilderness Management?
6. We continue to struggle to understand what the management need for this Legislation even is.
7. Forest Health impacts must be addressed as many of these areas have been hugely impacted by beetle outbreaks. Rather than streamlining the management response in these areas, the Legislation makes any response more difficult. This simply makes no sense.
8. The benefits to local communities from recreation economics would be greatly reduced as the Dept. of Commerce recently concluded that motorized recreation almost outspends all other user groups combined.

Regards,
Tom Moretti
Estes Park, CO
(303)475-5578

From: Lana Oliver <LanaOliver49@hotmail.com>
Sent: Wednesday, May 2, 2018 10:58 AM
To: Bair, Betsy (Gardner)
Subject: Bennett's Proposal

My husband and I, as well as the rest of the West End Sledders.... 50+ members, are totally against this proposal. Most of these members are snowmobilers as well as off road vehicle riders... This also includes Jeeps, etc. Basically, it's already wilderness! Leave it alone!

Tom and Lana Oliver

PREDATOR 4-WD, LLC
4260 N Nevada Avenue • Colorado Springs, CO 80907 • (719) 528-5790

Senator Cory Gardner

Attn: Betsy Bair

400 Rood Ave

Grand Junction, CO 81501

The purpose of this letter is to voice my opposition to the San Juan Wilderness Proposal. A new wilderness would close this area to multi use recreationalists. In a time when more people are going outside for recreation and land managers are worried about over use the last thing we need is condensing this growing use in ever smaller areas. This area has already been considered for wilderness and deemed unsuitable. Why does it keep coming up for the same issue? When will saying no be enough? If Congress specifically reviewed and excluded this area in the 1980 Colorado Wilderness Legislation let that decision stand. Thank you for considering my view.

Sincerely,

Jerry Panek

Senator Cory Gardner
Att: Betsy Bair
400 Rood Ave,
Federal Bldg.- Suite 220
Grand Junction CO 81501

May 4, 2018

Dear Senator Gardner,

I would like to voice my concerns and opposition with the San Juan Wilderness Proposal. I have read through the summary documents on the proposal. Then I read through the 32 page document that the Colorado Off Highway Vehicle Coalition (COHVCO), The Trail Preservation Alliance ("TPA") and the Colorado Snowmobile Association ("CSA") co-wrote and I have to agree with the information they have provided and responded with.

I am a Colorado Native and have enjoyed the mountains and trails in this beautiful state via all-terrain (ATV) vehicles, Jeeps, trucks and bicycles for the past 50 years and I wish to continue to do so. I also want my children and future grandchildren to be able share in on these activities as well. The wilderness proposal will reduce the number of existing roads and trails for those of us that enjoy off-roading, biking and enjoying the outdoors. By reducing the number of these road/trails it puts additional stress of heavier use on remaining trails. Heavier could lead to impacts that none of us wish to see or experience.

We have plenty of areas within this state that may not be deemed "Wilderness" but are "road less" areas that should be considered in lieu of what is in the proposal. We have quite a bit of already designated Wilderness areas within our state as it is. I am a tree hugger by nature - growing up in Boulder, but I do not support losing more of our designated recreational lands.

I also wanted to point out and stress the fact that we support our outdoor adventures via OHV stickers; volunteer trail cleanups supporting the Forest Service; fishing license fees, hunting fees etc.... This land is our land too!

Thank you for listening and considering our thoughts and opinions too!

Lisa Potter

and

our 719 and growing members of Facebook Group - It's A Jeep Nation Colorado, 145 members of Colorado Jeep Girls; 95 members of Rock Candy Offroad; 131 members of Colorado Rock Crawlers and many many more....
Jeep Clubs, Toyota Clubs, Nissan Clubs, Subaru Clubs, ATV clubs, Snowmobile clubs; mountain bike clubs etc.....

PS: I also have to echo what was stated by COHVCO - I **bolded** some of the items I specifically agree with below:

<u>The COHVCO position is:</u>

1. Almost every new Wilderness area would close opportunities to multiple use recreation and sever trails that cross these areas, and result in the **loss of hundreds of miles of routes that have been highly valued for more than 50 years.**
2. **There is not broad community support for the Proposal and the Proposal**

3. **The Proposal would designate many areas as Wilderness that were specifically excluded from further review for designation as Wilderness in the 1980 Colorado Wilderness Legislation. Congress specifically reviewed these usages and excluded these areas due to the high levels of recreational usage in these areas.** The 1980 Colorado Wilderness Act clearly stated it was Congress intent to close discussion of possible designation of areas reviewed and not designated as Wilderness in that Legislation. **The recreational usage of these has never stopped in these areas and is now more valuable than ever before and has occurred without major conflict.**
4. **Some areas of the San Juan Wilderness (Smith Mtn. and Uncompahgre Primitive Areas) were identified for possible protection prior to the establishment of the Wilderness Act itself and have been found unsuitable for designation for more than 50 years by USFS, USGS,** and Bureau of Mines.
5. **Many of these areas were also found unsuitable for Upper Tier Roadless area management in the 2012 Colorado Roadless Rule development.**
6. We continue to struggle to understand **what the management need for this Legislation** even is.
7. **Forest Health impacts must be addressed as many of these areas have been hugely impacted by beetle outbreaks.**
8. **The benefits to local communities from recreation economics would be greatly reduced as the Dept. of Commerce recently concluded that motorized recreation almost outspends all other user groups combined.**

Thank you

From: Rick Sexton <adventurerick@outlook.com>
Sent: Wednesday, May 2, 2018 9:03 PM
To: Whitney, John (Bennet); Brian.Meinhart@mail.house.gov; Bair, Betsy (Gardner); Congressman Doug Lamborn
Cc: Scott.jones46@yahoo.com
Subject: San Juan Wilderness

Hello,

I wish to express my total opposition to the Wilderness proposal Senator Bennett has introduced.

This designation will -

1. Harm motorized recreation opportunities. With the VAST current Wilderness areas and the many, many areas that are managed as non-motorized, the motorized recreational opportunities are already limited in a growing recreational activity. We should be INCREASING motorized recreational areas not reducing.

2. Deny the aging population, injured vets and handicapped among us the opportunity to enjoy their National Forest. As our population ages the need for more motorized access becomes greater. Wilderness areas are for the young and healthy.

3. Greatly limit the management of the forest. Our forest health is poor and getting worse with the beetle infestation. We need to have the ability to manage these areas and Wilderness ties the hands of land managers.

4. Forest fires with the poor health, dying trees, drought etc are becoming a bigger threat each year. If this Wilderness proposal goes thru expect more devastating wildfires that will destroy the forest and surrounding communities. The Forest Health report issued after the bad fire season a few years back sited Wilderness areas as a contributing factor in the size and spread of these devastating fires.

5. Negative economic impact on local communities. In a recently released study motorized recreation contributes more to local communities than all other activities combined. Small towns and shops will have a large economic hardship placed upon them.

6. Just look at a map of the state of CO with forest land highlighted and Wilderness areas marked and see the vast amount of land already designated Wilderness. We don't need anymore Wilderness areas. These areas didn't meet the requirements in the massive Wilderness designations of the past and don't need to be included now.

The areas in the proposal have been managed for decades well enough so as to "be considered Wilderness areas". If this is true, then continue the current management of multi-use, obviously it is working well.

Keep public lands open for the public.

Rick Sexton
41601 N. US Hwy 24
Granite, CO 81228

From: dkt735@aol.com
Sent: Tuesday, May 1, 2018 11:27 PM
To: Bair, Betsy (Gardner)
Subject: Fwd: Proposed San Juan Wilderness legislation

Dear Senator Gardner

I oppose the proposed San Juan Wilderness legislation based on the following:

1. Almost every new Wilderness area would close opportunities to multiple use recreation and sever trails that cross these areas, and result in the loss of hundreds of miles of routes that have been highly valued for more than 50 years.
2. There is not broad community support for the Proposal and the Proposal overturns the broad community support there was for the Hermosa Watershed Legislation that was only recently finalized in planning. Despite the broad community support for the Hermosa Legislation, the San Juan Proposal would remove much of the balance achieved in the Hermosa Legislation.
3. The Proposal would designate many areas as Wilderness that were specifically excluded from further review for designation as Wilderness in the 1980 Colorado Wilderness Legislation. Congress specifically reviewed these usages and excluded these areas due to the high levels of recreational usage in these areas. The 1980 Colorado Wilderness Act clearly stated it was Congress intent to close discussion of possible designation of areas reviewed and not designated as Wilderness in that Legislation. The recreational usage of these has never stopped in these areas and is now more valuable than ever before and has occurred without major conflict. Why would we change a consensus position from the 1980 Colorado Wilderness legislation?
4. Some areas of the San Juan Wilderness (Smith Mtn. and Uncompahgre Primitive Areas) were identified for possible protection prior to the establishment of the Wilderness Act itself and have been found unsuitable for designation for more than 50 years by USFS, USGS, and Bureau of Mines. These areas were released from further management in the 1980 Colorado Wilderness Act. How many more times do we need to look at these areas..... The conclusion has always been the same? The area is not suitable.
5. Many of these areas were also found unsuitable for Upper Tier Roadless area management in the 2012 Colorado Roadless Rule development. If they are unsuitable for Upper Tier management, why would they ever be the basis for Wilderness Management?
6. We continue to struggle to understand what the management need for this Legislation even is.
7. Forest Health impacts must be addressed as many of these areas have been hugely impacted by beetle outbreaks. Rather than streamlining the management response in

these areas, the Legislation makes any response more difficult. This simply makes no sense.

8. The benefits to local communities from recreation economics would be greatly reduced as the Dept. of Commerce recently concluded that motorized recreation almost outspends all other user groups combined.

Thank You
Dale Tanaka
2524 29th Avenue
Greeley Colorado 80634

From: Titus Terranova <tntbmf@aaarkhomerepair.com>
Sent: Wednesday, May 2, 2018 8:46 PM
To: Bair, Betsy (Gardner)
Subject: San Jaun wilderness proposal

I am writing you today to express my concern about this bill. I am an avid outdoorsman that enjoys motorsports respectfully in our mountains. The same as tens of thousands of other Coloradans do. The closure of these roads is not only going to cause people to overcrowd what is left open and cause damage from overuse. It will encourage people to break the rules and go there anyway thus causing enforcement requirements and costing taxpayers money. It will reduce the ability to fight fires and managed the land in those areas. Jeeps and ATV type vehicles help keep the beat in path. Snowmobiles cause no vegetation damage and has little to no impact on wildlife. There are plenty of other open space areas close to this area and surrounding areas to serve the purposes of those that do not want to be around motorsports. I respectfully ask you to vote no. As a Colorado native I was under the impression this was put to bed in the 1980s with extensive studies done to prove. This area should remain open to its current type of use.

Titus N. Terranova
Owner
Aaark Total Home Services
5050 Fox Street
Unit A
Denver CO 80216
P(303)431-8015
F(303)430-8915
www.aaarkhomerepair.com
Est. 1984

From: Alan Thomas <dirtbikerider2152@yahoo.com>
Sent: Thursday, May 17, 2018 10:27 AM
To: Bair, Betsy (Gardner)
Subject: San Juan Wilderness

I am opposed to any new wilderness areas. Colorado already has more than 3.5 million acres of wilderness which are essentially off-limits to me as I have no ability, desire, money, or time to backpack in, rent horses or hire guides. Those people who want to and are able have all the existing wilderness areas to explore.

One argument in favor is to protect the land for future generations. Protect it from what? Use by the people? And which generation will finally say "We're it! We are the generation that all this was saved for and we are going to open it up and use it"?

Public lands should be open to everyone, not just the young, healthy well-off few. Wilderness excludes people whose only viable access is by motorized travel.

If logging, mining, and oil exploration (in my opinion, all legitimate uses) scare you, maybe a new designation could be created which allows motorized recreation but severely limits industrial development.

The aging baby boomers are among those who want AND NEED motorized access, and we still command a lot of votes.

Alan Thomas
Denver Co

From: Doug Till <dtill2@yahoo.com>
Sent: Wednesday, May 2, 2018 8:29 AM
To: Bair, Betsy (Gardner)
Subject: San Juan Wilderness

I am against the proposal referenced above. The communities in this area are small and thrive from the benefits the OHV industry brings to these towns. The recreation economics would be greatly reduced as the Dept. of Commerce recently concluded that motorized recreation almost outspends all other user groups combined. Thank you for your consideration and hopefully defeating this proposal.

Best Regards,

Roy Till

15759 E. 108th Avenue

Commerce City, CO 80022

From: Gail Haggard [mailto:gailhaggard@gmail.com]
Sent: Wednesday, August 22, 2018 6:13 PM
To: fortherecord (Energy)
Subject: CHACO

It is shocking that you might allow anything to threaten Chaco. It is the most fabulous ancient astronomical achievement in North America. And so much yet remains to be learned there.

Sincerely,

Gail Haggard
941 Dunlap St.
Santa Fe NM 87501

Fire Chief Richard Hoffmann

Crooked River Ranch RFPD, Oregon

Committee on Natural Resources

HR5132

May 12, 2016

Thank you Chairman McClintock and ranking member Tsongas and thank you for allowing me to share today. Crooked River Ranch is a rural fire protection district that serve a population of 5500 residents and hundreds of visitors every year. CRR is considered one of the largest un-incorporated sub-divisions in Oregon. Our coverage area spans 12 square miles and is located on a peninsula wedged between the Crooked River and the Deschutes river canyons. While there are over 100 miles of road, there is only one entrance in and out of the ranch.

Along the western border of CRR lies the Deschutes Whychus Creek WSA which buts up to approximately 250 privately owned parcels of land averaging from 1 to 5 acres. The wilderness boundary literally starts where private property ends, there is no transition. The area between the private property line and the canyon wall is flat to gradient and spans 1/8th of a mile across in places. This same area was visited by a BLM fuels specialist in March of 2015. At that time, he determined that over 50% of the area above the canyon wall and within the WSA boundary contained Juniper trees in phase 2 and 3 condition. This describes the tree density as it has begun to suppress native understory vegetation. This condition can be problematic for fire suppression because higher density of Juniper can result in longer flame lengths, torching of trees and spot fires. Consensus of the fuels manager was that fuels treatment above the rim should be a priority. BLM estimates that over 50% of the existing Junipers should be removed. It was also noted that ground crews would not be utilized within this space due to the extreme hazard and potential for unpredictable fire behavior. Additionally, Jefferson County has classified this as a top priority through the Community Wildfire Protection Plan.

Our trails that start on the ranch and wind miles into the canyon have gained notoriety and are used heavily by hikers and anglers. It is not uncommon to find illegal camp fire rings located in the canyon and in the primitive BLM camp ground. Often CRR fire crews patrol and destroy make shift fire rings during summer months when open burning is not allowed. While BLM land is not our responsibility, fire in these regions are our top priority. You see a fire that starts within the canyon has only one way to travel, and that's up. Up means traveling through chutes and chimneys which are natural pathways leading to the flatlands above. These chutes and canyons are commonly littered with dry vegetation and Juniper trees. At the top of these draws stand more dry vegetation, trees, private homes and the citizens of Crooked River Ranch.

As a Fire Chief it is my responsibility to protect the lives and property of those I serve. This is commonly done through community risk reduction, in other words do everything in your power to reduce the risk or hazard before it happens.

Over the past few years Crooked River Ranch Fire & Rescue along with the Crooked River Ranch home owner's association have worked with private land owners to reduce the risk of wild fire through fuels treatment. The HOA itself has treated over 1/3 of the property identified as hazards. Funding for future projects remains a priority with the HOA. Wildfire evacuation signs have been installed throughout the ranch and an evacuation plan has been adopted utilizing the Ready Set Go platform managed by the International Fire Chiefs Association.

This important piece of legislation will move the boundary away from private properties and allow us to work with the Bureau of Land Management to begin the process of fuels mitigation to further improve defensible space for our community of over 2,600 properties. The lack of fuel mitigation has created a dangerous environment for tactical firefighting and remains one of our highest threats to Crooked River Ranch. Until proper mitigation is performed, it is unlikely we would place firefighters in such a volatile atmosphere.

Is all we are asking for is to move this boundary away from the private land -back to the top edge of the canyon rim.

This does not destroy the intent of the wilderness act and the Deschutes river corridor remains protected.

Help us avoid what is happening to our friends Canada this past week.

Thank you

Timothy L. Nuvangyaoma
CHAIRMAN

Clark W. Tenakhongva
VICE-CHAIRMAN

Testimony of Vice-Chairman Clark W. Tenakhongva
The Hopi Tribe
Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
Legislative Hearing on S. 2809, Emery County Public Lands Management Act (Hatch)
August 22, 2018

Introduction
Chairman Lee, Ranking Member Wyden, and members of the Subcommittee, thank you for the opportunity to provide comments on behalf of the Hopi Tribe ("Tribe") regarding S. 2809, the Emery County Public Land Management Act of 2018.

Hopi's Cultural Connections to Emery County
The history of the Hopi clans that associate us with Emery County extends back thousands of years. The public lands in Emery County contain numerous outstanding Hopi cultural resources within its boundaries, including ruins, rock art, human remains, and untold numbers of undiscovered sites. The Hopi Tribe's ties to these lands led the Hopi Tribal Council to enact Resolution, H-70-94, which declares cultural affiliation to prehistoric Paleoindian, Archaic, Basketmaker, Ancestral Pueblo, and Fremont prehistoric cultural groups in Emery County and Utah, known to Hopi People as Hisatsinom, People of Long Ago.

Hopi's Engagement on the Emery County Legislation
The Hopi Tribe has been actively involved in public land management decisions in Emery County, most recently regarding the Emery County Public Lands Management Act (S. 2809 & H.R. 5727), which has the potential to adversely affect our ancestral sites. The Tribe sent a letter to the House sponsor on April 17, 2018, submitted testimony for the record (enclosed) to the House Natural Resources Committee's June 21, 2018 hearing on the House companion bill, hosted the sponsor of the House companion bill on the Hopi reservation, and sent a Hopi delegation to Washington, DC to discuss the Tribe's concerns with the bill.

Hopi Tribe's Concerns
Through these various avenues of engagement on the bill, the Hopi Tribe expressed concerns that this legislation does not adequately protect cultural sites and lands significant to the Hopi Tribe. In addition, the Tribe voiced the need to have a tribal representative on the San Rafael Swell Western Heritage and Historic Mining National Conservation Area Advisory Council ("Council").

P.O. Box 123 - Kykotsmovi, AZ 86039 - Phone: 928-734-3000

Identification and Protection of Cultural Sites
The Hopi Tribe supports the identification and avoidance of prehistoric, archaeological sites as these are considered to be "footprints" and Traditional Cultural Properties. The landforms commonly known as the Molen Reef and the San Rafael Badlands contain areas that have significant and high concentrations of cultural sites that are important to the Hopi Tribe, including Mussentuchit Badland petroglyphs and geoglyph; Rochester Petroglyph; Snake Petroglyph and Dinosaur footprints; Molen Seep pictographs; Sinbad pictographs; Buckhorn panel; and Nataska pictographs. The rock markings in these areas reflect direct connections to various Hopi clans still in existence today.

Impacts to cultural resources from activities such as energy development and off-road vehicle use are long-term and permanent. Once an archaeological site has been impacted, the effect cannot be reversed. Studies have shown that cultural sites in close proximity to off-highway vehicle routes are more likely to be damaged, vandalized, or looted. Therefore, this legislation should be strengthened to adequately protect cultural resources. To ensure protection of such invaluable resources, this legislation should establish a National Conservation Area (NCA) encompassing the Molen Reef and the San Rafael Badlands. The legislative language creating this particular NCA must also prioritize the protection of these sacred sites and ensure management that preserves these lands and the cultural sites therein in perpetuity.

Development & Implementation of Management Plan
Section 102 of the bill calls for the development of a "comprehensive management plan for the long-term protection and management of the Conservation area." The Hopi Tribe takes the position that legislated County management plans are inconsistent with the federal agencies government-to-government relationship with Indian tribes. However, the development and implementation of the "management plan" will be integral to ensuring protection of cultural resources. Therefore, the Hopi Tribe recommends the following language be added to Section 102 of the bill:

"Tribal Cultural Resources.
(1) Coordination. In the development and implementation of the Management Plan, the Secretary shall coordinate with Indian Tribes that have significant cultural or historical connections to the landscape, archeological sites, or cultural sites within Emery County.
(2) Agreements. The Secretary shall seek to enter into agreements with such Tribes to implement the Management Plan in a manner that protects cultural sites and resources important to the continuation of the traditions and beliefs of the Tribes."

Further, Section 103 provides for the establishment of the San Rafael Swell Western Heritage and Historic Mining National Conservation Area Advisory Council ("Council"), who is tasked with advising the Secretary with respect to the "preparation and implementation of the Management Plan." In its current form, the bill fails to include a tribal representative on the Council, yet it provides for the inclusion of representatives of the motorized recreational community and nonmotorized recreational community. The Tribe recommends that a tribal representative be included on the Council in order to provide expertise on cultural resources. The Hopi Tribe recommends that the following language be added to Section 103 of the bill:

"One member shall be appointed from the elected leadership of a federally recognized Indian tribe that has significant cultural or historical connections to, and expertise in, the landscape, archeological sites, or cultural sites within Emery County."

Support for Ute

Regarding S. 2809, the Hopi Tribe supports the comments and concerns of the Ute Tribe with regards to land and water. We also share the Ute Tribe's concerns regarding the unidentified Utah School and Institutional Trust Lands Administration (SITLA) lands proposed to be exchanged for the SITLA lands within the designated Monuments and Conservation areas. The Hopi Tribe is concerned that Section 406 of S. 2809, providing for exchange of SITLA land, may result in SITLA seeking to exchange lands in Emery County for other unidentified lands that may contain significant Hopi cultural resources. Without identification of these lands, we cannot evaluate the impact of this bill on Hopi cultural resources in Utah.

Conclusion

The Hopi Tribe appreciates the opportunity to provide comments on S. 2809 and for Senator Hatch's willingness to consider the Hopi Tribe's view. Thank you to the Committee for its consideration of the Tribe's comments and concerns. We look forward to working with you all as this legislation moves forward in the legislative process.

Respectfully,

Clark W. Tenakhongva, Vice-Chairman
The Hopi Tribe

Enclosures: July 2, 2018 letter; Ute letter
April 17, 2018 letter; Congressman Curtis

xc: The Honorable John Curtis, House of Representatives, 2236 Rayburn House Office Building, Washington DC 20515-4403

Timothy L. Nuvangyaoma
CHAIRMAN

Clark W. Tenakhongva
VICE-CHAIRMAN

July 2, 2018

The Honorable Rob Bishop
Committee on Natural Resources
Washington, DC 20515

The Honorable Raul Grijalva
Committee on Natural Resources
Washington, D.C. 20515

The Honorable Tom McClintock
Committee on Natural Resources
Subcommittee on Federal Lands
Washington, DC 20515

The Honorable Colleen Hanabusa
Committee on Natural Resources
Subcommittee on Federal Lands
Washington, D.C 20515

Dear Chairmen Bishop and McClintock, and Ranking Members Grijalva and Hanabusa:

On behalf of the Hopi Tribe, I am writing regarding H.R. 5727, the Emery County Public Land Management Act of 2018, which received a hearing on June 21, 2018 before the Subcommittee on Federal Lands. In its current form, this legislation does not protect cultural sites and lands significant to the Hopi Tribe. We respectfully request that the bill be revised to address the concerns set forth in this letter.

Pursuant to Hope Tribal Council Resolution, H-70-94, the Hopi Tribe claims cultural affiliation to prehistoric Paleoindian, Archaic, Basketmaker, Ancestral Pueblo, and Fremont prehistoric cultural groups in Utah. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites, and we consider the prehistoric, archaeological sites to be "footprints" and Traditional Cultural Properties.

The history of the Hopi clans that associate us with Emery County extends back thousands of years. The public lands in Emery County contain outstanding Hopi cultural resources within its boundaries, including ruins, rock art, human remains, and untold numbers of undiscovered sites

The Hopi Tribe has been actively involved in public land management decisions in Emery County where those proposals have the potential to adversely affect cultural sites. Any legislation guiding the management of these lands must adequately protect cultural resources. Impacts to cultural resources from surface disturbing activities such as energy development and off-road vehicle use are long-term and permanent; once an archaeological site has been

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impacted, the effect cannot be reversed. In its current form, this legislation leaves significant sites and cultural lands unprotected.

To ensure those sites are protected, this legislation should establish a National Conservation Area (NCA) encompassing Emery County lands generally east of State Highway 10 and the Sevier County line and encompassing the landforms commonly known as the Molen Reef and the San Rafael Badlands. These areas contain significant and high concentrations of cultural sites important to the Hopi Tribe. The rock markings in these areas reflect direct connections to various Hopi clans still in existence today.

Because NCAs are only as effective as the legislative language establishing them, the language creating this particular NCA must prioritize the protection of these sacred sites and ensure management that preserves these lands and the cultural sites therein in perpetuity.

In addition, the Act's treatment of off-highway vehicles needs to be improved to ensure the protection of lands and sites significant to the Hopi Tribe. We are concerned about the adverse impacts that off-highway vehicles have on cultural sites, including both intentional and unintentional damage. Studies have shown that cultural sites in close proximity to off-highway vehicle routes are more likely to be damaged, vandalized, or looted. Any legislation must protect Emery County's important cultural resources from off-highway vehicle damage.

Its seems to us that legislated County management plans are inconsistent with the federal agencies land management areas, in this case the BLM Price Field Office. Legislated County management plans are also inconsistent with the federal agencies government to government relationships with Native American Tribes. How many Counties are there in the BLM Price Field Office, and does Utah plan on all Utah Counties having legislated County management plans for all federal public lands in Utah?

Avoidance of Hopi sacred sites and traditional use areas is the only means of preventing impairment of these resources. The key to avoiding impairment of Hopi resources is consultation with the Hopi Tribe. We request consultation on this legislation to address our concerns about potential harms to important cultural resources. Thank you again for your consideration.

Respectfully,

Clark W. Tenakhongva, Vice-Chairman
THE HOPI TRIBE

cc: The Honorable John Curtis, House of Representatives, 2236 Rayburn House Office Building, Washington DC 20515-4403

Timothy L. Nuvangyaoma
CHAIRMAN

Clark W. Tenakhongva
VICE-CHAIRMAN

April 17, 2018

John Curtis, Member of Congress
Congress of the United States, House of Representatives
2236 Rayburn House Office Building
Washington, DC 20515-4403

Dear Congressman Curtis:

It has come to our attention that you are drafting legislation to guide public land management in Emery County, Utah. To date, the Hopi Tribe has not been contacted or consulted by your office about this legislation. Pursuant to Hopi Tribal Council Resolution, H-70-94, the Hopi Tribe claims cultural affiliation to prehistoric Paleoindian, Archaic, Basketmaker, Anasazi, and Fremont prehistoric cultural groups in Emery County and Utah. The Hopi Cultural Preservation Office supports the identification and avoidance of prehistoric archaeological sites, and we consider the prehistoric, archaeological sites to be "footprints" and Traditional Cultural Properties.

The history of the Hopi clans that associate us with Emery County extends back over more than a thousand years. The Hopi Cultural Preservation Office knows that the public lands in Emery County contain outstanding Hopi cultural resources within its boundaries, including ruins, rock art, human remains, and untold numbers of undiscovered sites.

The Hopi Tribe has been actively involved in public land management decisions in Emery County where proposals have the potential to adversely affect cultural sites. Any legislation guiding the management of these lands must adequately protect cultural resources. Impacts to cultural resources from surface disturbance are long-term and permanent; once an archaeological site has been impacted, the effect typically cannot be reversed. We believe that the lands in Emery County should be managed to protect its significant cultural and natural landscape.

We are concerned about the impact off-highway vehicles have on cultural sites. Off-highway vehicle use directly damages important cultural sites. In addition, studies have shown that cultural sites in close proximity to off-highway vehicle routes are more likely to be damaged, vandalized, or looted. Any legislation must protect Emery County's important cultural resources from off-highway vehicle damage.

P.O. Box 123 - Kykotsmovi, AZ 86039 - Phone: 928-734-3000

We are also concerned about potential energy development in places like Molen Reef, the San Rafael Desert and the Mussentuchit badlands. Each of these areas contain significant and high concentrations of cultural sites important to the Hopi Tribe. The co-mingling of energy development and cultural resources has been demonstrated to result in direct and indirect adverse effects to cultural resources.

Avoidance of Hopi sacred sites and traditional use areas is the only means of preventing impairment of these resources. The key to avoiding impairment of Hopi resources is consultation with the Hopi Tribe. We request consultation on this legislation to address our concerns about potential harms to important cultural resources.

Respectfully,

Clark W. Tenakhonva, Vice Chairman
THE HOPI TRIBE

Timothy L. Nuvangyaoma
CHAIRMAN

Clark W. Tenakhongva
VICE-CHAIRMAN

September 5, 2018

Senator Tom Udall
110 Hart Senate Office Building
Washington, D.C. 20515

Senator Martin Heinrich
8400 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senators Udall and Heinrich,

This letter is in support of the Chaco Cultural Heritage Protection Act of 2018, presented to the United States Senate Committee on Energy and Natural Resources, Subcommittee on Public Lands, Forests and Mining on August 22, 2018.

The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in and around Chaco, a World Heritage Site. Chaco Canyon, *Yupqoyvi*, the Place Beyond the Horizon, is a Traditional Cultural Property of the Hopi Tribe. Therefore, we commend you for your proposed legislation to protect Chaco and we support efforts to expand this protection to the larger Chaco region.

The Hopi Cultural Preservation Office has been attempting to consult with the Bureau of Land Management (BLM) Farmington Field Office on their energy development undertakings and on again off again Resource Management Plan revision to govern all future oil and gas leases since 2014. We have responded to dozens of their notifications of undertakings with requests for cultural resource survey reports of the areas of potential effect to which they continue to be unwilling or unable to respond.

We have repeatedly stated that oil and gas leasing and development on BLM lands surrounding Chaco threaten the Park and the Greater Chaco Landscape. We have reiterated that the co-mingling of energy development and resource protection around Chaco will inevitably lead to adverse effects to cultural resources significant to the Hopi Tribe. We have consulted with the BLM and parties including the National Trust, the Chaco Alliance, and the San Juan Citizen's Alliance regarding the development and implementation of a permanent plan for preserving the landscape surrounding Chaco.

In the enclosed letters to you dated April 2 and 16, 2013, we explained that in accordance with a Covenant, Hisatsinom, People of Long Ago, some of our ancestors' clans, migrated to and settled on the lands in and around Chaco Canyon, and then migrated to Hopi. We stated we have come

P.O. Box 123 - Kykotsmovi, AZ 86039 - Phone: 928-734-3000

to the conclusion that we will need legislative assistance to protect the Greater Chaco Landscape that designates and protects the Greater Chaco Landscape as defined in a National Trust Master Leasing Plan nomination ignored by the BLM.

In our enclosed letter dated November 2, 2016, and every letter on each proposed undertaking since, we have reiterated our recommendation the BLM suspend approval of proposals that may contribute to effects under the renewed analysis until the analysis is completed. These requests, like our requests for cultural resource survey reports, have been and continue to be ignored.

To prevent any further damage to the Chaco culture's invaluable heritage, the BLM must cease permitting new oil and gas wells in the Chaco region. Especially, and at the very least, they must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018. Further, we support the withdrawal area boundaries of this proposed bill to be extended to cover a 20 mile zone around Chaco National Historical Park and 10 mile zones around outlying Chaco Great Houses.

We are aware that modern energy roads continue to erase the Great North Road, and this erasure risks getting worse. Hisatsinom at Chaco created numerous Great Houses and other 'roads' as a web, uniting their sites with special landforms and astronomical directions. This comprehensive web of a sacred landscape must be protected.

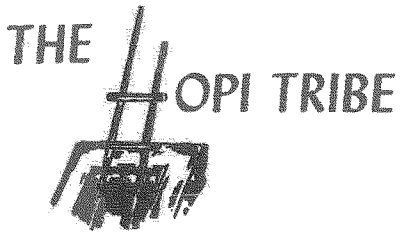
I recently visited Congress and expressed in person my concerns regarding Chaco and support for this legislation to members of your staffs and other House and Senate Committee members and staffs. Without your intervention, we believe the BLM intends to lease these parcels regardless of any additional information we or anyone else provides regarding the significance of Chaco Canyon. We appreciate your continuing support in protecting Chaco Culture National Historical Park and look forward to continuing efforts with all interested parties to protect Chaco and the Greater Chaco Landscape from the BLM.

Please contact Stewart B. Koyiyumptewa, Interim Manager, Hopi Cultural Preservation Office at skoyiyumptewa@hopi.nsn.us if you have any questions or need additional information. Thank you again for your consideration.

Respectfully,

Clark W. Tenakhongva
Vice Chairman
THE HOPI TRIBE

Enclosures: January 18, 2011 to National Trust
January 31, 2012 to Senator Bingaman
April 2, 2013 to Senators Udall and Heinrich and Congressman Lujan
September 10, 2013 to Secretary Jewell
August 16, 2013 to Senators Udall and Heinrich and Congressman Lujan
November 2, 2016 letter to BLM



Herman G. Honanie
CHAIRMAN

Alfred Lomahquahu Jr.
VICE-CHAIRMAN

November 2, 2016

Richard A. Fields, Field Office Manager
Attention: Mark Ames, Project Manager
Bureau of Land Management, Farmington District Office
6251 College Blvd., Suite A
Farmington, New Mexico 87402

Dear Mr. Fields,

This letter is in response an a Federal Register Notice and News Release from the Bureau of Land Management (BLM) and Bureau of Indian affairs (BIA) of Intent to Amend the Resource Management Plan for the Farmington Field Office and associated Environmental Impact Statement that will address potential oil and gas exploration and development activities within the Farmington Field Office (FFO) and tribal lands in sensitive areas adjacent to Chaco Canyon.

The Hopi Tribe claims cultural affiliation to earlier identifiable cultural groups in the northwestern New Mexico, and Chaco Culture National Historical Park (Chaco), a World Heritage Site within the project area. Chaco, *Tupqoyvi*, the Place beyond the Horizon, is a Traditional Cultural Property of the Hopi Tribe. The Hopi Cultural Preservation Office supports the identification and avoidance of our ancestral sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be Traditional Cultural Properties. Therefore, the Hopi Cultural Preservation Office is interested in consulting on any proposal with the potential to adversely affect Ancestral Pueblo sites in northwestern New Mexico. And therefore, we appreciate the BLM and BIA's continuing solicitation of our input and your efforts to address our concerns.

In the enclosed letter dated March 7, 2014, the Hopi Cultural Preservation Office reiterated that oil and gas leasing and development on FFO lands surrounding Chaco threaten the Park and the Greater Chaco Landscape, and that the co-mingling of energy development and resource protection around Chaco will inevitably lead to adverse effects to cultural resources significant to the Hopi Tribe.

In the enclosed letter dated April 4, 2014, we stated we understood the BLM must consider the effects of this undertaking on cultural resources within the area of potential effect

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and therefore, we informed the BLM that we accepted the invitation to become a Cooperating Agency in the development of this land use plan.

In the enclosed letter dated October 8, 2014, we stated we understood that the FFO has conducted a review of the 2,779,759 acre area of potential effect, 18% of which has been surveyed for cultural resources, and identified 23,614 sites, 53 of which are listed on the National Register and 62 of which are listed on the New Mexico State Register. Twin Angles, Halfway House and Pierre's Site of the Chaco Culture World Heritage Site, 11 Chaco Culture Archaeological Protection Sites, and 81 Areas of Critical Environmental Concern are also within the area of potential effect. The BLM asked what additional efforts should be made to identify historic properties in the area of potential effect, and we recommended the 82% of the area of potential effect not surveyed for cultural resources be surveyed and Traditional Cultural Properties studies be conducted with all tribes traditionally associated with the project area.

We now appreciate that the Interior Department has announced a broader plan to review management of lands in Northwestern New Mexico, described as a unique intra-agency effort that will include a comprehensive analysis of oil and gas leasing and management on public and tribal lands in sensitive areas adjacent to Chaco Canyon. We look forward to continuing consultation on this plan.

Please contact Legal Researcher Terry Morgart at tmorgart@hopi.nsn.us or 928-734-3619 if you have any questions or need additional information. Thank you for your consideration.

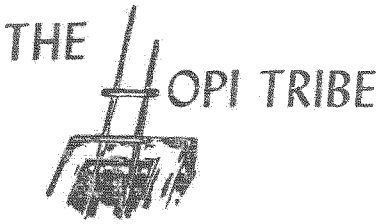
Respectfully,

/s/

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

Enclosures: January 31, 2012 letter to Senator Bingaman
April 2 and August 16, 2013 letters to Congressional Delegation
September 10, 2013 letter to Interior Secretary
November 26, 2012, June 3, 2013, March 7, April 4, and October 8, 2014 letters to BLM

xc: Harilene Yazzie, BIA, P.O. Box 1060, Gallup, NM 87301
Chaco Alliance; San Juan Citizens Alliance; Pueblo of Acoma
NPS Chaco; National Trust for Historic Preservation
State Director, BLM New Mexico State Office
New Mexico State Historic Preservation Office



LeRoy N. Shingoitewa
CHAIRMAN

Herman G. Honanie
VICE-CHAIRMAN

August 16, 2013

Senator Tom Udall
110 Hart Senate Office Bldg.
Washington, D.C. 20510

Congressman Ben Ray Lujan
2446 Rayburn House Office Building
Washington, D.C. 20515

Senator Martin Heinrich
8400 Dirksen Senate Office Bldg.
Washington, D.C. 20510

Dear Senators Udall and Heinrich and Congressman Lujan,

Enclosed please find a correspondence dated August 1, 2013, from the Bureau of Land Management (BLM) Farmington District Office (FDO) regarding 38 federal oil and gas leases totaling 19,103 acres that have been nominated and proposed for sale in January, 2014. The correspondence states, "Due to the proximity of many of these parcels to Chaco Culture National Historical Park we are notifying other parties that have expressed an interest concerning proposed leases in that area." We hope you are interested in protecting Chaco Culture National Historical Park from BLM approved energy development impacts.

In the enclosed letter dated April 2, 2013, we explained that in accordance with a Covenant, Hisatsinom, People of Long Ago, some of our ancestors' clans, migrated to and settled on the lands in and around Chaco Canyon, and then migrated to Hopi. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in and around Chaco, a World Heritage Site. Chaco Canyon, *Yupqoyvi*, the Place Beyond the Horizon, is a Traditional Cultural Property of the Hopi Tribe.

The August 1st correspondence from the BLM FDO requests any additional input so that the environmental assessment may accurately reflect the views of the Hopi Tribe. The Hopi Cultural Preservation Office has been providing the BLM FDO with such information since 2009, and at a July 24, 2013, administrative meeting with District Manager Dan Evans and Field Office Manager Mike Torres we provided additional information.

We have stated that oil and gas leasing and development on FDO lands surrounding Chaco threaten the Park and the Greater Chaco Landscape. We have reiterated that the co-mingling of energy development and resource protection around Chaco will inevitably lead to adverse effects

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to cultural resources significant to the Hopi Tribe. We have consulted with the BLM FDO and parties including the National Trust, the Chaco Alliance, and the San Juan Citizen's Alliance regarding the development and implementation of a permanent plan for preserving the landscape surrounding Chaco.

In our April 2, 2013 letter, we stated we have come to the conclusion that we will need legislative assistance to protect the Greater Chaco Landscape and proposed an Act of Congress to amend P.L.96-550 that designates and protects the Greater Chaco Landscape as defined in the Master Leasing Plan nomination. In addition, we requested any assistance you could provide in avoiding additional impacts on the Greater Chaco Landscape by engaging with the BLM over the lease sale.

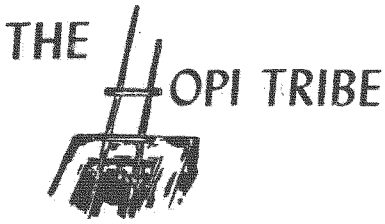
We now therefore urgently reiterate that request. Without your intervention, we believe the BLM FDO intends to lease these parcels regardless of any additional information we or anyone else provides regarding the significance of Chaco Canyon. P.L.96-550 and the World Heritage Site proclamation state the significance of Chaco Canyon. We look forward to continuing efforts with all interested parties to protect Chaco and the Greater Chaco Landscape from the January 2014 BLM FDO lease sale.

Please contact Leigh J. Kuwanwisiwma, Director, Hopi Cultural Preservation Office at lkuwanwisiwma@hopi.nsn.us or 928-734-3611 if you have any questions or need additional information. Thank you again for your consideration.

Respectfully,

LeRoy N. Shingoitewa
Chairman
THE HOPI TRIBE

Enclosures: August 1, 2013, correspondence from BLM FDO; June 3, 2013 letter to BLM FDO
April 2, 2013 letter



LeRoy N. Shingoitewa
CHAIRMAN

Herman G. Honanie
VICE-CHAIRMAN

September 10, 2013

Sally Jewell, Secretary
Department of the Interior
1849 C St., NW
Washington, DC 20240

Dear Secretary Jewell,

This letter is in support of the Petition submitted to you and the Bureau of Land Management (BLM), on September 4, 2013 by the Chaco Alliance, San Juan Citizens Alliance, WildEarth Guardians, Society for American Archaeology, and New Mexico Archaeological Council, to designate the Greater Chacoan Landscape as an Area of Critical Environmental Concern and withdraw all Federal minerals located within its boundary from leasing.

In accordance with a Covenant, *Hisatsinom*, People of Long Ago, of some of our ancestors' clans, migrated to and settled on the lands in and around Chaco Canyon, and then migrated to Hopi. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in and around Chaco Culture National Historical Park, a World Heritage Site. Chaco, *Yupqoyvi*, the Place Beyond the Horizon, is a Traditional Cultural Property of the Hopi Tribe. Therefore, we appreciate your efforts to address our concerns.

These lands are part of our ancestral lands, and contain the testimony of our ancestors' stewardship through thousands of years, manifested in the prehistoric ruins, the rock markings and artifacts, and human remains who continue to inhabit them. Hopi people, *Hopisinom*, have returned to *Yupqoyvi* on pilgrimages and continue to do so today. *Hopisinom* and the Greater Chaco Landscape are inseparable.

Hopisinom are testimony to the World Heritage Site criteria that Chaco and its outliers bear a unique and exceptional testimony to a living cultural tradition. The Hopi Tribe supports the identification and avoidance of archaeological sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be Traditional Cultural Properties. We have previously stated that the co-mingling of energy development and resource protection around Chaco will inevitably lead to adverse effects to cultural resources significant to the Hopi Tribe in and around Chaco.

In the enclosed letter to the BLM Farmington Field Office dated June 3, 2013, the Hopi Tribe requested that all parcels within the Greater Chaco Landscape be withdrawn from the proposed January 2014 lease sale and every lease sale thereafter, and we have supported such an amendment to the 2003 Resource Management Plan since 2009.

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In the enclosed letter to the New Mexico Congressional delegation dated August 16, 2013, the Hopi Tribe responded to the BLM Farmington Field Office's August 1, 2013, correspondence on the proposed January 2014 oil and gas lease sale and reiterated our April 2, 2013 request for legislative assistance.

On September 3, 2013, BLM issued an Environmental Assessment for the January 2014 lease sale, DOI-BLM-NM-F010-2013-0451-EA. Although the BLM is again proposing to withdraw leases in close proximity to Chaco Cultural National Historic Park, they remain open for leasing under the Resource Management Plan and may be leased in the future. Since 2009, we have repeatedly stated that continued deferral of the parcels does not impart long-term protection.

Therefore, the Hopi Tribe appreciates and supports the Petition submitted by the Chaco Alliance, San Juan Citizens Alliance, WildEarth Guardians, Society for American Archaeology, and New Mexico Archaeological Council, to designate the Greater Chacoan Landscape as an Area of Critical Environmental Concern and withdraw all Federal minerals located within its boundary from leasing as permanent plan for preserving the landscape surrounding Chaco. And therefore, the Hopi Tribe hereby requests that the BLM adopt the Petition.

And therefore, the Hopi Tribe supports the No Action Alternative in DOI-BLM-NM-F010-2013-0451-EA, the Environmental Assessment for the January 2014 lease sale, and hereby requests that the BLM withdraw it in conjunction with adopting the Petition.

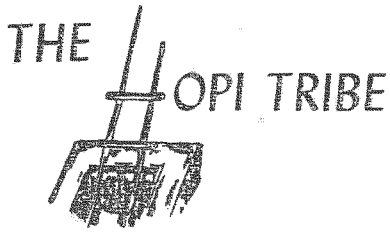
In 2010 the Hopi Tribe supported the National Trust for Historic Preservation's proposed Master Leasing Plan which was dismissed by the BLM. And therefore, if the BLM does not uphold this Petition, does not withdraw DOI-BLM-NM-F010-2013-0451-EA, and continues to pursue energy development surrounding Chaco Culture National Historical Park, the Hopi Tribe will continue to seek public and legislative assistance in the protection of the Greater Chacoan Landscape.

If you have any questions or need additional information, please contact Hopi Cultural Preservation Office Director Leigh J. Kuwanwisiwma at lkuwanwisiwma@hopi.nsn.us or 928-734-3611. Thank you for your consideration.

Respectfully,

LeRoy N. Shingoitewa, Chairman
THE HOPI TRIBE

Enclosures: April 2 and August 16, 2013, letters to NM Congressional Delegation
November 26, 2012 and June 3, 2013 letters to BLM FFO



LeRoy N. Shingoitewa
CHAIRMAN

Herman G. Honanie
VICE-CHAIRMAN

April 2, 2013

Senator Tom Udall
United States Senate
110 Hart Senate Office Building
Washington, D.C. 20510

Senator Martin Heinrich
United States Senate
8400 Dirksen Senate Office Building
Washington, D.C. 20510

Congressman Ben Ray Lujan
United States House of Representatives
2446 Rayburn House Office Building
Washington, D.C. 20515

Dear Senator Udall, Senator Heinrich, and Congressman Lujan,

This letter is in response to the enclosed correspondence to you from the National Parks Conservation Association, National Trust for Historic Preservation, The Wilderness Society, and Western Energy Project dated March 14, 2013, regarding serious and ongoing threats to Chaco Culture National Historic Park (Chaco).

In accordance with a Covenant, *Hisatsinom*, People of Long Ago, some of our ancestors' clans, migrated to and settled on the lands in and around Chaco Canyon, and then migrated to Hopi. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in and around Chaco, a World Heritage Site. Chaco Canyon, *Yupqoyvi*, the Place Beyond the Horizon, is a Traditional Cultural Property of the Hopi Tribe.

These lands are part of our ancestral lands, and contain the testimony of our ancestors' stewardship through thousands of years, manifested in the prehistoric ruins, the rock markings and artifacts, and human remains who continue to inhabit them. Hopi people, *Hopisinom*, have returned to *Yupqoyvi* on pilgrimages and continue to do so today. *Hopisinom* and the Greater Chaco Landscape are inseparable.

Since 2009, the Hopi Cultural Preservation Office has been consulting with the Bureau of Land Management (BLM) and parties including the National Trust, the Chaco Alliance, the San Juan Citizen's Alliance, the Pueblo of Acoma, the Navajo Nation, the New Mexico State Historic Preservation Office and the National Park Service regarding the development and implementation of a permanent plan for preserving the landscape surrounding Chaco.

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As stated the March 14, 2013 letter, the Hopi Tribe supported the 2010 Master Leasing Plan nomination for Chaco Canyon and the surrounding landscape submitted by the National Trust, San Juan Citizen's Alliance and Chaco Alliance. We continue to support the Master Leasing Plan nomination in conjunction with the scheduled Mancos/Gallup shale Resource Management Plan amendment analysis.

The Hopi Tribe also supported the listing of the Greater Chaco Landscape on the National Trust for Historic Preservation's 2011 America's 11 Most Endangered Historic Places because oil and gas leasing and development on BLM lands surrounding Chaco threaten the Park and the Greater Chaco Landscape.

We have repeatedly stated that energy development around Chaco will result in adverse effects to cultural resources significant to the Hopi Tribe. We agree with the National Parks Conservation Association, National Trust, Wilderness Society, and Western Energy Project that the integrity of the Chaco landscape continues to be threatened by oil and gas leasing proposed by the BLM. Enclosed is our most recent letter dated November 26, 2012, to the Farmington District Office regarding 39 federal oil and gas leases totaling 18,500 acres that will be nominated and proposed for sale, now in October 2013.

The BLM has repeatedly informed us that they cannot protect cultural resources, including Chaco, a World Heritage Site. They say they can only mitigate adverse effects to those resources. Therefore, the Hopi Tribe has come to the conclusion that we will need legislative assistance to protect the Greater Chaco Landscape. In a letter dated January 31, 2012, to former Senator Jeff Bingaman the Hopi Tribe initially sought to explore legislative protection for Chaco.

The letter from the National Parks Conservation Association, National Trust, Wilderness Society, and Western Energy Project cites the 39 outliers designated in P.L. 96-550, Dec. 19, 1980, Chaco Culture National Historical Park, P.L. 104-11, May 18, 1995, Chacoan Outlines Protection Act, and the World Heritage Site designation, in order to recognize that the significance of the Chaco culture extends beyond the National Park and to the broader landscape. P.L. 96-550 states:

> Sec. 501 (a) The Congress finds that
> (2) the discoveries and increased general interest in the Chaco phenomenon have come at a time when the San Juan Basin is experiencing extensive exploration and development for a wide variety of energy-related resources, including coal, uranium, oil, and natural gas;
> (4) in light of the national significance of the Chacoan sites and the urgent need to protect them, continued cooperation between Federal agencies and private corporations is necessary to provide for development in the San Juan Basin in a manner compatible with preservation and archaeological research.
>
> Sec. 503 The Secretary of The Interior shall continue to search for additional evidences of Chacoan sites and submit to Congress within two years of the date of the enactment of this Act, and thereafter as needed, his recommendations for additions to, or deletions from, the list of archeological protection sites in section 502(b) of this title. Additions to or deletions from such list shall be made only by an Act of Congress.

> Sec. 507 (c) the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking with respect to the lands and waters in the archeological protection sites, and the head of any Federal agency having authority to license or permit any undertaking with respect to such lands and waters , shall prior to the approval of the expenditure of any federal funds on any such undertaking, or prior to the issuance of any license or permit, as the case may be, afford the Secretary a reasonable opportunity to comment in writing with regard to such an undertaking and its effect upon such sites, and shall give due consideration to any comments made by the Secretary and to the effect of such undertaking on the purposes for which such sites are established..

In 1995, P.L. 401-11, the Chacoan Outlines Protection Act, amended P.L. 96-550, 1980 the Chaco Culture National Historical Park, and designed 39 archaeological protection sites. We also agree that there is still time to act. Still true is Congress' finding that the discoveries and increased general interest in the Chaco phenomenon have come at a time when the San Juan Basin is experiencing extensive exploration and development for a wide variety of energy-related resources.

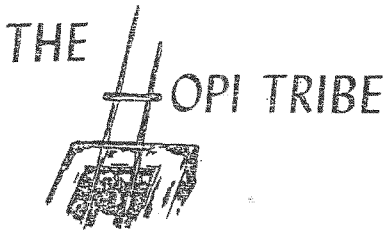
Therefore, we propose an Act of Congress to amend P.L.96-550 that designates and protects the Greater Chaco Landscape as defined in the Master Leasing Plan nomination. In addition, we would appreciate any assistance you can provide in avoiding additional impacts on the Greater Chaco Landscape by engaging with the BLM over the October lease sale and proposed Master Leasing Plan.

If you have any questions or need additional information, please contact Leigh Kuwanwisiwma, Director, Hopi Cultural Preservation Office at lkuwanwisiwma@hopi.nsn.us or 928-734-3611. Thank you for your consideration.

Respectfully,

LeRoy N. Shingoitewa
Chairman
THE HOPI TRIBE

Enclosures: March 14, 2013 letter from NPCA, NTHP, Wilderness Society, Western Energy Project
November 26, 2012 letter from HCPO to BLM
PL 96-550, PL 104-11



LeRoy N. Shingoitewa
CHAIRMAN

Herman G. Honanie
VICE-CHAIRMAN

January 31, 2012

Senator Jeff Bingaman
c/o Jim Dumont, Field Representative/Constituent Services
106 B West Main
Farmington, New Mexico 87401

Dear Senator Bingaman,

The Hopi Tribe has supported the listing of the Greater Chaco Landscape on the National Trust for Historic Preservation's 2011 America's 11 Most Endangered Historic Places. We have supported the National Trust for Historic Preservation because in accordance with a Covenant, some of our ancestors' clans migrated to and settled on the lands in and around Chaco Canyon, and then migrated to Hopi. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in and around Chaco Culture National Historical Park, a World Heritage Site. Chaco Canyon, *Yupqoyvi,* the Place Beyond the Horizon, is a Traditional Cultural Property of the Hopi Tribe.

These lands are part of our ancestral lands. These lands contain the testimony of our ancestors' stewardship through thousands of years, manifested in the prehistoric ruins, the rock markings and artifacts, and the human remains of our ancestors, *Hisatsinom*, People of Long Ago, who continue to inhabit them. *Hopisinom* have returned to *Yupqoyvi* on pilgrimages and continue to do so today. *Hopisinom* and the Greater Chaco Landscape are inseparable.

Oil and gas leasing and development on Bureau of Land Management lands surrounding Chaco Culture National Historical Park threaten the Park and the Greater Chaco Landscape. We have repeatedly stated that the co-mingling of energy development and resource protection around Chaco will inevitably lead to adverse effects to cultural resources significant to the Hopi Tribe.

The Hopi Cultural Preservation Office has been consulting with the Bureau of Land Management and parties including the National Trust for Historic Preservation, the Chaco Alliance, and the San Juan Citizen's Alliance, regarding the development and implementation of a permanent plan for preserving the landscape surrounding Chaco Culture National Historic Park. The Hopi Tribe has come to the conclusion that we will need legislative assistance to protect the Greater Chaco Landscape described in the enclosed Mineral Leasing Plan nomination, and therefore we turn to you.

P.O. BOX 123 KYKOTSMOVI, AZ 86039 (928) 734-3000

The BLM is hosting a meeting on February 23, 2012 in Farmington. We invite you or your representative to attend this meeting to be briefed on our efforts. If you or your representative is unable to attend this meeting, we would be delighted to provide a briefing at your convenience. If you have any questions or need additional information, please contact Legal Researcher Terry Morgart at tmorgart@hopi.nsn.us or 928-734-3619. Thank you for your consideration.

Respectfully,

/s/

LeRoy N. Shingoitewa
Chairman
THE HOPI TRIBE

Enclosure: Mineral Leasing Plan Nomination

xc: State Director, Signa Larralde, Dan Evans, Gary Torres, Jim Copeland, BLM
Anson Wright, Chaco Alliance
Mike Eisenfeld, San Juan Citizens Alliance
Barbara West, Chaco Culture National Historic Park
Anna Sofaer, Solstice Project
Stephanie K. Meeks, Rebecca Schwendler, National Trust for Historic Preservation
Theresa Pasqual, Pueblo of Acoma
Jan Biella, New Mexico State Historic Preservation Office

THE HOPI TRIBE

LeRoy N. Shingoitewa
CHAIRMAN

Herman G. Honanie
VICE-CHAIRMAN

January 18, 2011

Leigh Ivey, Communications Assistant
National Trust for Historic Preservation
1785 Massachusetts Ave., NW
Washington, DC 20036

Dear Mr. Ivey,

On behalf of the Hopi people, it is my responsibility to express *Hopisinmuy,* or Hopi people's support of the Solstice Project's nomination for the listing of the Greater Chaco Landscape on the National Trust for Historic Preservation's 2011 list of America's 11 Most Endangered Historic Places.

Hopi people emerged into this Fourth World at the Grand Canyon. With our emergence, *Hopisinom* entered into a sacred Covenant with the Earth Guardian in which it is our responsibility to be preservers and protectors, or Stewards of the Earth. In accordance with that Covenant, some of our ancestors' clans migrated to and settled on the lands in and around Chaco Canyon, and then migrated to Hopi.

The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in and around Chaco Culture National Historical Park, a World Heritage Site. Chaco Canyon, *Yupqoyvi,* the Place Beyond the Horizon, is a Traditional Cultural Property of the Hopi Tribe. The Hopi Cultural Preservation Office supports the identification and avoidance of archaeological sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties.

These lands are part of our ancestral lands. These lands contain the testimony of our ancestors' stewardship through thousands of years, manifested in the prehistoric ruins, the rock markings and artifacts, and the human remains of our ancestors, *Hisatsinom,* People of Long Ago, who continue to inhabit them. *Hopisinom* have returned to *Yupqoyvi* on pilgrimages and continue to do so today. *Hopisinom* and the Greater Chaco Landscape are inseparable.

Oil and gas leasing and development on Bureau of Land Management (BLM) lands surrounding Chaco Culture National Historical Park, as well as proposed road improvements, threaten the Park and the Greater Chaco Landscape. We have repeatedly stated that the co-mingling of energy development and resource protection around Chaco will inevitably lead to adverse effects to cultural resources significant to the Hopi Tribe.

P.O. BOX 123 KYKOTSMOVI, AZ 86039 (928) 734-3000

In our enclosed October 21, 2010, letter to the BLM, we supported the National Trust's request that the BLM prepare a Master Leasing Plan for the Greater Chaco Landscape. We have also been consulting with the BLM and parties including the National Trust, the Chaco Alliance, and the San Juan Citizen's Alliance, regarding the development and implementation of a permanent plan for preserving the landscape surrounding Chaco Culture National Historic Park.

Therefore, we enthusiastically support the Solstice Project's nomination of the Greater Chaco Landscape for the National Trust's 2011 list of America's 11 Most Endangered Historic Places as another step toward preserving the landscape surrounding Chaco.

If you have any questions or need additional information, please contact Legal Researcher Terry Morgart at tmorgart@hopi.nsn.us or 928-734-3619. Thank you for your consideration.

Respectfully,

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

Enclosure: October 21, 2010 letter to BLM

xc: Field Office Manager, BLM Farmington Field Office
State Director, BLM, Santa Fe, NM
Chaco Alliance
San Juan Citizens Alliance
Superintendent, Chaco Culture National Historic Park
Ti Hays, National Trust
Theresa Pasqual, Pueblo of Acoma
New Mexico State Historic Preservation Office
Anna Sofaer, Solstice Project

THE HOPI TRIBE

LeRoy N. Shingoitewa
CHAIRMAN

Herman G. Honanie
VICE-CHAIRMAN

October 21, 2010

Jay Spielman, Geologist; Becky Hunt, Natural Resource Specialist
Bureau of Land Management, New Mexico State Office, Division of Minerals
301 Dinosaur Trail
Santa Fe, New Mexico 87508

Dear Ms. Hunt and Mr. Spielman,

This letter is in support of the National Trust for Historic Preservation (National Trust)'s request that the Bureau of Land Management (BLM) prepare a Master Leasing Plan for the greater Chaco landscape within lands managed by the BLM Farmington District Office. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in New Mexico, and Chaco Culture National Historical Park (Chaco), a World Heritage Site, *Ywpqoyvi*, the Place Beyond the Horizon, is a Traditional Cultural Property of the Hopi Tribe. The Hopi Cultural Preservation Office supports the identification and avoidance of archaeological sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be "footprints" and Traditional Cultural Properties. Therefore, we appreciate the BLM's continuing solicitation of our input and your efforts to address our concerns.

We further appreciate the November 17, 2009, and May 17, 2010, meetings with members of the BLM State and Farmington District Office staffs, the Chaco Superintendent, and consulting parties the National Trust, the Chaco Alliance, and the San Juan Citizen's Alliance, regarding the development of a permanent plan for preserving the landscape surrounding Chaco. In our enclosed letters we supported the National Trust's May 6 and June 22, 2010, letters as steps toward this goal. We stated that we appreciated the BLM presentation on visual effects at the May 17 meeting which demonstrated that a ten mile protection area is an appropriate zone on which to continue consultations. We have previously stated that the comingling of energy development and resource protection around Chaco will inevitably lead to adverse effects to cultural resources significant to the Hopi Tribe in and around Chaco.

Therefore, we support the National Trust's October, 2010, Master Leasing Plan request as another step in continuing consultations with the BLM and the other parties in developing and implementing a permanent plan for preserving the landscape surrounding Chaco. If you have any questions or need additional information, please contact Legal Researcher Terry Morgart at tmorgart@hopi.nsn.us or 928-734-3619. Thank you for your consideration.

Respectfully,

Leigh J. Kuwanwisiwma, Director
Hopi Cultural Preservation Office

Enclosures: March 29, June 30, and August 11, 2010, letters to BLM Farmington
xc: Superintendent Barbara West, NPS Chaco, P.O. Box 220, Nageezi, NM 87037
Jim Copeland, BLM, 1235 La Plata Highway, Suite A, Farmington, New Mexico 87401
Alexander Hays, National Trust for Historic Preservation, 535 16th St., Suite 750, Denver, CO 80202
Linda Rundell, Signa Larralde, Sarah Schlanger, BLM, P.O. Box 27115, Santa Fe, NM 87502-0115
New Mexico State Historic Preservation Office, 407 Galisteo St., Suite 236, Santa Fe, NM 87501
Theresa Pasqual, Pueblo of Acoma, P.O. Box 309, Acoma, New Mexico 87034

P.O. BOX 123 KYKOTSMOVI, AZ 86039 (928) 734-3000

From: William Jaffe
To: fortherecord (Energy)
Subject: Chaco Canyon area
Date: Tuesday, August 21, 2018 12:52:14 PM

We commend Senators Udall and Heinrich for their proposed legislation to protect Chaco and we support efforts to expand this protection to the larger Chaco region.

To prevent any further damage to the Chaco culture's invaluable heritage, the Bureau of Land Management (BLM) must cease permitting new oil and gas wells in the Chaco region. Especially, and at the very least, they must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018 proposed by Senator Udall and Senator Heinrich. Further, the withdrawal area boundaries of this proposed bill should be *extended* to cover a 20 mile buffer zone around Chaco National Historical Park and 10 mile buffer zones around outlying Chaco Great Houses.

Approaching Chaco today you are confronted with an unreal sight of fracking rigs and flares, creating noise, air, and groundwater pollution. The ground fracturing vibrations risk damage to some of the most valuable archaeological sites in North America.

In 2014, the BLM promised a new Resource and Management Plan to govern all future oil and gas leases. They have not yet delivered. Instead, the BLM plans to sell leases this December *inside* the ten mile 'buffer zone' around Chaco Canyon, a protective boundary they previously assented to. This sets a dangerous precedent for advancing energy activity closer to Chaco Canyon.

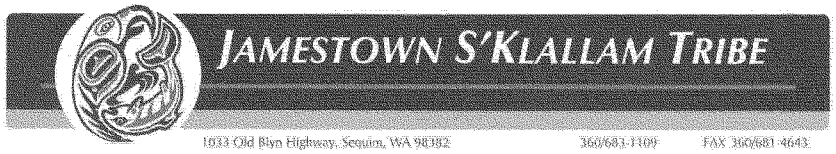
The BLM has also permitted many roads to cross the ancient Great North Road's 35 mile course from Chaco Canyon to Kutz Canyon. The Chacoans created this elaborate corridor to connect their ceremonial center to the direction North. For descendant Puebloan peoples it holds profound spiritual significance. However, modern energy roads continue to erase the Great North Road. This erasure risks getting worse: the Chaco people created numerous Great Houses and other 'roads' as a web, uniting their sites with special landforms and astronomical directions. This comprehensive web of a sacred landscape must be protected.

Much of the area adjoining Great Houses in the 'buffer zone' is only beginning to be analyzed with LiDAR (aerial LASER scanning); this data requires much further evaluation, along with on-the-ground truthing by experienced archaeologists. These efforts should proceed and the findings deter any further leasing.

We also urge mitigating actions by the BLM to prevent public health hazards to surrounding communities already encroached upon by intense energy development. We further support a shift in the region's economy to job-creating, sustainable energy enterprises.

--
William B. Jaffe
708 Highland Avenue NW
Washington DC 20012

"Know that every deed counts, that every word has power. And each of us should do our share to redeem the world ... And above all, remember to live your life as if it were a work of art." Heschel



June 17, 2018

The Honorable Patty Murray
United States Senator
154 Russell Senate Office Building
Washington DC 20510

The Honorable Maria Cantwell
United States Senator
511 Hart Senate Office Building
Washington DC 20510

The Honorable Derek Kilmer
United States House of Representatives
1520 Longworth House Office Building
Washington DC 20515

Re: Support for Wild Olympics Wilderness & Wild and Scenic Rivers Act

Dear Senators Murray & Cantwell & Representative Kilmer:

Our Tribe urges swift passage of the Wild Olympics Wilderness & Wild and Scenic Rivers Act. This Act creates 126,661 acres of new wilderness and 19 new wild and scenic rivers plus their tributaries in the Olympic National Forest, the Olympic National Park and Washington State Department of Natural Resource-managed land. It creates the potential for an additional 5,346 acres to become wilderness if the Forest Service completes restoration under current management plans, and makes current USFS safeguards for these sensitive lands & salmon streams permanent.

Our Tribe is aware that the Act enables recreational use of these lands. While we always have some concerns regarding possible overuse and/or misuse of these lands and river systems we believe it is important to provide outdoor education opportunities sensitive to the ecological nature of these lands and the preservation of habitat for indigenous fish, wildlife and plant species. The Act excludes USFS roads from the proposed wilderness and preserves access to roads and trails, as needed for both tribal and non-tribal citizens.

We believe that nothing in this Act precludes Tribal Treaty-protected Rights, including access for hunting, fishing and gathering as well as co-management rights on ceded and Usual & Accustomed lands, and certain exclusive access rights to identified sacred areas.

We have provided supportive input to this Act in the past, and continue to seek cooperation with other governments, as well as all citizens who abide by all rules and regulations and are cognizant and supportive of Tribal culture, customary practices and management rights.

As stated in the Northwest Indian Fisheries Commission's "Treaty Rights at Risk" report, "Salmon recovery is based on the crucial premise that we can protect what habitat remains while we restore previously degraded habitat conditions. Unfortunately, significant investments in recovery may not be realized because the rate of habitat loss continues to outpace restoration. The resulting net decline in habitat demonstrates the federal government's failure to protect the Tribes' treaty-reserved rights." In an era where we are witnessing unprecedented rollbacks of environmental safeguards on federal public lands, the Wild Olympics legislation would permanently protect some of the healthiest, intact salmon habitat left on the Peninsula.

It is our heritage and cultural principles to protect the lands and waters Nature provides, as well as the natural resources she sustains. Therefore, we do continue to support and urge swift passage of the Wild Olympics Wilderness & Wild and Scenic Rivers Act of 2017.

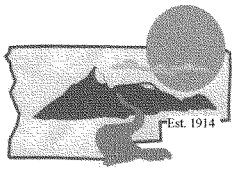
Sincerely

W. Ron Allen

W. Ron Allen, Tribal Chair/CEO

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

66 S.E. "D" St., Suite A ● Madras, Oregon 97741 ● Ph: (541) 475-2449 ● FAX: (541) 475-4454



August 20, 2018

The Honorable Lisa Murkowski
Chair
The United States Senate Committee on Energy and Natural Resource
304 Dirksen Senate Building
Washington, DC 20510

Subject: H.R. 2075 Crooked River Ranch Fire Protection Act

Dear Senator Murkowski:

The Jefferson County Board of County Commissioners fully supports the "Crooked River Ranch Fire Protection Act" which moves the eastern boundary of the Deschutes Canyon-Steelhead Falls Wilderness Study Area (WSA) to provide for enhanced fire protection for life and property on Crooked River Ranch (CRR).

Jefferson County supports your stance on the issue of locking up public lands as you indicated when you supported Senator Barrasso's Senate Bill 1087. The Wilderness and Roadless Area Release Act fixes a broken Washington system that has kept millions of acres of non-wilderness land off limits for decades. As you eloquently said at the time:

"No one understands the negative impact of policies like the roadless rule and wilderness study areas – both of which are managed as de-facto wilderness – better than Alaska. My view is that only Congress, not the administration, has authority to designate new wilderness, and it's time that Congress made that clear. This legislation is a reaction to overreach by the administration and I hope other senators will join Sen. Barrasso and me in taking a stand against misguided administrative policies that lock up public lands."

CRR has been placed in the highest risk category for exposure to devastating wildfire in the federally mandated and locally promulgated Jefferson County Community Wildfire Protection Plan (CWPP). This Act will help bring CRR into compliance with the CWPP by providing for a fire safe zone on this portion of the perimeter of CRR.

This bill corrects an oversight of the original designation of the WSA which made the boundary of the WSA and CRR contiguous which provided no defensive fires safe zone between CRR, a community of 5,500 people, and the WSA. This lack of a fire safe zone is totally unacceptable given the intense wildfire threats to the Wildland-Urban Interface (WUI) in today's environment.

Neither the BLM nor the USFS have concurred that WSA be designated a wilderness and recommended the WSA be released for uses other than wilderness. The WSA was deemed too small, narrow, irregular

shape and limited size (length: 10 miles, width: varies from 0.25 to 2 miles wide) among other non-qualifying criteria. Further, the area is protected as a Wild and Scenic River.

The Jefferson County Commission thanks you for your work in looking out for the safety of the citizens in Jefferson County that the Crooked River Ranch Fire Protection Act will provide.

Sincerely,

Wayne Fording, Chair

JEFFERSON COUNTY SHERIFF'S OFFICE

JIM ADKINS, SHERIFF

675 NW CHERRY LANE, MADRAS, OREGON 97741
PHONE: (541) 475-6520 • FAX: (541) 475-3847
www.co.jefferson.or.us/sheriff

To: The Honorable Lisa Murkowski, Chair
The United States Senate Committee on Energy and Natural Resource
304 Dirksen Senate Building
Washington, DC 20510

From: Jim Adkins, Sheriff

Date: August 16, 2018

Re: H.R. 2075 Crooked River Ranch Fire Protection Act

Dear Senator Murkowski:

The Jefferson County Office of the Sheriff fully supports the Crooked River Ranch Fire Protection Act your committee is considering. This Act will move the eastern boundary of the Deschutes Canyon-Steelhead falls Wilderness Study Area (WSA) to provide 832 acres of enhanced fire protection for life and property on Crooked River Ranch (CRR). CRR has been placed in the highest risk category for exposure to devastating wildfire in the federally mandated and locally promulgated Jefferson County Community Wildfire Protection Plan (CWPP). This Act will help bring CRR into compliance with the CWPP by providing for a fire safe zone on this portion of the perimeter of CRR.

Senator Murkowski, Jefferson County heartily supports your stance on the issue of locking up public lands as you indicated when you supported Senator Barrasso's Senate Bill 1087, the Wilderness and Roadless Area Release Act fixing a broken Washington system that has kept millions of acres of non-wilderness land off limits for decades. As you eloquently said at the time:

"No one understands the negative impact of policies like the roadless rule and wilderness study areas – both of which are managed as de-facto wilderness – better than Alaska. My view is that only Congress, not the administration, has authority to designate new wilderness, and it's time that Congress made that clear. This legislation is a reaction to overreach by the administration and I hope other senators will join Sen. Barrasso and me in taking a stand against misguided administrative policies that lock up public lands."

This bill is long overdue and will be a welcome addition to my "toolbox" for my responsibility of protecting the life and property of the citizens of Jefferson County. Additionally, it will provide me with added protections for planning and compliance with federal laws and regulations not to mention common sense in my role as the County Emergency Manager. Evacuations caused by wildland fire or other natural disasters are a big undertaking and not without risk. This legislation will mitigate the need for evacuation due to wildfire by creating a fire safe zone and the ability to use mechanized equipment for suppression before it penetrates a populated area.

This bill corrects an oversight of the original designation of the WSA which made the boundary of the WSA and CRR contiguous providing no defensive fire safe zone between CRR, a community of 5,500 people, and the WSA. This lack of a fire safe zone is totally unacceptable given the intense wildfire threats to the Wildland-Urban Interface (WUI) in today's intensive fire environment.

I thank you for your committee's positive consideration of this legislation that will further protect the citizens of Jefferson County.

Regards,

Jim Adkins, Sheriff, Jefferson County

From: Priscilla Kauff
To: fortherecord (Energy)
Subject: Chaco
Date: Tuesday, August 21, 2018 7:55:45 AM

I commend Senators Udall and Heinrich for their proposed legislation to protect Chaco and I support efforts to expand this protection to the larger Chaco region.

To prevent any further damage to the Chaco culture's invaluable heritage, the Bureau of Land Management (BLM) must cease permitting new oil and gas wells in the Chaco region. Especially, and at the very least, they must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018 proposed by Senator Udall and Senator Heinrich. Further, the withdrawal area boundaries of this proposed bill should be *extended* to cover a 20 mile buffer zone around Chaco National Historical Park and 10 mile buffer zones around outlying Chaco Great Houses.

Approaching Chaco today you are confronted with an unreal sight of fracking rigs and flares, creating noise, air, and groundwater pollution. The ground fracturing vibrations risk damage to some of the most valuable archaeological sites in North America.

In 2014, the BLM promised a new Resource and Management Plan to govern all future oil and gas leases. They have not yet delivered. Instead, the BLM plans to sell leases this December *inside* the ten mile 'buffer zone' around Chaco Canyon, a protective boundary they previously assented to. This sets a dangerous precedent for advancing energy activity closer to Chaco Canyon.

The BLM has also permitted many roads to cross the ancient Great North Road's 35 mile course from Chaco Canyon to Kutz Canyon. The Chacoans created this elaborate corridor to connect their ceremonial center to the direction North. For descendant Puebloan peoples it holds profound spiritual significance. However, modern energy roads continue to erase the Great North Road. This erasure risks getting worse: the Chaco people created numerous Great Houses and other 'roads' as a web, uniting their sites with special landforms and astronomical directions. This comprehensive web of a sacred landscape must be protected.

Much of the area adjoining Great Houses in the 'buffer zone' is only beginning to be analyzed with LiDAR (aerial LASER scanning); this data requires much further evaluation, along with on-the-ground truthing by experienced archaeologists. These efforts should proceed and the findings deter any further leasing.

I also urge mitigating actions by the BLM to prevent public health hazards to surrounding communities already encroached upon by intense energy development. I further support a shift in the region's economy to job-creating, sustainable energy enterprises.

Priscilla F. Kauff, Ph.D.
Clinical Professor of Psychology in Psychiatry
Weill Medical College, Cornell University

From: William Keyworth
To: forthrecord (Energy)
Cc: Anna Sofaer
Subject: Please help protect Chaco Canyon
Date: Tuesday, August 21, 2018 6:26:14 AM

To whom it may concern,

Thank you, and please help to save this cultural treasure:

We commend Senators Udall and Heinrich for their proposed legislation to protect Chaco and we support efforts to expand this protection to the larger Chaco region.

To prevent any further damage to the Chaco culture's invaluable heritage, **the Bureau of Land Management (BLM) must cease permitting new oil and gas wells in the Chaco region**. Especially, and at the very least, they **must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018 proposed by Senator Udall and Senator Heinrich**. Further, the withdrawal area boundaries of this proposed bill should be *extended* to cover a 20 mile buffer zone around Chaco National Historical Park and 10 mile buffer zones around outlying Chaco Great Houses.

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The BLM has also permitted many roads to cross the ancient Great North Road's 35 mile course from Chaco Canyon to Kutz Canyon. The Chacoans created this elaborate corridor to connect their ceremonial center to the direction North. For descendant Puebloan peoples it holds profound spiritual significance. However, modern energy roads continue to erase the Great North Road. This erasure risks getting worse: the Chaco people created numerous Great Houses and other 'roads' as a web, uniting their sites with special landforms and astronomical directions. **This comprehensive web of a sacred landscape must be protected**.

Much of the area adjoining Great Houses in the 'buffer zone' is only beginning to be analyzed with LiDAR (aerial LASER scanning); this data requires much further evaluation, along with on-the-ground truthing by experienced archaeologists. These efforts should proceed and the findings deter any further leasing.

We also urge mitigating actions by the BLM to prevent public health hazards to surrounding communities already encroached upon by intense energy development. We further support a shift in the region's economy to job-creating, sustainable energy enterprises.

Than you for your prompt attention to this matter.

Sincerely,

William Keyworth 774-801-8218

From: Steve Lekson [mailto:lekson@colorado.edu]
Sent: Tuesday, August 21, 2018 11:44 AM
To: fortherecord (Energy)
Subject: Chaco Cultural Heritage Area Protection Act of 2018

I write in very strong support of Senators Udall and Heinrich's proposed Chaco Cultural Heritage Area Protection Act of 2018. I have worked in an around Chaco Canyon for more than 40 years. Chaco is extremely important to many Native American Tribes; as a National Park, Chaco is an outstanding element of our National heritage; and as a UNESCO World Heritage site, Chaco is recognized as having global significance.

It has long been known that Chaco was far larger than the boundaries of the NPS unit. This was acknowledged by the multi-agency Chaco Protection Sites Program, and is noted at length in the World Heritage listing. Both Native insights and archaeological discoveries have recognized that as a "cultural resource", Chaco was a historic landscape -- a category of listing in the National Register of Historic Places. Our laws and regulations protect Colonial and more recent historic landscapes; surely pre-Columbian Native landscapes deserve the same consideration.

Native and archaeological knowledge both confirm that Chacoan landscapes consisted of more than just the buildings we preserve today as spectacular ruins. The landscape also (and famously) includes ancient "roads" connecting those buildings; and view sheds from building to building and from buildings to sacred peaks; and myriad modest farmsteads that were clustered around the Chaco monuments. We know this to be true at several local landscapes that have received study, but we do NOT know the extent of those landscapes and landscape features within Chaco's larger region -- which includes the areas specified in the Chaco Cultural Heritage Area proposed by Senators Udall and Heinrich.

For example, "roads" -- one of the most notable features of Chacoan civilization. Almost unique in world archaeology, Chaco's roads preserve with remarkable clarity the regional structure of Chaco's civilization. If we had them all on a map, we would have an atlas of this ancient society. We know roads radiated out from Chaco Canyon and we know roads arrived at far-flung, distant Chaco outposts; but we know next to nothing about them between outposts and the central canyon, or between and among Chaco's many outpost sites. Ancient roads are subtle archaeological features; they often are all but invisible in small segments. Well pads and pipelines and service roads for energy development will obliterate this unique but fragile resource, foreclosing forever ability of Chaco various constituencies -- Tribal, national, global -- to truly understand Chaco's history and heritage.

Please support the Chaco Cultural Heritage Area Protection Act of 2018. Thank you.

Stephen H. Lekson
Curator of Archaeology & Professor of Anthropology, Jubilado
University of Colorado Museum of Natural History
UCB 218 University of Colorado, Boulder CO 80309-0218
Lekson@colorado.edu, 303-492-6671

http://colorado.academia.edu/StephenLekson

LOWER ELWHA KLALLAM TRIBE

ʔəʔɬx̣ʷə nəxʷsƛ̓ay̓əm "Strong People"

2851 Lower Elwha Road
Port Angeles, WA 98363

Phone: 360.452.8471
Fax: 360.452.3428

June 27, 2018

The Honorable Patty Murray
United States Senator
154 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Maria Cantwell
United States Senator
511 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Derek Kilmer
United States House of Representatives
1520 Longworth House Office Building
Washington, D.C. 20515

Re: Lower Elwha Support for Wild Olympics Wilderness and Wild and Scenic Rivers Act, S. 483 and H.R. 1285

Dear Senators Murray and Cantwell and Representative Kilmer:

The Lower Elwha Klallam Tribe ("Lower Elwha") strongly supports the proposed Wild Olympics Wilderness and Wild and Scenic Rivers Act, S. 483 and H.R. 1285, and appreciates Sen. Murray's and Rep. Kilmer's sponsorship of this important legislation. We believe that it represents a fair compromise between potentially competing interests of preservation, economic use, and recreation.

This legislation creates 126,661 acres of new wilderness and nineteen new wild and scenic rivers designations in the Olympic National Forest, the Olympic National Park and Washington State Department of Natural Resource-managed land. For Lower Elwha, the most important aspect of these new designations is the increased protection for salmon habitat. And we appreciate that it expressly acknowledges the fundamental interests and expertise of all treaty tribes in the restoration of fish habitat. This is an important complement to our ongoing successes, along with our federal and State partners, in restoring Elwha River fisheries in the aftermath of dam removal.

We also appreciate the bills' language that it will in no way alter or abridge treaty rights to fish, hunt, gather, and to access sacred sites within the lands to be protected. Without that

language we would not be able to support these bills regardless of their other benefits. We have reviewed the areas proposed for wilderness designation – most particularly the Gates of the Elwha Wilderness between Highway 101 and the boundary of Olympic National Park – and do not find any potential conflict with access for purposes of exercising treaty rights.

Lower Elwha appreciates the opportunity to comment on this important legislation and requests that we be advised of any hearings that may take place. If you have any questions or comments about our perspective on this legislation, please feel free to contact us promptly.

Thank you for your consideration.

Sincerely,

Frances G. Charles, Chairwoman
Lower Elwha Tribal Business Committee

cc: Lower Elwha Business Committee
CEO
Natural Resources Director
Tribal Attorney

From: sarah Montgomery [mailto:saritamontgomery@hotmail.com]
Sent: Wednesday, August 22, 2018 11:08 AM
To: fortherecord (Energy)
Subject: Protect Chaco Canyon Support Udall and Heinrich Legislation

Dear Senate Committee,

I commend Senators Udall and Heinrich for their proposed legislation to protect Chaco and we support efforts to expand this protection to the larger Chaco region.

To prevent any further damage to the Chaco culture's invaluable heritage, the Bureau of Land Management (BLM) must cease permitting new oil and gas wells in the Chaco region. Especially, and at the very least, they must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018 proposed by Senator Udall and Senator Heinrich. Further, the withdrawal area boundaries of this proposed bill should be extended to cover a 20 mile buffer zone around Chaco National Historical Park and 10 mile buffer zones around outlying Chaco Great Houses.

Approaching Chaco today you are confronted with an unreal sight of fracking rigs and flares, creating noise, air, and groundwater pollution. The ground fracturing vibrations risk damage to some of the most valuable archaeological sites in North America.

In 2014, the BLM promised a new Resource and Management Plan to govern all future oil and gas leases. They have not yet delivered. Instead, the BLM plans to sell leases this December inside the ten mile 'buffer zone' around Chaco Canyon, a protective boundary they previously assented to. This sets a dangerous precedent for advancing energy activity closer to Chaco Canyon.

The BLM has also permitted many roads to cross the ancient Great North Road's 35 mile course from Chaco Canyon to Kutz Canyon. The Chacoans created this elaborate corridor to connect their ceremonial center to the direction North. For descendant Puebloan peoples it holds profound spiritual significance. However, modern energy roads continue to erase the Great North Road. This erasure risks getting worse: the Chaco people created numerous Great Houses and other 'roads' as a web, uniting their sites with special landforms and astronomical directions. This comprehensive web of a sacred landscape must be protected.

Much of the area adjoining Great Houses in the 'buffer zone' is only beginning to be analyzed with LiDAR (aerial LASER scanning); this data requires much further evaluation, along with on-the-ground truthing by experienced archaeologists. These efforts should proceed and the findings deter any further leasing.

We also urge mitigating actions by the BLM to prevent public health hazards to surrounding communities already encroached upon by intense energy development. We further support a shift in the region's economy to job-creating, sustainable energy enterprises.

Sincerely,

Sarah Montgomery
The Garden's Edge
PO Box 7758
Albuquerque, NM 87194
(505) 948-8398
(GUA) 5980-4543
http://www.gardensedge.org

Statement for the Record by U.S. Senator Patty Murray on S. 483, the Wild Olympics Wilderness and Wild and Scenic Rivers Act

August 22, 2018

I want to thank Chairman Lee 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 four 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 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 interested parties, 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 Associate 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.

Written Testimony of the National Indian Education Association
Before the

Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining
Legislative Hearing on S.2907
the Chaco Cultural Heritage Area Protection Act

August 22, 2018

On behalf of the National Indian Education Association ("NIEA"), please accept this written testimony for the legislative hearing on the Chaco Cultural Heritage Area Protection Act of 2018, S. 2907, and other bills held by the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining on Wednesday, August 22, 2018. NIEA is a national organization created to convene educators to explore ways of improving schools and the educational systems serving Native children; to promote the maintenance and continued development of language and cultural programs; and to develop and implement strategies for influencing local, state, and federal policy and decision makers. NIEA appreciates the opportunity to submit written testimony on this important topic and strongly supports S. 2907.

Many tribes maintain a significant connection to Chaco Canyon and the Greater Chaco Region rooted in their history and continued use of the valuable cultural resources contained within the region. The movements of different tribes upon the landscape have resulted in many archaeological and cultural resources that are vital to these tribes' identities, histories, and ongoing use. Archaeologists also recognize the importance of the land, as there are an immeasurable number of archaeological resources in and around Chaco Canyon. And the cultural resources connected to Chaco Canyon are not only archaeological in nature, but they also encompass natural resources such as springs, buttes, rock cisterns, and alluvial plains. Together, these natural and archaeological resources interact as an important cultural landscape.

Today, the main body of Chaco Canyon is protected by the boundaries of the Chaco Culture National Historic Park, which is recognized as a UNESCO World Heritage Site. But this area remains threatened by encroaching energy development that now saturates the region. The San Juan Basin, which the Greater Chaco Region lies within, contains one of the largest, most developed oil and gas fields within the United States.

The majority of oil and gas development supported by the San Juan Basin lies within the planning area of the Bureau of Land Management's ("BLM") Farmington Field Office. Despite leasing nearly 91% of available land for oil and gas development, this office announced additional oil and gas lease sales slated to take place in March and December of 2018. Although the March

2018 oil and gas lease sale was postponed by Secretary of the Interior Ryan Zinke due to concerns about the need to analyze additional cultural sites in the leasing area, the postponement is only temporary. Compounding these concerns is the recent announcement by the BLM Rio Puerco Field Office of an additional 30 oil and gas leases set to be sold in December of 2018. Many of these parcels are also in the Greater Chaco Region and lie perilously close to archaeological sites.

The Chaco Cultural Heritage Area Protection Act is an important step in protecting a treasured landscape. The need for Congress to act to protect the Greater Chaco Region is urgent. The Chaco Cultural Heritage Area Protection Act would withdraw minerals owned by the United States from future leasing and development in part of the most critical and sensitive area of the Greater Chaco Region that immediately surrounds the Chaco Culture National Historic Park. The 307,649 acres that would be withdrawn is a fraction of the remaining area currently developed or potentially available for development.

NIEA fully supports the passage of the Chaco Cultural Heritage Area Protection Act, S.2907.

Statement of Ernest Atencio
New Mexico Senior Program Manager
National Parks Conservation Association
Submitted for the Record for the Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining

August 31, 2018

Chairman Lee, Ranking Member Wyden, and distinguished members of the Committee, I am Ernest Atencio, New Mexico Senior Program Manager for National Parks Conservation Association (NPCA). On behalf of our more than 1.3 million members and supporters across the country, I thank you for the opportunity to provide written testimony for Senate Bill 2907, the "Chaco Cultural Heritage Area Protection Act of 2018," heard by this subcommittee on August 22, 2018. Founded in 1919, NPCA is the leading national voice exclusively dedicated to protecting and enhancing America's national parks and surrounding lands for present and future generations.

NPCA stands with the All Pueblo Council of Governors and the Navajo Nation to fully support this bill to permanently withdraw entry for mineral leasing on federal lands in an area encompassing roughly a ten-mile radius surrounding Chaco Culture National Historical Park and associated National Park Service sites. This exclusion has been an informal policy honored for several years by the Bureau of Land Management (BLM) and this legislation would properly codify that protection in federal law.

The ten-mile "buffer" area will protect the unique and world-class archaeological sites within the park and associated outlier sites beyond the boundaries of the park from the direct and indirect negative impacts of rampant oil and gas development in the area. It will also preserve the public's experience of this UNESCO World Heritage Site and the extensive contiguous cultural landscape. The Farmington Field Office of the BLM is already over 90 percent leased for oil and gas and we feel that it is crucial to protect the small remaining percentage for its cultural, natural, and recreational values.

Through long-term planning efforts under a pending BLM Resource Management Plan Amendment, as well as responding to ongoing proposed oil and gas lease sales, NPCA and its partners have worked for several years to protect this cultural and natural landscape that continues well beyond park boundaries into a vast region in northwest New Mexico and around the Four Corners. While we applaud and firmly support this as a momentous first step, we hope

that it is just the beginning of a long-term and multi-pronged effort to protect this unique landscape and vulnerable local communities from the negative impacts of oil and gas development in the Greater Chaco Landscape. Pueblo descendants of the Chaco culture and present Navajo residents recognize and still utilize sacred sites and traditional cultural use areas throughout the region. And Navajo communities bear the harmful impacts to health and traditional livelihood from oil and gas, with very little of the benefit of such development.

Thank you for the opportunity to provide testimony on this important legislation.

Respectfully,
Ernest Atencio
New Mexico Senior Program Manager

SENATE ENERGY AND NATURAL RESOURCES COMMITTEE
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING
LEGISLATIVE HEARING
AUGUST 22, 2018
CHACO CULTURAL HERITAGE AREA PROTECTION ACT (S. 2907)
TESTIMONY OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION

Chairman Lee, Ranking Member Wyden, and members of the subcommittee, I appreciate the opportunity to share the National Trust for Historic Preservation's strong support for the Chaco Cultural Heritage Area Protection Act (S. 2907) introduced by Senators Tom Udall (D-NM) and Martin Heinrich (D-NM). My name is Tom Cassidy, and I am the Vice President for Government Relations and Policy.

The National Trust for Historic Preservation is a privately-funded charitable, educational and nonprofit organization chartered by Congress in 1949 in order to "facilitate public participation in historic preservation" and to further the purposes of federal historic preservation laws.[1] The intent of Congress was for the National Trust "to mobilize and coordinate public interest, participation and resources in the preservation and interpretation of sites and buildings."[2] With headquarters in Washington, D.C., nine field offices, 28 historic sites, more than one million members and supporters and a national network of partners in states, territories, and the District of Columbia, the National Trust works to save America's historic places and advocates for historic preservation as a fundamental value in programs and policies at all levels of government.

We appreciate the Committee scheduling this hearing to discuss this legislative proposal to withdraw certain federal lands in the Greater Chaco area to protect against new oil and gas development. The National Trust strongly endorses this legislation, and we joined with 44 other preservation and cultural resource organizations in sending a letter of support to the bill's sponsors on July 12, 2018 (attached). The following comments supplement that letter.

Background and Need

The Chaco Cultural Heritage Protection Act would permanently withdraw approximately 316,000 acres of federal lands surrounding Chaco Canyon National Historical Park from disposal, mining, and mineral leasing laws to prevent future oil, gas, and other mineral development. This withdrawal would not impact nonfederal minerals owned by tribal, state, or private entities within the broader 909,000-acre Chaco Cultural Heritage Withdrawal Area identified in the bill.

While the cultural resources associated with Chaco culture extend across an even larger landscape, this legislation takes a critical step to protect largely unfragmented areas around Chaco Canyon. The Greater Chaco landscape includes remarkable and interconnected cultural resources, including ceremonial buildings, distinctive great houses, and an elaborate network of engineered roads that provided a physical and cultural link for people across the region. The

[1] 54 U.S.C. §§ 312102(a), 320101.
[2] S. Rep. No. 1110, 81st Cong., 1st Sess. 4 (1949).

The Watergate Office Building 2600 Virginia Avenue NW Suite 1100 Washington, DC 20037
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global significance of this landscape led to the addition of Chaco Culture to the UNESCO World Heritage List in 1987 with the goal of preserving outstanding elements of ancestral Pueblo culture that dominated the region from the mid-9th to early 13th centuries. The World Heritage listing includes not only Chaco Canyon National Historical Park, but also Aztec Ruins National Monument and additional protected archaeological areas managed by the Bureau of Land Management.

The Greater Chaco landscape has enduring significance for many tribes throughout the southwest, including those descended from the ancestral Pueblos whose culture and economic life centered on Chaco Canyon. We applaud the bill's sponsors for working with the All Pueblo Council of Governors and the Navajo Nation to develop this legislation, and we encourage continued dialogue with tribes that have cultural and sacred ties to the region.

The natural and cultural landscape as a whole—not just individual sites and artifacts—make this area worthy of protection. Yet most Chacoan sites and roads located on federal lands outside the Park and World Heritage boundaries are at risk from a variety of activities including, most significantly, energy development. Oil and gas development in Greater Chaco is problematic not only due to direct impacts to sites, artifacts, and traditional cultural properties, but also because of impacts to viewsheds, soundscapes, and dark night skies that provide a connection to the experiences of ancient culture and make Chaco such an internationally important site for preservation.

Threats from energy development associated with the Mancos-Gallup Shale formation led the National Trust to include the Greater Chaco landscape on our annual list of America's 11 Most Endangered Historic Places in 2011. Since that time, pressure for oil and gas leasing in the area has increased. Most recently, multiple parcels within the Greater Chaco landscape were slated for a March 2018 lease sale, though the Bureau of Land Management ultimately deferred the lease sale at Secretary Zinke's direction pending additional analysis of cultural sites. The National Trust formally protested leasing in this and other instances and we appreciate the Secretary's deferral, but these important resources require the permanent withdrawal that this legislation would provide.

Notably, the All Pueblo Council of Governors and the National Congress of American Indians have passed resolutions calling for a moratorium on all oil and gas permitting and leasing in the Greater Chaco landscape. The tribes have requested this moratorium to protect traditional cultural properties and sacred sites until an ethnographic study and an updated Resource Management Plan and Environmental Impact Statement for the region are completed.

Conclusion

This area is not suitable for energy development. The National Trust supports the Chaco Cultural Heritage Protection Act and encourages members of the Committee to act favorably on this bill. We also encourage collaboration among this Committee, federal agencies, tribes, and other stakeholders to create a coordinated, updated management plan that better recognizes and protects cultural resources on public lands in the region. Robust interagency coordination, tribal consultation, and public involvement are necessary to limit the effects of industrial development on this globally-significant resource. Thank you again for this opportunity to present the views of the National Trust for Historic Preservation on this important piece of legislation.

July 12, 2018

The Honorable Tom Udall
531 Hart Senate Office Building
Washington, DC 20510

The Honorable Martin Heinrich
303 Hart Senate Office Building
Washington, DC 20510

Dear Senators Udall and Heinrich,

As organizations dedicated to preserving cultural and historic resources, we write today in support of the Chaco Cultural Heritage Area Protection Act (S. 2907).

We appreciate that your legislation provides a permanent withdrawal for approximately 316,000 acres of federal lands surrounding Chaco Canyon in recognition of the extensive and interconnected cultural resources across the landscape. We also applaud your work with the All Pueblo Council of Governors and the Navajo Nation to develop this legislation.

Chaco Canyon and the surrounding landscape hold remarkable examples of ceremonial buildings, distinctive great houses, and an elaborate network of engineered roads that link Chaco Canyon with outlying sites. This landscape was designated a World Heritage Site in 1987 for preserving outstanding elements of Chacoan culture, which dominated the region from the mid-9th to early 13th centuries.

Energy development associated with the Mancos-Gallup Shale formation in northwest New Mexico has increasingly threatened cultural resources and the broader landscape affiliated with Chaco. Recognizing this threat, the National Trust for Historic Preservation listed the Greater Chaco Landscape among America's 11 Most Endangered Historic Places in 2011. In September 2017, Archaeology Southwest released a new report summarizing recent research by the archaeological and academic communities on the Greater Chaco Landscape that underscores the critical need to enhance protections for the area.

Thank you for introducing the Chaco Cultural Heritage Area Protection Act and for your continued leadership in protecting this important cultural landscape.

Sincerely,

National Trust for Historic Preservation
American Alliance of Museums
American Anthropological Association
American Cultural Resources Association
The Archaeological Conservancy
Archaeological Institute of America
Archaeological Society of New Mexico
Archaeology Southwest

Arizona Archaeological and Historical Society (AAHS)
Arizona Preservation Foundation
Association for Washington Archaeology
Association of Iowa Archaeologists
Cienega Watershed Partnership (CWP)
Coalition for American Heritage
Colorado Council of Professional Archaeologists (CCPA)
Colorado Plateau Archaeological Alliance
Conservation Lands Foundation
Council for Northeast Historical Archaeology
Council for West Virginia Archaeology
Council of Texas Archeologists
Crow Canyon Archaeological Center
Florida Archaeological Council
Florida Public Archaeology Network
Friends of Cedar Mesa
Heritage Ohio, Inc.
Illinois Archaeological Survey (IAS)
National Association of Tribal Historic Preservation Officers (NATHPO)
New Mexico Archeological Council (NMAC)
Pennsylvania Archaeological Council
Providence Preservation Society
Rainbow Heritage Network
Save Our Heritage Organisation (SOHO)
Site Steward Foundation, Inc.
Society for American Archaeology
Society for California Archaeology
Society for Historical Archaeology
SRI Foundation
Tucson Historic Preservation Foundation
US/ICOMOS (The United States National Committee of the International Council on Monuments and Sites)
Washington Trust for Historic Preservation
The Wilderness Society
Wisconsin Archaeological Survey
World Monuments Fund
Wyoming Association of Professional Archaeologists
Yuma Crossing National Heritage Area

THE NAVAJO NATION

RUSSELL BEGAYE PRESIDENT
JONATHAN NEZ VICE PRESIDENT

August 22, 2018

Lisa Murkowski
Chairwoman
Senate Comm. on Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Maria Cantwell
Ranking Member
Senate Comm. on Energy & Natural Resources
304 Dirksen Senate Office Building
Washington, DC 20510

Mike Lee
Chairman
Subcomm. on Public Lands, Forests & Mining
361A Russell Senate Office Building
Washington, DC 20510

Ron Wyden
Ranking Member
Subcomm. on Public Lands, Forests & Mining
221 Dirksen Senate Office Building
Washington, DC 2051

RE: Support for S. 2907, The Chaco Cultural Heritage Area Protection Act of 2018

Dear Senators Murkowski, Cantwell, Lee and Wyden:

I write to you as President of the Navajo Nation to express our support and request yours for the passage of S. 2907, the Chaco Cultural Heritage Area Protection Act of 2018, which was introduced by Senator Udall and Senator Heinrich. This bill will help protect the sacred and cultural Native American sites and artifacts within the Chaco Canyon National Historic Park from further mineral development on federal land while maintaining the rights of the owners of trust and tribal allotments.

The Navajo Nation has a strong interest in this legislation as the Chaco Canyon National Historic Park sits within our borders, and we have deep ties to the land. We believe in protecting our native cultural resources because they are invaluable, historical, irreplaceable and embody a strong spiritual significance for the Indian tribes in the region. As such, we consider any further disturbance to this area as culturally and morally unacceptable. S. 2907 reflects hundreds of public comments and is supported by the All Pueblo Council of Governors, the New Mexico Wilderness Alliance, the Wilderness Society, and Southwest Native Cultures. Therefore, I urge the Senate Committee on Energy and Natural Resources to move the bill forward to the full Senate for passage. Thank you.

Sincerely,

NAVAJO NATION

Russell Begaye, *President*

POST OFFICE BOX 7440 / WINDOW ROCK, AZ 86515 / PH (928) 871-7000 / FAX (928) 871-4025

From: Joan Brown,osf
To: fortherecord (Energy)
Subject: Chaco Cultural Heritage Area Protection Act of 2018
Date: Friday, August 17, 2018 12:42:09 PM

Re: Chaco Cultural Heritage Area Protection Act of 2018---hearing August 22

I write in the name of New Mexico Interfaith Power and Light to strongly support a thorough and protective act for Chaco Cultural Heritage. Our organization works with people of all spiritual and religious traditions all over New Mexico, we have nearly 100 Congregational members and some 400 Congregational partners.

The Chaco region is culturally, spiritually and environmentally significant. In addition, the very integrity of the region is being adversely affected by oil and gas industry that continues to expand and intensify the density of extraction of the region. Many of the indigenous and land based people who live in this region are adversely affected, but what makes it worse is to see their culture and spiritual traditions compromised. The industry that is working this area seems to have not knowledge of or does not seem to care about the First People who lived in and continue to live in this region. While part of the area is protected and is a World Heritage Site, the significance of this area cannot be confined to small boundaries. Once this area has been despoiled and destroyed so is the rich culture and even the possibility of spiritual ceremonies and prayers for those who live on this land and travel to it as part of their homeland.

This issue is of concern for New Mexico Interfaith Power and Light because our work includes all spiritual traditions and their connection to and call to care for creation and also address climate change. In addition to protecting the designated area, it is also a way to limit some of the oil and gas extraction that is contributing to climate change. All of these concerns come under an environmental justice umbrella, because those most vulnerable and people of other cultures are being affected most and again and again.

Thank you for serious consideration of a strong Chaco Cultural Heritage Area Protection Act.

Peace and good,

Sr. Joan Brown,osf

Exec. Director, NM Interfaith Power and Light

--

Joan Brown,osf
Executive Director
New Mexico Interfaith Power and Light (NMIPL)

New Mexico Interfaith Power and Light
PO Box 27162
Albuquerque, NM 87125
505-266-6966 www.nm-ipl.org info@nm-ipl.org

1004 Major Ave. NW.
Albuquerque, NM 87107
joanbrown@nm-ipl.org

"There is no inner world without the outer world." Thomas Berry, Author of The Great Work

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New Mexico Wilderness Alliance

U.S. Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

RE: Chaco Heritage Protection Act (S. 2907)

August 20, 2018

To Whom It May Concern:

The New Mexico Wilderness Alliance is a 501(c)(3) grassroots organization dedicated to the protection, restoration, and continued enjoyment of New Mexico's wild lands and wilderness areas. We have thousands of members in New Mexico and beyond, and we work collaboratively to protect the most special places in New Mexico. New Mexico Wilderness Alliance supports the passage of the Chaco Heritage Protection Act (S. 2907).

New Mexico Senators Tom Udall and Martin Heinrich introduced S. 2907 to protect the area surrounding Chaco Culture National Historical Park, a UNESCO World Heritage Site, which has been subjected to rampant and increasing oil and gas development for many decades. The areas immediately surrounding the park are some of the only places in the San Juan Basin which remain relatively undeveloped.

The bill would ensure the protection of Chaco ruins and the greater landscape surrounding the Chaco Culture National Historical Park by preventing any future leasing or development of minerals owned by the U.S. government within a ten-mile radius around Chaco. If passed, it would withdraw 316,076 acres of oil, natural gas, coal and other minerals owned by the U.S. Federal Government from future leasing. Existing federal mineral leases as well as existing and future leases of, state, tribal, and allottee minerals would not be impacted by this withdrawal.

Many Chacoan sites exist outside the Park's official boundaries, so lease sales by BLM in the surrounding area almost always means the loss of artifacts, history, and sacred sites as well as wildlands, habitat and dark skies. This bill represents a major step forward to permanently protecting the area's rich cultural heritage, world-class archeological resources and sensitive natural landscape.

Chaco is known around the world for its still standing, multi-story buildings and as the nerve center of a culture that spread throughout and dominated the Four Corners area during the 9th, 10th and 11th centuries. This incredible area contains hundreds of miles of roads and a network of villages, shrines and communications sites, many of which are still present on the ground. Fortunately, the lands

immediately surrounding Chaco have not yet been intensively leased and drilled, and are some of the last undeveloped lands in the San Juan Basin.

Chaco and its surrounding areas are sacred to both the Navajo Nation and the pueblos of the Southwest. Many Tribes and Pueblos in Northern New Mexico can trace their ancestry and culture to Chaco. The Chaco region holds deep meaning to New Mexico's Pueblos, whose history and traditional knowledge reside in its thousands of ancestral sites, as well as to the Navajo Nation, whose lands and communities surround much of Chaco Culture National Historical Park. It contains myriad archeological sites, including entire structures from thousands of years ago. It is still used today for religious ceremonies, and also attracts visitors from all over the world, greatly contributing to the local economy.

S. 2907 is supported by the All Pueblo Counsel of Governors and the Navajo Nation and was crafted after significant conversations with tribes, as well as many local and statewide organizations. This legislation reflects hundreds of public comments, and honors New Mexico's history and culture, recognizing that some places are just too special to lose.

Thank you for your consideration.

Very Sincerely,

Mark Allison
Executive Director
New Mexico Wilderness Alliance
142 Truman St. NE #B-1
Albuquerque, NM 87108
505-843-8696 x 105
mark@nmwild.org

OJO ENCINO CHAPTER
HCR 79 BOX 1500, OJO ENCINO, NEW MEXICO 87013
PHONE (505)731-2263 or 731-2262; FAX (505)731-1516
EMAIL: ojoencino@navajochapters.org

RESOLUTION OF OJO ENCINO CHAPTER
Resolution: OJOE 08-17-18/004

Supporting the Udall and Heinrich sponsored Legislation, 'Chaco Cultural Heritage Area Protection Act of 2018,' Requesting amendments to enhance the protections to the ancient cultural landscape and the health and safety of the current living Culture of the Greater Chaco Region

WHEREAS:

1. Ojo Encino Chapter (the "Chapter") is a political subdivision of the Navajo Nation under 11 N.N.C. § 10, and the Chapter is responsible for the health and safety of its local residents and for stewardship of its Chapter lands and resources; and,

2. Ojo Encino Chapter has the inherent tribal and community right to position itself for the public health, public safety and the general welfare of their community and its residents; and,

3. In 1907, President Theodore Roosevelt created the 36,000 Acre Chaco Culture National Historical Park to protect significant ancient ruins for future generations but thousands of tribal cultural properties (TCPs) and sacred sites are located throughout the Greater Chaco Landscape in New Mexico, Colorado, Arizona, and Utah are unprotected; and,

4. The Chaco Cultural Historical Park is designated the Bureau of Land Management of the United States Department of the Interior and the United Nations Educational, Scientific and Cultural Organization of the United Nation, (UNESCO) but is only one of several sites within the Greater Chaco Landscape; and,

5. The United States formally announced on December 16, 2010 its support for the United Nations Declaration On The Rights Of Indigenous Peoples; and,

6. Ojo Encino Chapter has formally joined Torreon Starlake Chapter and Counselor Chapter to form a Tri-Chapter Alliance, also referenced as, the Tri-Chapter Council to formally embrace the international accepted Concept of FREE, PRIOR, INFORMED, CONSENT and the United Nations Declaration on the Rights of Indigenous Peoples; and,

7. The Naabikiyati Committee of the Navajo Nation Council adopted the legislation to require the divisions, programs and branches of the Navajo Nation to utilize the articles and has requested the Departments and Agencies of the United States to adopt the international concepts and declaration in the Tribal-Federal relations; and,

8. The Bureau of Land Management,(BLM) and the Bureau of Indian Affairs,(BIA) acknowledge that the Agencies have not analyzed the impacts of new oil and gas extraction technologies by combining horizontal drilling with industrial hydraulic fracturing (fracking) in the Greater Chaco Landscape and have approved over 500

fracking wells since 2013, which have already damaged the Cultural Landscape(s) in the Region; and,

9. Oil and Gas drilling and related infrastructure in the Greater Chaco Canyon Region harm traditional cultural properties and sacred sites and degrade and impair the cultural landscape(s) that include these significant held and utilized properties and sites; and,

10. Despite its agreement not to do so, and without completion of any ethnographic study to determine the existence of one, if not more, traditional cultural landscapes, the BLM and the BIA continue to issue oil and gas permits and leases across the Greater Chaco Landscape, in areas adjacent to the 10 mile radius of the Chaco Canyon Culture National Historical Park and in close proximity to known sites of importance on the Great North Road and within 330 feet of Navajo homes; and,

11. The Navajo Nation, the All Pueblo Council of Governors, the National Congress of American Indians have called for Moratoria on development of lands that threaten Tribal interests in Lands and Cultural Resources chosen by oil and gas drilling interests in the Greater Chaco Region; and,

12. New Mexico Senators Tom Udall and Martin Heinrich have introduced the Chaco Cultural Heritage Area Protection Act of 2018; and,

13. The United States Department of Interior's BLM and the BIA are required to adhere to federal statutes, regulations and Executive Orders supporting government to government relationships the United States has with the Nations, Tribes and Pueblos to New Mexico through the process of consultation; and,

14. The provisions for Public involvement in resource management planning through public meetings and notice and comment periods, Federal law and policy mandate the BLM, the BIA, and U.S. Department of Interior(DOI) consult with Indian Tribes concerning cultural resources and sacred sites located on public lands, including the National Environmental Policy Act, the National Historic Preservation Act, the Federal Land Policy and Management Act, Executive Order 13007(Sacred Sites), Executive Orders 12898, 13007, 13175(Consultation and Coordination with Indian Tribal Governments) and the Memorandum of understanding Regarding InterAgency Coordination and Collaboration for the Protection of Indian Sacred Sites; and,

15. The TriChapter Council attended the DOI Committee meeting regarding Royalty Reduction and related discussions specific to Categorical Exclusions in the administering NEPA actions.

NOW THEREFORE BE IT RESOLVED THAT:

Ojo Encino Chapter supports the following amendment to the Chaco Cultural Heritage Area Protection Act of 2018;

"Future federal Management across the Greater Chaco Landscape in New Mexico, Arizona, Utah and Colorado shall be informed by formal tribal consultation with the Navajo Nation, Navajo Nation Chapters, All Pueblo Council of Pueblo Governors, Tribes, and interested State Agencies to assure that future land management planning supports protection of the cultural heritage and health of the Greater Chaco Landscape."

Ojo Encino Chapter further resolves its opposition to any reduction in Royalties due to its community Allotment owners and heirs.

Ojo Encino Chapter in supporting the Udall- Heinrich legislation expresses opposition to any furtherance of 'Categorical Exclusion' as a method to speed the approval of leases, approval of drilling permits and Rights of Ways.

CERTIFICATION:

We Hereby certify that the forgoing Chapter Resolution was duly considered by the Ojo Encino Chapter (Navajo Nation), at a duly called meeting at which a quorum was present and the same was passed by a vote of 16 in favor, 00 opposed, and 03 abstained, on this 17th day of August, 2018

Motioned by: OLSON JUAN **Seconded by:** NITA CHHQUITO

George Werito, Jr., Chapter President

July 26, 2018

Honorable Ron Wyden
221 Dirksen Senate Office Building
Washington, D.C., 20510

Honorable Jeff Merkley
313 Hart Senate Office Building
Washington, DC 20510

Dear Senators Wyden and Merkley,

Please accept this letter on behalf of the Oregon Natural Desert Association (ONDA) and our more than 10,000 members and supporters opposing HR 2075, The Crooked River Ranch Fire Protection Act, introduced by Rep. Greg Walden (R-OR).

ONDA supports efforts to safeguard Crooked River Ranch from wildfire, which is why we spent over a year working with representatives from Crooked River Ranch Fire and Rescue and other community members to come up with ideas to help mitigate fire risk and protect homes. HR 2075 undercuts the hard work that local stakeholders, including ONDA, invested in finding a solution that would provide the greatest benefit for all concerned stakeholders.

ONDA's mission as an organization is to protect, defend and restore Oregon's deserts for current and future generations. Protecting Whychus-Deschutes, an iconic area that encompasses the Deschutes-Canyon Steelhead Falls Wilderness Study Area, has always been an important priority for our members and supporters. Permanent protection for this area can and should go hand-in-hand with providing fire risk reduction for Crooked River Ranch and other neighboring landowners.

More than 30 years ago, the Whychus-Deschutes area was recognized as qualifying for federal Wilderness status when it was designated as the Steelhead Falls Wilderness Study Area (WSA)/Deschutes Canyon Inventoried Roadless Area (IRA). At that time, Crooked River Ranch, a rural subdivision that directly abuts the WSA, had far fewer residents than it does today. Now, what began as a recreational resort community has grown into a subdivision where thousands of people live.

In 2009, ONDA began reaching out to community members to discuss the permanent protection of Whychus-Deschutes as Wilderness. ONDA developed our Whychus-Deschutes Wilderness Proposal based upon the existing WSA/IRA boundaries as well as discussions with local landowners, key groups and individuals with an interest in the area. We started this outreach with neighboring landowners because we recognize that they are often the most affected by changes in public lands management. We sent

letters to every landowner at Crooked River Ranch neighboring the WSA, and held several public meetings to discuss the Wilderness proposal and take input from local residents. We received over 100 letters and phone calls from supportive local landowners, and to date more than 1,000 people have signed a petition asking our elected leaders to move forward with protecting Whychus-Deschutes as Wilderness.

The public lands in this area are a hidden gem in Central Oregon's backyard—a national treasure that must be protected for future generations. Within the Whychus-Deschutes area are places like Alder Springs and Steelhead Falls that have a near-mythological reputation in Central Oregon. Stories about fishing the Deschutes River are passed down through generations, and our region's geological and cultural histories are written on the canyon walls.

Furthermore, the area provides critical habitat for bull trout, a threatened species under the Endangered Species Act, as well as salmon and steelhead that are now returning to the watershed after a community-driven reintroduction process. Golden eagles nest along the canyon walls, and mule deer, elk, bobcats and badgers roam the uplands. This place and the wildlife that live there deserve our respect, and our restraint.

Congress is the only body that can decide whether a WSA is to be designated as Wilderness or released from WSA status, and as such Congress has an obligation to seriously consider each area's unique qualifications for protection under the Wilderness Act of 1964. All Americans depend on you, our representatives in Congress, to treat the decision of whether or not to designate Whychus-Deschutes as Wilderness with due consideration. WSA release has been included in past public lands legislation, yet such WSA release has always been part of a comprehensive package that also included conservation designations such as Wilderness. HR 2075 would set an unfortunate precedent by ignoring local input and neglecting to address the permanent protection of Whychus-Deschutes alongside other priorities.

During ONDA's outreach, some neighboring landowners, especially at Crooked River Ranch, expressed concern about the lack of fire risk reduction on public lands adjacent to homes. The Jefferson County Community Wildfire Protection Plan (CWPP) also identified the lack of fire prevention activities on public lands adjacent to Crooked River Ranch as a priority for the community. We share that priority and aim to ensure the timely implementation of fire risk reduction measures through comprehensive legislation.

At the encouragement of Senator Ron Wyden (D-OR), we participated in a working group in 2015 focused on finding ways of achieving both fire risk reduction and the permanent protection of wilderness values in the Whychus-Deschutes area. We were pleased to find that rather than conflict, this collaborative effort yielded recognition of shared values and the outline of a true win-win solution.

The working group included participants from the Crooked River Ranch Homeowners Association, the Friends and Neighbors of the Deschutes Canyon Area (FANs), the Oregon Natural Desert Association (ONDA), and Crooked River Ranch Fire and Rescue, with participation from representatives from Senator Ron Wyden and Senator Jeff Merkley's offices and both the Bureau of Land Management and US Forest Service in advisory roles.

Unlike some processes that drag on for years without agreement or resolution, the wildfire working group at CRR moved quickly and efficiently to identify the priorities of all participants and gain an understanding of the rules and regulations guiding public lands management and fire suppression in the

area. Although members of the group at times disagreed on issues, the tone of dialogue during meetings was respectful and productive.

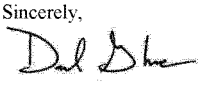
After meeting on a monthly basis for nearly a year, the working group had come up with a clear idea of how to move forward with a comprehensive approach that would achieve all of the following priorities:

- Fire prevention activities in the form of fuels treatments on National Grassland and BLM lands adjacent to Crooked River Ranch and within Crooked River Ranch;
- Wilderness protection for certain public lands currently managed as WSA/IRA;
- Release of certain lands from WSA status; and
- Potential extension of an existing road through BLM land south of Crooked River Ranch to facilitate improved public lands access and emergency egress from Crooked River Ranch *(this element of the approach is now underway through a separate process).*

Consideration of HR 2075 without input from all working group participants undermines the type of real local input that Representative Walden has frequently emphasized as important to this and other issues. HR 2075 does not address the priorities of key stakeholders such as the Confederated Tribes of the Warm Springs Indian Reservation, neighboring agricultural landowners, recreational user groups, and thousands of others who care deeply about the Whychus-Deschutes area. We appreciate the efforts of our leaders in Congress to listen to all of their constituents' concerns and find a balanced path forward.

Issues involving natural resources and our public lands require compromise. Past efforts have shown that when disparate groups work together to come up with solutions that suit all stakeholders, results come more quickly and create changes that will be embraced by the local community. On the other hand, when one-sided legislation like HR 2075 is pushed through, it only serves to increase conflict. We urge you to reject HR 2075 and advance a comprehensive alternative that addresses the priorities of all stakeholder groups.

Sincerely,



Dan Morse, Conservation Director
Oregon Natural Desert Association
50 SW Bond St, Suite 4
Bend, OR 97702
dmorse@onda.org

CC: Honorable Maria Cantwell
511 Hart Senate Office Building
Washington, DC 20510

Honorable Lisa Murkowski
522 Hart Senate Office Building
Washington, DC 20510

From: Scott Ortman
To: fortherecord (Energy)
Subject: Chaco withdrawal act
Date: Tuesday, August 21, 2018 12:07:55 PM

I am writing in support of Senators Udall and Heinrich's bill which would expand protections for the great Chaco landscape in New Mexico. The Chaco culture was one of the two most significant cultural and social episodes in the pre-European history of the United States (the other being centered on Cahokia mounds in Illinois) which had far-ranging effects on the character of Native American societies nationwide. Chaco Culture National Historical Park, in the center of the Chaco region, is a world heritage site, and for good reason to anyone who has read a book about Chaco, watched one of the many excellent documentaries available, or visited in person. One of the most important aspects of the Chaco culture's on-going value for diverse publics is the emptiness of the present-day landscape. The absence of distractions from modern use of the surrounding landscape allows the ruins and the lessons they have to teach us come through. It is part and parcel of the significance of the place to Americans and international tourists alike. Increasing oil and gas development for short-term gain engenders a long-term loss of cultural, scenic, philosophical and historical value for the ruins. I thus urge the Senate to take action to preserve this irreplaceable landscape for the benefit of the present and future American public.

Thank you,
Scott Ortman
Assistant Professor of Anthropology
University of Colorado Boulder

Sent from Mail for Windows 10

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September 5, 2018

Senator Mike Lee
Chair, Subcommittee on Public Lands, Forests, and Mining
361A Russell Senate Office Building
Washington, DC 20510

Senator Ron Wyden
Ranking Member, Subcommittee on Public Lands, Forests, and Mining
221 Dirksen Senate Office Building
Washington, DC 20510

Re: August 22 legislative hearing

Dear Chairman Lee and Ranking Member Wyden:

Outdoor Alliance and the outdoor recreation community appreciate the Subcommittee's attention to a number of important opportunities to enact appropriate protections for public lands and waters, and we write to offer our community's perspective on several of the bills heard on August 22nd.

Outdoor Alliance is a coalition of nine member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, and Colorado Mountain Club and represents the interests of the millions of Americans who climb, paddle, mountain bike, and backcountry ski and snowshoe on our nation's public lands, waters, and snowscapes.

S. 483, Wild Olympics Wilderness and Wild and Scenic Rivers Act

Outdoor Alliance appreciates S. 483, the "Wild Olympics Wilderness and Wild and Scenic Rivers Act." 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. This landscape provides exceptional opportunities for world-class backcountry recreation engaged in by our membership. The Olympic Peninsula is a popular destination for outdoor recreation drawing visitors from across the country and around the world who enjoy the opportunities for climbing, hiking, mountaineering, paddlesports, mountain biking, and skiing. Additionally, many of our members live within the gateway communities on the Olympic Peninsula or in close proximity to take advantage of the close-to-home opportunities for outdoor recreation. Permanent protection of these lands and rivers provides job and labor income created

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by visitor spending in gateway communities while also enhancing the ability of the local community to attract and retain people, entrepreneurs, businesses, and retirees who contribute to the local economy. This bill is good for outdoor recreation and good for the local economy. We encourage the subcommittee to advance this bill without delay.

S. 1959, Central Coast Heritage Protection Act

The Central Coast Heritage Protection Act would designate new Wilderness and protect Wild and Scenic Rivers in the Los Padres National Forest and the Carrizo Plain National Monument. Outdoor Alliance is particularly pleased by efforts that have been made to accommodate mountain bike access in key areas.

OA strongly supports provisions in the bill to create time-based stipulations for future trail development, and believe that these provisions must remain intact. The Fox Mountain Potential Wilderness Area has language that effectively gives the local mountain biking community 20 years to complete development of a trail system that, once complete (or the 20 years are up) will establish the Wilderness boundary. The bill authorizes trails and allows time for their completion. Accommodations for prospective—as well as existing—mountain biking opportunities is an essential way of helping to ensure that the mountain biking community remains supportive of Wilderness designations, where appropriate.

OA also appreciates efforts to establish a corridor for the Mono Alamar. This corridor through the Dick Smith Wilderness (Mono-Buckhorn) Addition is necessary to allow for the Mono Alamar trail to be contiguous to the north to the Forest Service fire road through Buckhorn. It is our understanding that maps currently do not accurately depict the corridor and instead show a short cherry stem, which is problematic. We understand that there is an intention to correct this, and OA is able to provide maps, if helpful. To ensure that this area is rideable once designated we support adding language in the bill clearly referencing the intent for the corridor to make the area open to bikes.

Further small adjustments are also necessary to accommodate trails in the Rinconada Mine area and the northwest portion of the Fox Mountain Potential Wilderness Area.

Overall, we are grateful for efforts to work with the mountain biking community to ensure that the bill works to benefit human powered outdoor recreation. The bill must protect mountain bike access to some of the most important trails and landscapes on the Los Padres National Forest, including the Mono Alamar Trail, the Condor Ridge and Black Mountain Scenic Areas, the Rocky Ridge and Bull Ridge Trails in the Fox Mountain Potential Wilderness, and the Murrietta, Sespe West, Ozena, and Boulder Canyon

Trails. With the issues raised above addressed and the current boundaries, we believe this can be achieved.

S. 2809, Emery County Public Land Management Act

Outdoor Alliance greatly appreciates the collaborative approach taken in the development of the Emery County Public Land Management Act, and we believe the bill has potential, with achievable revisions, to be a positive contribution to recreation, conservation, and local economic development in Emery County.

The Emery County Public Land Management Act of 2018 would protect nearly one million acres of public land, including nearly 530,000 acres of Wilderness and more than 336,000 acres of other protective designations, as well as add 54 miles of the Green River to the Wild and Scenic Rivers System. We also greatly appreciate that the bill avoids precedent-setting changes to core conservation laws protecting our public lands and safeguards public lands from sell-off by including a reversion of transferred lands back to federal management if they are no longer used as state park.

In addition, we greatly appreciate provisions of the bill to:

- Establish a "non-motorized recreation" seat on the advisory council charged with establishing a management plan and creating subsequent recreation management policies;
- Include Muddy Creek in the Muddy Creek Wilderness Area, and the San Rafael River in the Mexican Mountain and Sids Mountain Wilderness Areas;
- Prohibit of mineral, geothermal leasing, or mining patents in essential areas;
- Prohibit new irrigation or pumping facilities, conveyances, storage, or hydropower facilities in Wilderness;
- Prohibit federal permitting of water resource facilities in Wilderness areas; and
- Defer controversial provisions related to travel management.

While we greatly appreciate the bill's protections for much of the San Rafael Swell and surrounding lands and rivers, some important areas are left unprotected by the legislation. These places, including 16 miles of new Wild and Scenic River recommended by Interior and adjacent to the Uinta and Ouray Reservation, have high recreational value, and, if added to the proposal, would dramatically improve the legislation from the standpoint of conservation and outdoor recreation.

We believe a few outstanding issues remain, which we continue to productively discuss with the bill's sponsors:

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Climbing Management

For climbers, an important part of the Emery County bill is the resolution of issues related to fixed anchors in Wilderness. The area covered in the bill currently includes hundreds of climbing routes with thousands of existing fixed anchors. Most of the climbing routes that could be affected by this legislation are at a place called the San Rafael Reef, an area known to climbers as the "Sandstone Alps," where there are nearly 250 individual climbing routes up to 1,000 feet tall. This is an area with thousands of fixed anchors in place. Much of this area is currently designated as a Wilderness Study Area and is slated for permanent Wilderness designation in the Emery County bill.

We are concerned that:

1. Existing anchors be allowed to remain,
2. That there is a workable process for authorizing new climbing anchors, and
3. Reasonable means be allowed for maintaining/replacing these anchors as needed.

To address this, our goal for the bill is to include legislative language, modeled on existing law for grazing management, that allows the BLM to authorize the management/replacement of the thousands of fixed anchors that already exist within the scope of this bill. Proposed language would read as follows:

> ROCK CLIMBING ANCHORS.—In accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and any relevant Department of the Interior and Forest Service regulations, the use of rock climbing anchors in the Wilderness Areas shall be allowed to continue if such use was established before the date of the enactment of this Act, subject to such reasonable regulations, policies, and practices as the Secretary determines to be necessary for effective management and administration.

Mountain Bike Access

We are concerned by the potential effects of the legislation regarding some mountain biking opportunities in Emery County. Specifically, we are concerned that:

1. Existing trails open to bikes be allowed to remain open, to the extent practicable, using strategies like boundary modifications or clarifications; and
2. If mountain biking opportunities are lost, that there is a workable process to mitigate that loss by authorizing new quality trails open to bikes in the vicinity, with resources to facilitate that process and development.

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Travel Management Settlement

We continue to work with the bill's sponsors to ensure that the settlement agreement affecting ongoing travel management decisions in the area is honored. We believe that these issues are likely to be acceptably addressed and are hopeful for a constructive resolution.

Tribal Concerns

Outdoor Alliance believes it is essential that the bill include language ensuring that reservation land is protected from potential state land exchanges. Our member organizations have also offered language clarifying the effect that Wild and Scenic River designation may have on Tribal water rights.

Outdoor Alliance and our member groups and partners continue to productively engage on this bill, and believe it likely that constructive resolution to outstanding issues can be achieved.

S. 2721, San Juan Mountains Wilderness Act

Outdoor Alliance supports the San Juan Mountains Wilderness Act. The bill protects important landscapes in Southwest Colorado for conservation and recreation, and we appreciate efforts to respective existing and prospective mountain biking opportunities in the bill.

We are concerned by the bill's inclusion of a "special management area," that largely excludes bikes while allowing helicopter access for heli-skiing operations. In general, non-Wilderness areas should be managed to include mountain biking opportunities, where appropriate, absent compelling reasons to the contrary. We are extremely pleased, however, by the adjustments made to the special management area boundaries to protect existing mountain bike opportunities, and the bill is supported by local and national mountain bike advocacy groups, including IMBA.

* * *

OUTDOOR ALLIANCE

Outdoor Alliance appreciates the Subcommittee's attention to these bills, and look forward to continue working with the Subcommittee to pass positive recreation and conservation legislation.

Best regards,

Louis Geltman
Policy Director
Outdoor Alliance

cc: Adam Cramer, Executive Director, Outdoor Alliance
Zachary Leich-Huey, Interim Executive Director, Access Fund
Wade Blackwood, Executive Director, American Canoe Association
Mark Singleton, Executive Director, American Whitewater
Dave Wiens, Executive Director, International Mountain Bicycling Association
Mark Menlove, Executive Director, Winter Wildlands Alliance
Tom Vogl, Chief Executive Officer, The Mountaineers
Phil Powers, Chief Executive Officer, American Alpine Club
Lee Davis, Executive Director, the Mazamas
Keegan Young, Executive Director, Colorado Mountain Club

From: Lisa Pacheco
To: fortherecord (Energy)
Subject: Chaco Cultural Heritage Area Protection Act of 2018
Date: Tuesday, August 21, 2018 12:24:45 PM

August 21, 2018

To whom it may concern:

I stand with the Solstice Project in their efforts to help stop BLM's fracking threats to Chaco Canyon.

We commend Senators Udall and Heinrich for their proposed legislation to protect Chaco and we support efforts to expand this protection to the larger Chaco region.

To prevent any further damage to the Chaco culture's invaluable heritage, the Bureau of Land Management (BLM) must cease permitting new oil and gas wells in the Chaco region. Especially, and at the very least, they must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018 proposed by Senator Udall and Senator Heinrich. Further, the withdrawal area boundaries of this proposed bill should be *extended* to cover a 20 mile buffer zone around Chaco National Historical Park and 10 mile buffer zones around outlying Chaco Great Houses.

Approaching Chaco today you are confronted with an unreal sight of fracking rigs and flares, creating noise, air, and groundwater pollution. The ground fracturing vibrations risk damage to some of the most valuable archaeological sites in North America.

In 2014, the BLM promised a new Resource and Management Plan to govern all future oil and gas leases. They have not yet delivered. Instead, the BLM plans to sell leases this December *inside* the ten mile 'buffer zone' around Chaco Canyon, a protective boundary they previously assented to. This sets a dangerous precedent for advancing energy activity closer to Chaco Canyon.

The BLM has also permitted many roads to cross the ancient Great North Road's 35 mile course from Chaco Canyon to Kutz Canyon. The Chacoans created this elaborate corridor to connect their ceremonial center to the direction North. For descendant Puebloan peoples it holds profound spiritual significance. However, modern energy roads continue to erase the Great North Road. This erasure risks getting worse: the Chaco people created numerous Great Houses and other 'roads' as a web, uniting their sites with special landforms and astronomical directions. This comprehensive web of a sacred landscape must be protected.

Much of the area adjoining Great Houses in the 'buffer zone' is only beginning to be analyzed with LiDAR (aerial LASER scanning); this data requires much further evaluation, along with on-the-ground truthing by experienced archaeologists. These efforts should proceed and the findings deter any further leasing.

We also urge mitigating actions by the BLM to prevent public health hazards to surrounding communities already encroached upon by intense energy development. We further support a shift in the region's economy to job-creating, sustainable energy enterprises.

Respectfully,

Lisa Pacheco
210 1/2 E. Buena Vista St.
Santa Fe, NM 87505

From: Amy Pertschuk
To: fortherecord (Energy)
Subject: In support of the Chaco Cultural Heritage Area Protection Act
Date: Tuesday, August 21, 2018 11:36:46 AM

I am writing in support of efforts to expand protection of the larger Chaco region. We commend Senators Udall and Heinrich for their role in the proposed legislation.

The Bureau of Land Management (BLM) must cease permitting new oil and gas wells in the Chaco region. Especially, and at the very least, they must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018 proposed by Senator Udall and Senator Heinrich. Further, the withdrawal area boundaries of this proposed bill should be extended to cover a 20 mile buffer zone around Chaco National Historical Park and 10 mile buffer zones around outlying Chaco Great Houses.

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We also urge mitigating actions by the BLM to prevent public health hazards to surrounding communities already encroached upon by intense energy development. We further support a shift in the region's economy to job-creating, sustainable energy enterprises.

Amy Pertschuk
415-686-5990

amy@kpwest.com

From: Mary Lou Peterson
To: fortherecord (Energy)
Subject: Please Protect Chaco Canyon!
Date: Tuesday, August 21, 2018 2:03:00 PM

To prevent any further damage to the Chaco culture's invaluable heritage, the Bureau of Land Management (BLM) must cease permitting new oil and gas wells in the Chaco region. Especially, and at the very least, they must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018 proposed by Senator Udall and Senator Heinrich. Further, the withdrawal area boundaries of this proposed bill should be *extended* to cover a 20 mile buffer zone around Chaco National Historical Park and 10 mile buffer zones around outlying Chaco Great Houses.

Please!

Mary Lou Peterson
681 Shavano Ct.
Grand Junction, CO 81504

2005 Market Street, Suite 1700 215.575.9050 Phone
Philadelphia, PA 19103-7077 215.575.4939 Fax

901 E Street NW, 10th Floor 202.552.2000 Phone
Washington, DC 20004 202.552.2299 Fax
www.pewtrusts.org

Statement of John Gilroy, Director, U.S. Public Lands, The Pew Charitable Trusts
Regarding S. 483, the Wild Olympics Wilderness and Wild and Scenic Rivers Act;
S. 1959, the Central Coast Heritage Protection Act;
S. 2721, the San Juan Mountains Wilderness Act;
S. 2809, the Emery County Public Land Management Act;
S. 2907, the Chaco Cultural Heritage Area Protection Act;
S. 3297, the Washington County, Utah, Public Land Act; and
H.R. 2075, the Crooked River Ranch Fire Protection Act

Submitted to the Subcommittee on Public Lands, Forests, and Mining
Senate Committee on Energy and Natural Resources
For the Record of the legislative hearing held on August 22, 2018

The Pew Charitable Trusts seeks to preserve ecologically and culturally diverse U.S. public lands through Congressionally-designated wilderness, the establishment of national monuments, administrative protections, and restoring America's National Parks System. To accomplish these goals, we work closely with conservation groups, recreation organizations, local businesses, local governments, and other stakeholders to develop collaborative proposals for public lands protection.

Pew supports the Wild Olympics Wilderness and Wild and Scenic Rivers Act (S. 483). The bill permanently conserves 126,661 acres of Wilderness and adds 19 rivers to the National Wild and Scenic Rivers System on Washington's Olympic Peninsula. It protects sources of clean drinking water and critical salmon and steelhead habitat. It preserves and expands access and opportunities for world-class hiking, camping, boating, hunting, fishing, and other outdoor recreation, creating new economic opportunities for the Olympic peninsula while protecting existing timber jobs.

This carefully balanced, community-driven compromise legislation is the result of an exhaustive, multi-year public process featuring extensive local input including the local timber industry and timber communities. It is the result of hundreds of meetings with local stakeholders in every community on the Peninsula. The final proposal will permanently protect the best of the Olympic Peninsula's spectacular public lands without a loss of timber jobs or recreational access. As a result, S. 483 enjoys broad, enthusiastic public support, with endorsements by over 700 local Olympic Peninsula & Hood Canal region businesses, Tribes, CEOs, farms, conservation & recreation organizations, local elected officials, and religious and community leaders. The bill is strongly supported by some of the Peninsula's largest

employers, including Taylor Shellfish Farms, Sequim Holiday Inn Express & Suites, Ocean Gold Seafoods, Intellichek Mobilisa Inc., and others who depend on the clean water, ancient forests and stunning scenery protected by this bill to attract and retain skilled workers, visitors, new residents, educators, health care professionals, and grow the local economy.

Other endorsements include more than 75 local & regional outdoor recreation businesses & groups like Olympic Raft & Kayak (Port Angeles), Sound Bikes and Kayak (Port Angeles), Hood Canal Adventures (Union), Port Townsend Cyclery (Port Townsend), North Coast Surf Inc. (Ocean Shores) The Mountaineers, Pacific Alpine Guides, the Evergreen Mountain Bike Alliance, the International Mountain Bicycling Association, REI, Patagonia, Outdoor Research, American Whitewater, and others. Finally, the bill enjoys the strong support of more than 30 leading sportsmen groups and local hunting & fishing guides like Northwest Guides & Anglers Association, Izaak Walton League, Backcountry Hunters & Anglers, Northwest Sportfishing Industry Association, Washington Wildlife Federation, Northwest Steelheaders, Piscatorial Pursuits Guide Service (Forks), Johnson Guide Service, (Sequim), Angler's Obsession (Forks), Mike Z's Guide Service (Forks) Waters West Fly Fishing Outfitters (Port Angeles), SAGE Fly Rods (Bainbridge), Washington River Fishing (Hoodsport) & Waters West Guide Service (Montesano), Bad Ash Fishing Guide Service (Tahola) and others.

Pew supports the Central Coast Heritage Protection Act (S. 1959). We have worked closely with local stakeholders and California's congressional delegation for more than ten years in support of this proposal, which would protect nearly 245,000 acres of wilderness, designate 159 miles of Wild and Scenic Rivers, and create two scenic areas totaling nearly 35,000 acres in the Los Padres National Forest and Carrizo Plain National Monument. The bill also establishes a new national recreation trail. S. 1959 is widely endorsed by more than 500 local businesses, trail user groups, individuals, conservation organizations, and local elected officials.

Pew supports the San Juan Mountains Wilderness Act (S. 2721). This bill would protect more than 60,000 acres of wild public land in the heart of Colorado's San Juan Mountains, from steep aspen-covered slopes to sandstone cliffs and the rugged Adobe Badlands. S. 2721 would expand the iconic Mount Sneffels and Lizard Head Wilderness Areas and designates the McKenna Peak Wilderness Area as the first BLM-administered wilderness in Southwest Colorado. It would also preserve one of the largest undeveloped roadless areas in Colorado as the Sheep Mountain Special Management Area, establish the Liberty Bell East Special Management Area near Telluride, and create the Naturita Canyon Mineral Withdrawal Area to protect some of the state's wildest lands from mining and oil and gas development. These public lands are a major destination for outdoor recreation, hunting, and angling. They are also home to Rocky Mountain big horn sheep, black bear, elk, mule deer, and many other outstanding plant and animal species deserving of protection.

S. 2721 has been more than a decade in the making. The bill was first introduced in 2009 and again in 2013, where it received bipartisan support in both Houses of Congress. The current legislation has widespread support from local business owners, outfitters, ranchers, and local elected officials, including unanimous backing from the three county commissions (Ouray, San Juan, and San Miguel) where these

lands are located. This widespread support is recognition that protecting public lands benefits Colorado's outdoor economy and quality of life.

Pew supports the Emery County Public Land Management Act (S. 2809). Pew supports the strong conservation provisions in the bill – which would add as much as 578,000 acres of the San Rafael Swell to the National Wilderness Preservation System (increasing congressionally-designated wilderness acreage in the state by 50%), while protecting more than 336,000 acres as National Conservation Areas and 54 miles of the Green River as Wild & Scenic. This legislation reflects years of collaboration among public land users and county officials in Emery County, and the recent leadership of Senator Orrin Hatch, whose office has been willing throughout this process to listen, meet with stakeholders, reach across the aisle, and respond to constructive criticism with creative solutions.

While there remains a great deal of additional land in Emery County that is deserving of Wilderness protection or other conservation designations, this bill represents a significant conservation gain for Utah, replacing administrative designations with permanent gold-standard protection for some of America's most spectacular landscapes. Pew will continue to work with the delegation to refine two key provisions of the bill. First, we would like to ensure that the measure's travel management language does not undermine a recent settlement reached by conservationists, the Trump administration, and off-road vehicle enthusiasts that resolved nearly ten years of federal court litigation. Second, we would like to see the bill modified so that a federal-state land exchange that is necessary to protect lands conserved by the bill will not impact Ute Indian Tribe reservation land.

Beyond its conservation gains, this bill also offers a rare opportunity to move beyond some of the animosity surrounding public lands in Utah. Pew is hopeful that this bill will serve as a model for future land designation bills in the state and beyond. It is locally driven, negotiated in good faith, and drafted using language reflecting other successful conservation legislation, such as a 2009 bill that protected hundreds of thousands of acres of public land in Washington County, Utah. Approval and passage of this bill would protect the integrity of the National Wilderness Preservation System while demonstrating that stakeholders with a variety of divergent interests can agree that there is long-term value in protecting the natural, cultural, and historic resources of our federally-managed public lands.

Pew supports the Chaco Cultural Heritage Area Protection Act (S. 2907). The Greater Chaco Landscape hosts thousands of ancient cultural sites that form a world-renowned landscape worthy of conservation. While energy development is a dominant form of land use in the northern reaches of the Bureau of Land Management's Farmington District, there are serious concerns regarding new development trends encroaching upon the most significant portions of this important cultural landscape, particularly in those unprotected areas that are located near the Chaco Culture National Historical Park.

S. 2907 would withdraw from mineral entry 316,076 acres of federally owned mineral rights that occur within the proposed Chaco Protection Zone, which generally extends 10 miles outward from the boundaries of the National Historical Park. Mineral rights owned by private, state, and tribal interests would not be affected by the legislation.

Pew recognizes the substantive dialogue between Senators Udall and Heinrich and the sovereign Native American governments in the region, which has led to support for this bill from the All Pueblo Council of Governors, the Navajo Nation, and other tribal interests. The resulting legislation is a prudent and appropriate response to the need for cultural resource conservation in one of the most significant cultural landscapes in the world.

Pew is opposed to the Washington County, Utah, Public Land Act (S. 3297). This legislation would undermine fundamental principles of public lands and species conservation. It would establish utility corridors that bisect the Red Cliffs and Beaver Dam Wash National Conservation Areas (NCA), modify the boundaries of the Red Cliffs NCA, and remove the Secretary of the Interior's discretion to protect the Red Cliffs NCA by requiring him to approve the development of a new highway through the Red Cliffs NCA. This highway would also run through the Red Cliffs Desert Reserve, which was established via the Washington County Habitat Conservation Plan (HCP) in 1996 to protect habitat for the threatened Mojave Desert Tortoise. In addition, S. 3297 would further bypass the Endangered Species Act by directing the Secretary to renew the HCP and adopt a 12-year-old utility protocol for the Beaver Dam Wash NCA, while stripping the Secretary of his discretion to fully protect the Desert Tortoise and the Conservation Area.

The Red Cliffs and Beaver Dam Wash National Conservation Areas were established by Congress in 2009 as part of public lands legislation that reflected the input of a broad variety of local stakeholders in Washington County, balancing conservation, recreation, wildlife habitat, cultural resources, and responsible development on federal public lands in the county. Both NCAs were created to "to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the ecological, scenic, wildlife, recreational, cultural, historical, natural, educational, and scientific resources" of the NCAs. Congress created the Red Cliffs NCA with the additional purpose of protecting each threatened and listed species located within its boundaries. S. 3297 would upset this delicate balance, and we recommend that the committee reject it.

Pew is opposed to the Crooked River Ranch Fire Protection Act (H.R. 2075). The bill would adjust the eastern boundaries of the Deschutes Canyon-Steelhead Falls and the Deschutes Canyon Wilderness Study Areas (WSAs) to the rim of the Deschutes river canyon, removing roughly 832 acres of land from interim protection under the Wilderness Act.

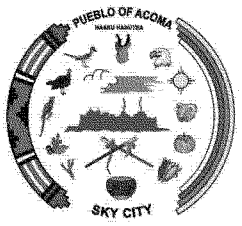
The Whychus-Deschutes area contains significant cultural and historical artifacts, provides critical habitat for threatened species like bull trout, and serves as an important source of clean drinking water for thousands of Oregonians. These values and countless others deserve permanent protection to ensure that future generations can enjoy these natural resources in the same condition that we do today.

H.R. 2075, however, would undermine years of productive dialogue among a variety of local stakeholders who worked hard to build a compromise solution for the future of the region's public lands. That compromise would create buffer zones that help protect the community of Crooked River Ranch from the threat of wildfire while providing permanent protection for some of the region's most spectacular places. Instead, H.R. 2075 is one of several bills introduced in this Congress that attempt to

selectively remove protections from WSAs without making any corresponding effort to secure protections for those parts of the same landscape that have high conservation value and strong local support for protection. We cannot support any legislation, including H.R. 2075, which eliminates WSA protections without also addressing the need to conserve wild places in the same landscape that are deserving of permanent protection.

In conclusion, Pew appreciates the opportunity to submit these views for the Subcommittee's consideration, and we would welcome the opportunity to work with the Committee on these bills. Please contact John Seebach at (202) 540-6509 or jseebach@pewtrusts.org if you have any questions regarding our views on this legislation.

Kurt Riley, Governor
Raymond J. Concho, Jr., 1st Lt. Governor
Bernard E. Lewis, 2nd Lt. Governor
Davy D. Malie, Tribal Secretary
Elliott Sanchez, Jr., Tribal Interpreter



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PUEBLO OF ACOMA
OFFICE OF THE GOVERNOR

Written Testimony of Governor Kurt Riley
Pueblo of Acoma
Before the
Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining

Legislative Hearing on S.2907, the Chaco Cultural Heritage Area Protection Act

August 22, 2018

On behalf of the Pueblo of Acoma ("Acoma"), a federally recognized Indian tribe, please accept this written testimony for the legislative hearing on the Chaco Cultural Heritage Area Protection Act of 2018, S. 2907, and other bills held by the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining on Wednesday, August 22, 2018. The Pueblo of Acoma appreciates the opportunity to submit written testimony to the Committee on this important topic. The Pueblo of Acoma strongly endorses S. 2907 as it seeks to protect the fragile and important landscape surrounding the Chaco Culture Heritage National Park from further impacts by federal mineral development.

The Pueblo of Acoma maintains a significant connection to Chaco Canyon and the Greater Chaco Region, rooted in our history and continued use of the valuable cultural resources contained within the region. Since the first Acoma people emerged into this world, far to the North, their migration to the Pueblo's present home at Acoma, or *Haak'u*, in the Western part of what is now known as New Mexico, was marked with stops at important locations such as Chaco Canyon[1]. The movements upon the landscape by Acoma people between and among these locations have left myriad archaeological and cultural resources, vital to the Pueblo's identity, history, and ongoing use. Archaeologists may recognize our ancestors through the immeasurable number of archaeological resources emanating from Chaco Canyon. These archaeological resources are valued as cultural resources for Acoma, from which the Pueblo draws direct value and identity. However, the cultural resources connected to Chaco Canyon are not only archaeological in nature, but contain natural resources such as springs, buttes, rock cisterns, alluvial plains, and any number of other physical markers etched with meaning and usage for the Acoma people. These are all part of our ongoing understanding and connection to Chaco.

[1] Other important locations include, but are not limited to, Mesa Verde, Hovenweep, Aztec, Kowina, and other places throughout Colorado, Utah, Arizona, and New Mexico.

Together, these natural and archaeological resources interact as a cultural landscape, emanating from Chaco Canyon and tying Acoma directly to this sacred place.

Today, the main body of Chaco Canyon is protected by the boundaries of the Chaco Culture National Historic Park. This area contains some of the most important and breathtaking treasures on our continent. So much so, that the Chaco Culture National Historic Park is recognized as a UNESCO World Heritage Site. Extending past the boundaries of the national park is the Greater Chaco Landscape that radiates out from the main body of Chaco Canyon. As understood by Acoma, this area also contains a complex cultural landscape consisting of a variety of archaeological and cultural features connecting Chaco Canyon to Acoma. For a culture not based on the written word, this landscape sets out our history, which we can pass on to our children and future generations. This area remains threatened by encroaching energy development that now saturates the region.

The San Juan Basin, which the Greater Chaco Region lies in, contains one of the largest, most developed oil and gas fields within the United States.[2] The San Juan Basin supports nearly "18,000 active oil and gas wells" and "2,400 existing oil and gas leases."[3] In 2003, "[v]irtually all of the area with high potential for oil and gas development has already been leased."[4] The majority of oil and gas development supported by the San Juan Basin lies within the planning area of the Bureau of Land Management's ("BLM") Farmington Field Office ("FFO"). Despite leasing nearly 91% of available land for oil and gas development, the BLM FFO announced additional oil and gas lease sales slated to take place in March and December 2018.[5] Compounding these activities was the recent announcement by the BLM Rio Puerco Field Office of an additional 30 oil and gas leases set to be sold in December 2018. Many of these parcels are also in the Greater Chaco Region and lie perilously close to known archaeological sites and likely near other unrecorded or undisclosed archaeological or cultural resources.[6]

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[2] *See* Farmington Proposed Resource Management Plan and Final Environmental Impact Statement at 1 (dated Sept. 2003).
[3] *Id.*
[4] *Id.*
[5] The March 2018 Oil and Gas Lease sale was postponed by Secretary Ryan Zinke of the Department of the Interior due to concerns about the need to analyze an additional 5,000 cultural sites in the leasing area. *See* Bureau of Land Management Press Release (Mar. 2, 2018)(available at: https://www.blm.gov/press-release/blm-defers-oil-and-gas-lease-sale-parcels-new-mexico). This postponement came after the repeated protests and public concern by Tribes and Pueblos, including the Pueblo of Acoma, about the lack of adherence to Section 106 of the National Historic Preservation Act for the identification and evaluation of historic properties to determine eligibility for the National Register of Historic Places within the leasing areas. *See, e.g.*: "Pueblo of Acoma protest of March 8, 2018 Oil and Gas Lease Sale." (Dec. 22, 2017) (available at: https://eplanning.blm.gov/epl-front-office/projects/nepa/90068/130610/159336/Pueblo_of_Acoma.pdf).
[6] Under the National Historic Preservation Act and implementing regulations, 54 U.S.C. §306108; 36 C.F.R. Part 800, federal agencies must examine the impact of federal undertakings (such as oil and gas lease sales) upon historic properties eligible for the National Register of Historic Places. The intention behind the NHPA was meant to preserve historic properties by balancing the effects upon them with other federal priorities. The essential steps federal agencies must do to fulfill their NHPA duties are embodied in the "Section 106" process. It requires an agency to: 1) identify significant historic resources or sites eligible for the Register; 2) assess any adverse effects to them; and 3) resolve those effects through avoidance or mitigation. The Pueblo of Acoma in the March 2018 Lease Sale, repeatedly objected that the BLM had failed to meaningfully identify its cultural resources in the Greater Chaco Region that may be eligible to the National Register of Historic Places . *See supra,* fn.5. The Pueblo of

The Chaco Cultural Heritage Area Protection Act is an important step in protecting a treasured landscape. Because of the over-saturation of current development and the Bureau of Land Management's indifference towards "multiple use"[7]; the need for Congress to act to protect the Greater Chaco Region is urgent. The Chaco Cultural Heritage Area Protection Act withdraws minerals owned by the United States from future leasing and development in part of the most critical and sensitive area of the Greater Chaco Region that immediately surrounds the Chaco Culture National Historic Park. The 307,649 acres to be withdrawn is a fraction of the remaining area currently developed or potentially available for development.

It must be emphasized that irreversible damage will be done to this area should the United States allow continued, unfettered development without the balancing of interests and values equally as important as oil and gas development. The Pueblo of Acoma has worked closely with federal agencies on a number of projects to carefully protect its cultural resources, while recognizing and being dependent upon many of the resources these undertakings may bring. However, because the impact to Chaco Canyon and its surrounding landscape is already overwhelming; we see no other option but for Congress to withdraw from leasing the few remaining lands closest to the Chaco Culture National Historic Park. Because of this, the Pueblo of Acoma fully supports the passage of the Chaco Cultural Heritage Area Protection Act, S.2907. We look forward to working with Committee to secure S.2907's ultimate passage.

Acoma has also raised similar concerns to the BLM Farmington Field Office ("FFO")for its December 2018 Lease Sale and the BLM Rio Puerco Field Office's ("RPO") proposed December 2018 Lease Sale. *See* "Scoping Comments, Farmington Field Office Proposed Oil & Gas Leases - New Mexico BLM's December Oil & Gas Lease Sale" (July 20, 208)(on file with the Pueblo of Acoma and the BLM FFO); "Scoping Comments, Rio Puerco Field Office Proposed Oil & Gas Leases - December 2018 Oil & Gas Lease Sale"(July 20, 2018)(on file with the Pueblo of Acoma and the BLM RPO).

[7] Under the Federal Land Policy and Management Act ("FLPMA"), 43 U.S.C. § 1701(7), it is the policy of the United States that "goals and objectives be established by law as guidelines for public land use planning, and that management be on the basis of *multiple use* and sustained yield unless otherwise specified by law" (emphasis added).

Quinault Indian Nation

POST OFFICE BOX 189 • TAHOLAH, WASHINGTON 98587 • TELEPHONE (360) 276-8211

Senator Patty Murray
154 Russell Senate Office Building
Washington DC 20510

Senator Maria Cantwell
511 Hart Senate Office Building
Washington DC 20510

The Honorable Derek Kilmer
United States House of Representatives
1520 Longworth House Office Building
Washington DC 20515

Re: Support for Wild Olympics Wilderness & Wild and Scenic Rivers Act

Dear Senators Murray & Cantwell & Representative Kilmer:

Our Tribe urges swift passage of the Wild Olympics Wilderness & Wild and Scenic Rivers Act. This Act creates 126,661 acres of new wilderness and 19 new wild and scenic rivers plus their tributaries in the Olympic National Forest, the Olympic National Park and Washington State Department of Natural Resource-managed land. It creates the potential for an additional 5,346 acres to become wilderness if the Forest Service completes restoration under current management plans, and makes current USFS safeguards for these sensitive lands & salmon streams permanent.

Our Tribe is aware that the Act enables recreational use of these lands. While we always have some concerns regarding possible overuse and/or misuse of these lands and river systems we believe it is important to provide outdoor education opportunities sensitive to the ecological nature of these lands and the preservation of habitat for indigenous fish, wildlife and plant species. The Act excludes USFS roads from the proposed wilderness and preserves access to roads and trails, as needed for both tribal and non-tribal citizens.

We believe that nothing in this Act precludes Tribal Treaty-protected Rights, including access for hunting, fishing and gathering as well as co-management rights on ceded and Usual & Accustomed lands, and certain exclusive access rights to identified sacred areas.

We have provided supportive input to this Act in the past, and continue to seek cooperation with other governments, as well as all citizens who abide by all rules and regulations and are cognizant and supportive of Tribal culture, customary practices and management rights.

As stated in the Northwest Indian Fisheries Commission's "Treaty Rights at Risk" report, "Salmon recovery is based on the crucial premise that we can protect what habitat remains while we restore previously degraded habitat conditions. Unfortunately, significant investments in recovery may not be realized because the rate of habitat loss continues to outpace

restoration. The resulting net decline in habitat demonstrates the federal government's failure to protect the Tribes' treaty-reserved rights." In an era where we are witnessing unprecedented rollbacks of environmental safeguards on federal public lands, the Wild Olympics legislation would permanently protect some of the healthiest, intact salmon habitat left on the Peninsula.

It is our heritage and cultural principles to protect the lands and waters Nature provides, as well as the natural resources she sustains. Therefore, we do continue to support and urge swift passage of the Wild Olympics Wilderness & Wild and Scenic Rivers Act of 2017.

Fawn R. Sharp, President
Quinault Indian Nation

From: Ellen Bradbury Reid
To: fortherecord (Energy)
Subject: Please do not frack near Chaco
Date: Wednesday, August 22, 2018 12:06:24 PM

The Chaco road system is a part of our national heritage and should be protected.
Thank you for your attention.
Ellen Bradbury Reid

Ellen Bradbury Reid, Director Recursos de Santa Fe/Royal Road Tours
510 Alto Street
Santa Fe NM 87501
cell 505 577 9659

SHINNECOCK INDIAN NATION
Shinnecock Indian Territory
P.O. Box 5006 Southampton, New York 11969-5006
Phone (631) 283-6143 Fax (631) 283-0751

The oldest self-governing
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Donald Williams Jr., Sachem

Written Testimony of the Shinnecock Indian Nation
Before the
Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining

Legislative Hearing on S.2907, the Chaco Cultural Heritage Area Protection Act

August 22, 2018

On behalf of the Shinnecock Indian Nation ("Nation"), please accept this written testimony for the legislative hearing on the Chaco Cultural Heritage Area Protection Act of 2018, S. 2907, and other bills held by the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining on Wednesday, August 22, 2018. The Nation is a federally recognized Indian tribe located in New York. We appreciate the opportunity to submit written testimony on this important topic and strongly support S. 2907.

Many tribes maintain a significant connection to Chaco Canyon and the Greater Chaco Region rooted in their history and continued use of the valuable cultural resources contained within the region. The movements of different tribes upon the landscape have resulted in many archaeological and cultural resources that are vital to these tribes' identities, histories, and ongoing use. Archaeologists also recognize the importance of the land, as there are an immeasurable number of archaeological resources in and around Chaco Canyon. And the cultural resources connected to Chaco Canyon are not only archaeological in nature, but they also encompass natural resources such as springs, buttes, rock cisterns, and alluvial plains. Together, these natural and archaeological resources interact as an important cultural landscape.

Today, the main body of Chaco Canyon is protected by the boundaries of the Chaco Culture National Historic Park, which is recognized as a UNESCO World Heritage Site. But this area remains threatened by encroaching energy development that now saturates the region. The

San Juan Basin, which the Greater Chaco Region lies within, contains one of the largest, most developed oil and gas fields within the United States.

The majority of oil and gas development supported by the San Juan Basin lies within the planning area of the Bureau of Land Management's ("BLM") Farmington Field Office. Despite leasing nearly 91% of available land for oil and gas development, this office announced additional oil and gas lease sales slated to take place in March and December of 2018. Although the March 2018 oil and gas lease sale was postponed by Secretary of the Interior Ryan Zinke due to concerns about the need to analyze additional cultural sites in the leasing area, the postponement is only temporary. Compounding these concerns is the recent announcement by the BLM Rio Puerco Field Office of an additional 30 oil and gas leases set to be sold in December of 2018. Many of these parcels are also in the Greater Chaco Region and lie perilously close to archaeological sites.

The Chaco Cultural Heritage Area Protection Act is an important step in protecting a treasured landscape. The need for Congress to act to protect the Greater Chaco Region is urgent. The Chaco Cultural Heritage Area Protection Act would withdraw minerals owned by the United States from future leasing and development in part of the most critical and sensitive area of the Greater Chaco Region that immediately surrounds the Chaco Culture National Historic Park. The 307,649 acres that would be withdrawn is a fraction of the remaining area currently developed or potentially available for development.

The Nation fully supports the passage of the Chaco Cultural Heritage Area Protection Act, S.2907.

Respectfully,

Randy King
Vice Chairman, Council of Trustees

Donald Williams Jr.
Sachem, Council of Trustees

From: Jane Shoenfeld [mailto:janeshoenfeld@gmail.com]
Sent: Tuesday, August 21, 2018 12:46 PM
To: fortherecord (Energy)
Subject: Protecting Chaco

I support Senators Udall and Heinrich's proposed legislation to protect Chaco and Isupport efforts to expand this protection to the larger Chaco region.

Approaching Chaco today I am confronted with an unreal sight of fracking rigs and flares, creating noise, air, and groundwater pollution. The ground fracturing vibrations risk damage to some of the most valuable archaeological sites in North America. When I first came to New Mexico, I made my first trip to Chaco. It and the ancient culture and invaluable history that it represents is what drew me to move to NM 31 years ago.

To prevent any further damage to the Chaco culture's invaluable heritage, the Bureau of Land Management (BLM) must cease permitting new oil and gas wells in the Chaco region. Especially, and at the very least, they must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018 proposed by Senator Udall and Senator Heinrich. Further, the withdrawal area boundaries of this proposed bill should be *extended* to cover a 20 mile buffer zone around Chaco National Historical Park and 10 mile buffer zones around outlying Chaco Great Houses.

In 2014, the BLM promised a new Resource and Management Plan to govern all future oil and gas leases. They have not yet delivered. Instead, the BLM plans to sell leases this December *inside* the ten mile 'buffer zone' around Chaco Canyon, a protective boundary they previously assented to. This sets a dangerous precedent for advancing energy activity closer to Chaco Canyon.

The BLM has also permitted many roads to cross the ancient Great North Road's 35 mile course from Chaco Canyon to Kutz Canyon. The Chacoans created this elaborate corridor to connect their ceremonial center to the direction North. For descendant Puebloan peoples it holds profound spiritual significance. However, modern energy roads continue to erase the Great North Road. This erasure risks getting worse: the Chaco people created numerous Great Houses and other 'roads' as a web, uniting their sites with special landforms and astronomical directions. This comprehensive web of a sacred landscape must be protected.

Much of the area adjoining Great Houses in the 'buffer zone' is only beginning to be analyzed with LiDAR (aerial LASER scanning); this data requires much further evaluation, along with on-the-ground truthing by experienced archaeologists. These efforts should proceed and the findings deter any further leasing. Valuing further expansion into this area, erasing knowledge that can never be restored is contributing to the greed as what came before us is buried in a soon to be dystopian world.

We also urge mitigating actions by the BLM to prevent public health hazards to surrounding communities already encroached upon by intense energy development. We further support a shift in the region's economy to job-creating, sustainable energy enterprises.

Jane Shoenfeld, Santa Fe, NM

Shoenfeld Fine Art www.janeshoenfeld.com
Art Adventures in the SW www.skyfields.net
PO Box 5912, Santa Fe, NM 87502
505-986-1108

August 22, 2018

U.S. Senate Energy and Natural Resources Committee

304 Kirksen Senate Building

Washington, DC 20510

Honorable Committee:

My name is Brenda Sinfield and I have lived in the US for 17 years. I have raised my kid here. I and my husband and daughters are American Citizens. I love this country and the beauty of the people and the places. I lived my childhood in Canada and moved to the US in 2000. `I have lived 3 years in Corrales New Mexico. We enjoy the area and love the natural beauty.

I believe that this area of New Mexico ''Chaco Historical Cultural Area '' is sacred ground for the people of this land. I am voicing my support for the Chaco Historical Cultural Area Protection Act of 2018 to protect the Sacred and Beloved Chaco Canyon.

Honorable Committee, please pass the Chaco Historical Cultural Area Protection Act of 2018.

Thank you and please protect the land and water from over use by oil and gas and all forms of exploitation. We are the stewards of this land and water.

God Bless you all,

Brenda Sinfield

1415 W Meadowlark Ln

Corrales, NM 87048

From: Anna Sofaer
To: fortherecord (Energy)
Subject: Regarding Chaco Cultural Heritage Area Protection Act of 2018
Date: Wednesday, August 22, 2018 12:21:01 PM

We commend Senators Udall and Heinrich for their proposed legislation to protect Chaco and we support efforts to expand this protection to the larger Chaco region.

To prevent any further damage to the Chaco culture's invaluable heritage, the Bureau of Land Management (BLM) must cease permitting new oil and gas wells in the Chaco region. Especially, and at the very least, they must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018 proposed by Senator Udall and Senator Heinrich. Further, the withdrawal area boundaries of this proposed bill should be *extended* to cover a 20 mile buffer zone around Chaco National Historical Park and 10 mile buffer zones around outlying Chaco Great Houses.

Approaching Chaco today you are confronted with an unreal sight of fracking rigs and flares, creating noise, air, and groundwater pollution. The ground fracturing vibrations risk damage to some of the most valuable archaeological sites in North America.

In 2014, the BLM promised a new Resource and Management Plan to govern all future oil and gas leases. They have not yet delivered. Instead, the BLM plans to sell leases this December *inside* the ten mile 'buffer zone' around Chaco Canyon, a protective boundary they previously assented to. This sets a dangerous precedent for advancing energy activity closer to Chaco Canyon.

The BLM has also permitted many roads to cross the ancient Great North Road's 35 mile course from Chaco Canyon to Kutz Canyon. The Chacoans created this elaborate corridor to connect their ceremonial center to the direction North. For descendant Puebloan peoples it holds profound spiritual significance. However, modern energy roads continue to erase the Great North Road. This erasure risks getting worse: the Chaco people created numerous Great Houses and other 'roads' as a web, uniting their sites with special landforms and astronomical directions. This comprehensive web of a sacred landscape must be protected.

Much of the area adjoining Great Houses in the 'buffer zone' is only beginning to be analyzed with LiDAR (aerial LASER scanning); this data requires much further evaluation, along with on-the-ground truthing by experienced archaeologists. These efforts should proceed and the findings deter any further leasing.

We also urge mitigating actions by the BLM to prevent public health hazards to surrounding communities already encroached upon by intense energy development. We further support a shift in the region's economy to job-creating, sustainable energy enterprises.

Anna Sofaer
Solstice Project
222 E. Marcy St., Ste. 10
Santa Fe, NM 87501
505-983-6922
www.solsticeproject.org

Southwest Native Cultures
Albuquerque, New Mexico

August 17, 2018

U.S. Senate Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

Honorable Committee:

My name is Terry Sloan, and I am of Native American decent of the Navajo and Hopi Tribes and my maternal clan is Kiyaa'aanii (Towering House People) and my paternal clan is To'aheedliinii (Water Runs Together People). I am the director of my NGO Southwest Native Cultures. We are honored to be able to contact you regarding matters important to Native and Indigenous Peoples of North America.

I am writing you today to voice my support of the Chaco Historical Cultural Area Protection Act of 2018, sponsored by New Mexico Senator's Tom Udall and Martin Heinrich. Chaco Canyon is a Sacred Site, Place, and Region to the Indigenous Peoples of New Mexico, the Southwest, Mexico and the World. Chaco Canyon is also a United Nations Educational, Scientific and Cultural Organization - UNESCO World Heritage Site. Chaco Canyon continues to be a place of awe and a treasure of known and unknown Cultural and Sacredness that may or may not be discovered. For antiquity, it should remain intact and as much undisturbed so that our children's children can continue to see and explore its wonders. I have ancestors buried in Chaco Canyon that migrated to and from the Lake Valley Region of the Navajo Nation, hence my Towering House Clan ancestry. My first date with the mother of my children was at Chaco Canyon 30 years ago.

Honorable Committee, please pass the Chaco Historical Cultural Area Protection Act of 2018 to protect our Sacred and Beloved Chaco Canyon.

Ahee'hee, Kwaq Kwa, (Thank you, thank you), Blessings and Peace,

Terry A. Sloan
Director
Southwest Native Cultures
Albuquerque, New Mexico
(505) 858-0050
tas@sloancompany.net

TESTIMONY OF RICHARD SPOTTS FOR THE AUGUST 22, 2018 HEARING OF THE SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING RELATING TO S. 3297, WASHINGTON COUNTY, UTAH, PUBLIC LAND ACT

Mr. Chairman and Members of the Subcommittee:

I am Richard Spotts, a nearly sixteen-year resident of Washington County Utah. I am testifying as a concerned private citizen with an extensive background, both professionally and as a volunteer, on public lands and environmental issues. I recently retired after a career spanning four decades, with jobs that included attorney, lobbyist, watershed project director, and county zoning administrator. During my career, I often dealt with issues involving the National Environmental Policy Act (NEPA), Endangered Species Act (ESA), and other federal laws. Indeed, in my last two jobs prior to retirement, I served as a NEPA expert for the National Park Service at Fire Island National Seashore and the Bureau of Land Management at the Arizona Strip District Office. As a volunteer, I have closely followed many public lands and environmental issues in Washington County and elsewhere in the region. I believe that my lengthy background on these laws and issues qualifies me to understand what is at stake with S. 3297, the Washington County, Utah, Public Land Act.

After reviewing this legislation in detail, and knowing the appropriate factual context, I firmly believe that S. 3297 represents an egregious attack on the NEPA, ESA, and National Conservation Areas (NCAs) statutorily established by Congress and administered by the Bureau of Land Management (BLM). S. 3297 would circumvent the normal and appropriate processes for considering revisions under these laws.

The Washington County Utah commissioners and their staff drafted this legislation because they disrespect and do not wish to follow those normal and appropriate revision processes. Their intent is to get around, shortcut, and supersede existing federal conservation laws and BLM NCA plans through enactment of S. 3297. They seek to substitute their decisions for those of the relevant federal officials. This would essentially delegate federal management to county control, and thereby subvert and abdicate the proper management of federal lands and resources. If S. 3297 is enacted, it would establish a very dangerous and damaging national precedent. Indeed, this could lead to a plethora of similar county-sponsored bills inundating Congress and asking for the same preferential treatment.

Washington County is now reportedly the fastest growing county in the nation. This explosive growth is creating much wealth for developers, land speculators, and construction-related business owners, while it also creates more traffic, sprawl, noise, and other challenges for residents. Unfortunately, the county commissioners have placed their highest priorities on serving the narrow interests of these well-connected developers, land speculators, and construction-related business owners, while giving short shrift to the broad public interest in pursuing smarter land use and transportation planning.

For example, there is a long-running intense controversy in Washington County surrounding the proposed Northern Corridor highway. S. 3297 would force the construction of this highway in violation of the existing Habitat Conservation Plan (HCP) established under the ESA and in violation of the final BLM Red Cliffs NCA Plan. This highway would destroy and fragment significant habitat for the ESA listed threatened

Mojave desert tortoise as well as many other wildlife species in two supposedly protected areas, the HCP established Red Cliffs Desert Reserve and the BLM Red Cliffs NCA.

Beyond compelling construction of this highway, S. 3297 has other destructive provisions that would allow the county to achieve its objectives for utilities development, road rights-of-way, water rights, and livestock grazing. These statutory provisions would essentially supersede the existing administrative provisions in the current HCP and two BLM NCA Plans (Red Cliffs and Beaver Dam Wash).

From a due process and democratic involvement perspective, S. 3297 is appalling. It would substitute crass Congressional fiat for the current legal processes under the NEPA and ESA for an objective environmental analysis, fair evaluation of feasible alternatives, application of scientific information, and meaningful opportunities for public input with respect to the county's requests to renew the HCP and build the proposed Northern Corridor highway.

S. 3297 is clearly part of the larger Utah political pattern of trying to wrest control over federal lands and resources away from the federal agencies charged with managing them in the national interest. This is an outrageous threat to the birthright of all Americans to these federal lands and resources. The legislation would not be necessary if Washington County officials were willing to follow existing law and the well-established procedures under the NEPA and ESA. Instead, they want to avoid transparency and ram through their own one-sided "wish list" in Congress.

The proponents of S. 3297 are attempting to use the cynical ploy of purporting to expand tortoise conservation but this is merely a smokescreen to confuse the public and conceal the legislation's actual nefarious purposes. For example, S. 3297 would create a new so-called Zone 6 tortoise mitigation area. However, this area already in large part consists of either a BLM Area of Critical Environmental Concern (ACEC) or Utah state lands that may remain in state ownership for the foreseeable future. As such, the alleged mitigation benefit is illusory.

Indeed, the Desert Tortoise Council (DTC) is the premier organization that represents professional desert tortoise biologists and related experts, and it vigorously opposes S. 3297. I am providing a copy of the DTC's recent letter in opposition to S. 3297, which I hereby wish to incorporate by reference in my testimony. Among other things, this letter provides detailed reasons on why the Northern Corridor highway would be extremely harmful to tortoise conservation and contrary to the HCP and ESA, and why the promised mitigation benefit is bogus. I encourage the Subcommittee members to carefully review this DTC letter.

In conclusion, I respectfully request that the Subcommittee members oppose and vote against S. 3297.

Thank you very much for your consideration of my testimony.

Richard Spotts
255 North 2790 East
Saint George Utah 84790
435 669-0206
raspotts2@gmail.com

DESERT TORTOISE COUNCIL
4654 East Avenue S #257B
Palmdale, California 93552
www.deserttortoise.org
eac@deserttortoise.org

12 August 2018

Senator Lisa Murkowski, Chair
Committee on Energy and Natural Resources
304 Dirksen Senate Office Building
Washington DC 20510

RE: Opposition to Senator Mike Lee's "Desert Tortoise Habitat Conservation Plan Expansion Act" (S. 3297)

Dear Madam Chair:

The Desert Tortoise Council (Council) is a non-profit organization comprised of hundreds of professionals and laypersons who share a common concern for wild desert tortoises and a commitment to advancing the public's understanding of desert tortoise species. Established in 1975 to promote conservation of tortoises in the deserts of the southwestern United States and Mexico, the Council routinely provides information and other forms of assistance to individuals, organizations, and regulatory agencies on matters potentially affecting desert tortoises within their geographic ranges.

Herein we are taking this opportunity to formally oppose Senator Mike Lee's *Desert Tortoise Habitat Conservation Plan Expansion Act (S. 3297)* (herein "Act") and urge you to do the same for the reasons given below. Given the location of the proposed project in critical habitats occupied by Agassiz's desert tortoise (*Gopherus agassizii*), potential loss of lands obligated by federal, state, and county agreements to conserve the tortoise, and binding decisions to conserve and recover the species on lands now proposed for highway development, we firmly oppose this proposed legislation.

The Washington County Habitat Conservation Plan (HCP) has functioned effectively since 1995 to protect tortoises while authorizing residential, commercial, and other development. Enactment of S. 3297 would establish a dangerous and damaging national precedent. Since 1995, as reflected in the HCP, there has been a successful cooperative agreement among state (Utah Division of Wildlife Resources), federal [U.S. Fish and Wildlife Service (USFWS) and Bureau of

Land Management (BLM)], and county (Washington County, Utah) jurisdictions that is now threatened by this proposed Act. Through formal authorization provided for by the Federal Endangered Species Act (FESA), thousands of acres of development have occurred in exchange for thousands of acres of conserved lands. To construct a major highway through these federally-protected conservation lands would seriously undermine recovery of the desert tortoise in the Red Cliffs National Conservation Area, imbalance the habitat-loss-to-habitat-protection ratio thus far achieved by the HCP, and exceed the federal take authorization previously granted under the FESA.

S. 3297 would facilitate construction of the Northern Corridor/Washington Parkway (herein "highway" or "Northern Corridor") in violation of the existing HCP established under the FESA, in violation of the final BLM Red Cliffs National Conservation Area (NCA) Plan, and to the detriment of the intended function of the Red Cliffs Desert Reserve ("Reserve"). There have been over two decades of cooperation to establish and implement the HCP and garner public support and consensus on the management of public lands by the BLM. This longstanding cooperation would be undone by passing this Act. During the past several years, the public has once again actively opposed the construction of the Northern Corridor through the NCA. Consistent with the relevant laws and policies, BLM and USFWS officials have properly denied the county's request to construct the highway. This new legislation attempts to undermine the science-based, public supported function of the FESA via its HCP component and to reverse the outcomes from extensive environmental review and public involvement processes.

There are many compelling biological reasons to oppose S. 3297, including the following:

Passage of S. 3297 would facilitate construction of the Northern Corridor through a dedicated Reserve that would adversely affect desert tortoise in the following ways: Direct mortality during and following construction; introduce construction activities into a dedicated Reserve area; create habitat fragmentation; result in habitat loss; impair the efficacy of an already minimally-sized reserve and tortoise population; degrade habitats that would not otherwise be disturbed; result in the spread of exotic and invasive plant species; increase the risk of fire, which has already decimated tortoise populations in the Reserve; increase predation of tortoises by common ravens and coyotes; possibly promote disease and impair tortoise health by introducing chemicals associated with vehicles; and, increase access to reserve areas that could result in poaching and vandalism of tortoises.

Recent (2004 to 2014) Tortoise Population Trends

The Mojave Population of the Agassiz's desert tortoise was listed as Threatened by the USFWS in 1990 (USFWS 1990) followed by the designation of critical habitat (USFWS 1994a) and completion of a recovery plan in 1994 (USFWS 1994b), which was revised in 2011 (USFWS 2011). In 2000, the USFWS began systematically surveying tortoise populations in critical habitat and recovery unit areas to determine population trends. Based on their findings (USFWS 2015), which are briefly summarized below, the Council is convinced that the Mojave Population of the Agassiz's desert tortoise, which includes tortoises that would be affected by passage of this Act, should be federally listed as Endangered rather than Threatened.

Summarizing the results of these surveys (USFWS 2015), 17 populations of Mojave desert tortoise are described below that occur in Critical Habitat Units (CHUs) and Tortoise Conservation Areas (TCAs), including 14 that are on lands managed by the BLM.

Table 1. Summary of 10-year trend data for 5 Recovery Units and 17 CHUs/TCAs for Agassiz's desert tortoise (= Mojave desert tortoise). The table includes the area of each Recovery Unit and CHU/TCA, percent of total habitat for each Recovery Unit and CHU/TCA, density (number of breeding adults/km^2 and standard errors = SE), and the percent change in population density between 2004 and 2014. Populations below the viable level of 3.9 breeding individuals/km^2 (10 breeding individuals per mi^2) (assumes a 1:1 sex ratio) and showing a decline from 2004 to 2014 are in red. The one directly affected by the proposed Act (Upper Virgin River Recovery Unit, Red Cliffs Desert Critical Habitat Unit) is *italicized*.

Recovery Unit: Designated Critical Habitat Unit/Tortoise Conservation Area	**Surveyed area (km^2)**	**% of total habitat area in Recovery Unit & CHU/TCA**	**2014 density/km^2 (SE)**	**% 10-year change (2004–2014)**
Western Mojave, CA	**6,294**	**24.51**	2.8 (1.0)	–50.7 decline
Fremont-Kramer	2,347	9.14	2.6 (1.0)	–50.6 decline
Ord-Rodman	852	3.32	3.6 (1.4)	–56.5 decline
Superior-Cronese	3,094	12.05	2.4 (0.9)	–61.5 decline
Colorado Desert, CA	**11,663**	**45.42**	**4.0 (1.4)**	**–36.25 decline**
Chocolate Mtn AGR, CA	713	2.78	7.2 (2.8)	–29.77 decline
Chuckwalla, CA	2,818	10.97	3.3 (1.3)	–37.43 decline
Chemehuevi, CA	3,763	14.65	2.8 (1.1)	–64.70 decline
Fenner, CA	1,782	6.94	4.8 (1.9)	–52.86 decline
Joshua Tree, CA	1,152	4.49	3.7 (1.5)	+178.62 increase
Pinto Mtn, CA	508	1.98	2.4 (1.0)	–60.30 decline
Piute Valley, NV	927	3.61	5.3 (2.1)	+162.36 increase
Northeastern Mojave	**4,160**	**16.2**	**4.5 (1.9)**	**+325.62 increase**
Beaver Dam Slope, NV, UT, AZ	750	2.92	6.2 (2.4)	+370.33 increase
Coyote Spring, NV	960	3.74	4.0 (1.6)	+ 265.06 increase
Gold Butte, NV & AZ	1,607	6.26	2.7 (1.0)	+ 384.37 increase
Mormon Mesa, NV	844	3.29	6.4 (2.5)	+ 217.80 increase
Eastern Mojave, NV & CA	**3,446**	**13.42**	**1.9 (0.7)**	**–67.26 decline**
El Dorado Valley, NV	999	3.89	1.5 (0.6)	–61.14 decline
Ivanpah, CA	2,447	9.53	2.3 (0.9)	–56.05 decline
Upper Virgin River	***115***	***0.45***	***15.3 (6.0)***	***–26.57 decline***
Red Cliffs Desert	*115*	*0.45*	*15.3 (6.0)*	*–26.57 decline*
Range-wide Area of CHUs - TCAs/Range-wide Change in Population Status	**25,678**	**100.00**		**–32.18 decline**

Importantly, between 1998 and 2003 there was a 41% reduction in tortoise numbers within the Red Cliffs Desert Reserve (McLuckie *et al.* 2012). You can see from the results of USFWS surveys in Table 1 that (a) 10 of 17 populations of the Mojave desert tortoise declined from 2004 to 2014; (b) 11 of 17 populations of the Mojave desert tortoise are no longer viable; (c) these 11 populations represent 89.7 percent of the range-wide habitat in CHUs/TCAs, which encompass the best remaining tortoise habitats and populations; and (d) there has already been a decline of 26.57% in the tortoise population within the CHU encompassing the Reserve that would be adversely affected by Senator Lee's proposal.

Given these data, the Council believes that the Mojave desert tortoise meets the definition of an Endangered species. In the FESA, Congress defined an "Endangered species" as "any species which is in danger of extinction throughout all or a significant portion of its range..." Because most of the populations of the Mojave desert tortoise were non-viable in 2014; most continue to decline; and the threats to the Mojave desert tortoise are numerous and have not been substantially reduced throughout the species' range, the Council believes the Mojave desert tortoise should be designated as an Endangered species by the USFWS. Enactment of S. 3297 would serve to accelerate this serious downward tortoise population trend in southwestern Utah.

Effects of Roads on Desert Tortoise Populations

Although S. 3297 proposes to add a new Zone 6 to the existing HCP-established Red Cliffs Desert Reserve as mitigation for construction of the highway through the core Reserve Zone 3, this addition will not effectively offset the impacts of the new road through the federally-dedicated conservation area. The inherent problem with this part of the proposed Act is that the new highway through the existing Zone 3 conservation area will adversely fragment and impact currently protected tortoise habitats by ostensibly protecting new habitats in Zone 6 areas. Since the tortoises in Zone 6 are already protected under the FESA and existing HCP, and much of the area is within an existing BLM Area of Critical Environmental Concern (ACEC), adding Zone 6 to the Reserve will not substantially increase tangible tortoise protection or effectively mitigate for the loss and fragmentation of tortoise habitat in the core Reserve Zone 3.

McLuckie *et al.* (2012) found that the 41% tortoise "... population decline [in the Reserve] was attributed to drought conditions in the early 2000s, with other contributing factors influencing population numbers including habitat degradation due to *wildfires* and recreational use, disease, and *predation*" [*italicized* emphasis added]. Placement of this road through the Reserve would expose tortoise habitats to increased incidence of wildfire, as several studies have shown wildfires to be associated with vehicle travel on paved and unpaved roads. Predation would also likely increase as animals (particularly small mammals) killed on the new roadway would provide subsidies to common ravens and coyotes, both of which may be attracted into the area and opportunistically kill tortoises.

The Council believes that construction of this new highway would create new impacts and threats that cannot be mitigated by enlarging the existing Reserve. New impacts would predictably include increased predation on tortoises as predators are attracted to road-killed animals; increased weed species and a concomitant increase in the number of wildfires; unacceptable additional habitat fragmentation to a Reserve area that is already small; indirect impacts that degrade habitats out to 4,000 meters from the roadside (Hoff and Marlow 2002). The construction of this new highway through the dedicated Reserve will have the adverse effects given above to a population of tortoises that has already undergone a 41% decline in numbers.

Linear projects, including pipelines, transmission lines, and roadways, have the most serious direct impacts to tortoises and habitats because they affect the home ranges of many more tortoises than does development of a single square or rectangular parcel. A hundred acres of habitat lost along a right-of-way ten miles long will affect many more tortoises than would occur

on a 100-acre square parcel assuming equal quality habitats among the sites. For example, in a study assessing development impacts for 171 projects (LaRue and Dougherty 1996) between 1989 and 1995, 38 of 53 (72%) tortoise mortalities occurred during construction of a single project - the Mojave-Kern Pipeline - in 1989. Cumulatively, 48 of 53 (91%) tortoise deaths (including 38 on the Mojave-Kern Pipeline) occurred along only four *linear* projects. So, four linear projects, of the 171 projects analyzed, were responsible for 91% of the mortality, and the remaining 167 projects resulted in only five tortoise mortalities.

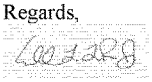
Adverse Effects on the Existing Habitat Conservation Plan

Although the Council was unable to determine how many acres of tortoise habitats have been developed and how many tortoises have been displaced from authorized development areas under the Washington County HCP, we know that tortoises have declined by 41% inside the Reserve area between 1998 and 2003 (McLuckie *et al.* 2012) in spite of best conservation efforts to recover them. We know that 14,624 acres of habitats had recently burned on the Reserve, including 25 percent of the tortoise critical habitat therein (McLuckie *et al.* 2012). These observations indicate there have been both a net loss of habitat and wild tortoises from HCP-authorized development areas *and* a net reduction in tortoise numbers inside the NCA.

Lost habitats and displaced tortoises from HCP-authorized development activities were considered allowable based on the understanding that protected and acquired habitats within the Reserve would be conserved. The Council finds that construction of a new highway through a conservation area whose function it is to offset tortoise losses attributed to authorized activities is counterintuitive and counterproductive; it violates the intent of the federal take permit and undermines the efficacy of conservation within the Reserve. A new highway through the Reserve was not a foreseen event in the federal take permit, so development of a new highway through the Reserve violates the premise of the HCP.

We appreciate this opportunity to provide input to our elected representatives and trust that our comments will clarify why the Desert Tortoise Council opposes S. 3297 and why we urge you to also oppose this Act.

Regards,



Edward L. LaRue, Jr., M.S.
Desert Tortoise Council, Ecosystems Advisory Committee, Chairperson

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From: Liz Stefanics
To: fortherecord (Energy)
Subject: Chaco Canyon
Date: Tuesday, August 21, 2018 11:20:22 PM

I commend Senators Udall and Heinrich for their proposed legislation to protect Chaco and we support efforts to expand this protection to the larger Chaco region.

To prevent any further damage to the Chaco culture's invaluable heritage, the Bureau of Land Management (BLM) must cease permitting new oil and gas wells in the Chaco region. Especially, and at the very least, they must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018 proposed by Senator Udall and Senator Heinrich. Further, the withdrawal area boundaries of this proposed bill should be *extended* to cover a 20 mile buffer zone around Chaco National Historical Park and 10 mile buffer zones around outlying Chaco Great Houses.

Approaching Chaco today you are confronted with an unreal sight of fracking rigs and flares, creating noise, air, and groundwater pollution. The ground fracturing vibrations risk damage to some of the most valuable archaeological sites in North America.

In 2014, the BLM promised a new Resource and Management Plan to govern all future oil and gas leases. They have not yet delivered. Instead, the BLM plans to sell leases this December *inside* the ten mile 'buffer zone' around Chaco Canyon, a protective boundary they previously assented to. This sets a dangerous precedent for advancing energy activity closer to Chaco Canyon.

The BLM has also permitted many roads to cross the ancient Great North Road's 35 mile course from Chaco Canyon to Kutz Canyon. The Chacoans created this elaborate corridor to connect their ceremonial center to the direction North. For descendant Puebloan peoples it holds profound spiritual significance. However, modern energy roads continue to erase the Great North Road. This erasure risks getting worse: the Chaco people created numerous Great Houses and other 'roads' as a web, uniting their sites with special landforms and astronomical directions. This comprehensive web of a sacred landscape must be protected.

Much of the area adjoining Great Houses in the 'buffer zone' is only beginning to be analyzed with LiDAR (aerial LASER scanning); this data requires much further evaluation, along with on-the-ground truthing by experienced archaeologists. These efforts should proceed and the findings deter any further leasing.

I also urge mitigating actions by the BLM to prevent public health hazards to surrounding communities already encroached upon by intense energy development. I further support a shift in the region's economy to job-creating, sustainable energy enterprises.

Thanks,

Liz Stefanics, Senate District 39
PO Box 720, Cerrillos 87010
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From: Nancy Tapp
To: fortherecord (Energy)
Subject: Chaco Canyon
Date: Tuesday, August 21, 2018 1:54:17 PM

Please do all you can to protect this National Treasure for us and for future generations.

Thank you,

Nancy Tapp 23 Esquila Road
Santa Fe, NM 87508

STATEMENT FOR THE RECORD

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING

HEARING TO RECEIVE TESTIMONY ON VARIOUS BILLS

AUGUST 22, 2018

SENATOR JOHN THUNE

Chairwoman Murkowski and Ranking Member Cantwell, thank you for holding this hearing today on S. 2297, S. 3325, and other bills.

I strongly support S. 2297, which authorizes a land sale by the U.S. Forest Service to the Custer County Airport in South Dakota. I support this sale because Custer County Airport needs to acquire the U.S. Forest Service land, which is a critical part of the airport, in order to remain eligible for future federal funding.

Custer County Airport is the only commercial general aviation facility in the Black Hills region. The facility serves as a base for fire suppression contractors and Heli-Tac crews for the entire Black Hills area. Custer County does not hold title to all airport-operated land. In fact, nearly half of the land on which the runway is located is owned by the U.S. Forest Service. As a result, the Custer County Airport's eligibility for Federal Aviation Administration (FAA) funding is limited.

Although Custer County Airport currently qualifies for funding, the annual renewal of a U.S. Forest Service special use agreement will deem the facility ineligible for future funding. By transferring title of approximately 65.7 acres of U.S. Forest Service land, with Custer County paying the U.S. Forest Service the appraised value and associated costs of the land, the Custer County Airport will remain eligible for future FAA funding. Custer County and the Black Hills region need the protection and opportunity provided by this airport.

I also strongly support S. 3325, which provides National Grasslands permittees the same due process rights as Bureau of Land Management (BLM) and National Forest Service permittees. I support this bill because BLM, National Forest Service, and National Grassland permittees are entitled to the same due process protections.

Original language included in the *Federal Land Policy Management Act* (FLPA) provided BLM and National Forest Service, and National Grassland permittees the same due process protections. The language was removed during conference and created two classes of protections during the promulgation of the United Stated Department of Agriculture (USDA) Grazing Regulation 36 CFR 222.3. This led to BLM and National Forest Service permittees inadvertently having more due process protections than National Grasslands permittees.

S. 3325 seeks to eliminate this disparity by providing both classes the same due process protections. If enacted, National Grasslands permittees would be entitled to: (1) 10-year permits; (2) first priority for receipt of new permits; (3) entitlement to written notice of permit violations and the opportunity to comply before cancellation or suspension proceedings begin; and (4) a prohibition on cancellation of permits without two years prior notification, except in the case of an emergency. Changing the language of 43 USC § 1752 from "lands within National Forests" to "National Forest System lands" would unify protections for both classes of permittees.

Ranchers, especially those in South Dakota with National Grasslands permits, have expressed frustration regarding preferential due process protections afforded to BLM and National Forest Service permittees under 43 USC § 1752. This legislation is needed to protect our ranchers' due process rights regardless of the agency issuing their permit.

Madam Chairwoman, I also submit letters of support from state and private entities in favor of this land sale and statutory language change. I look forward to a markup of S. 2297 and S. 3325 in the near future.

Steve Moyer
Vice President of Government Affairs

August 22, 2018

The Honorable Mike Lee, Chairman
Subcommittee on Public Lands, Forests and Mining
U.S. Senate Committee on Energy and Natural Resources
361A Russell Senate Office Building
Washington, D.C. 20510

The Honorable Ron Wyden, Ranking Member
Subcommittee on Public Lands, Forests and Mining
U.S. Senate Committee on Energy and Natural Resources
221 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Lee and Ranking Member Wyden:

On behalf of Trout Unlimited (TU), and our 300,000 members and supporters nationwide, we attach letters containing our comments and recommendations regarding the following bills included in the subcommittee's August 22, 2018 legislative hearing.

- Advancing Conservation and Education Act (S. 2078)
- Emery County Public Land Management Act (S. 2809)
- San Juan Mountains Wilderness Act (S.2721)
- The Central Coast Heritage Protection Act (S.1959)

We detail our comments in the attached packet of letters. Thank you for considering our views.

Sincerely,

Steve Moyer

A mission to conserve, protect, & restore North America's coldwater fisheries and their watersheds.
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August 22, 2018

Re: Advancing Conservation and Education Act (S. 2078)

The Advancing Conservation and Education Act (ACE) is a well-intended proposal and TU very much supports its objective. However, there is room for improvement to ensure that sufficient safeguards are in place to prevent trading away valuable fish and wildlife habitat and BLM parcels important for hunting, fishing and outdoor recreation. We recommend the following improvements to the bill:

- If a conveyance would result in a significant adverse impact to public sporting opportunities and recreation or impacts to crucial fish and wildlife habitat, the legislation should instruct the Secretary to deny the application.
- The term "public interest" should be defined consistent with 43 CFR 2200.0-6(b), ensuring that the protection of fish and wildlife habitat and outdoor recreation is given full consideration.
- Special Recreation Management Areas should be added to the list of exclusion areas that would not be eligible for exchange.

These modifications were adopted in the companion bill that unanimously passed the House of Representatives and with these changes TU offers its full support for S. 2078.

For questions related to these comments, please contact the following:

Corey Fisher
Public Lands Policy Director
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Kate Miller
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August 22, 2018

Re: Emery County Public Land Management Act (S. 2809)

S. 2809 represents a positive step forward for addressing public lands management challenges in Utah through collaboration and mutual compromise. Many of the bill's provisions are laudable, however we believe it could be strengthened with some thoughtful amendments.

We support the goals of Section 406 to enhance management of conservation areas and advance the mission of the School and Institutional Trust Lands Administration. However, as proposed the land exchange program does not provide adequate sideboards to prevent BLM lands important for fish, wildlife and recreation from being traded away. Similar to the Advancing Conservation and Education Act, we recommend the following amendments to ensure that BLM lands important to hunters and anglers would not be eligible for conveyance:

- Specify that the Secretary shall deny an application if the conveyance will result in significant adverse impacts to public hunting, fishing, or recreational shooting opportunities, or result in adverse impacts to crucial fish and wildlife habitat;

- Require that the Secretary shall not accept an application if the proposal is not in the public interest; and

- Define the term "public interest" consistent with 43 CFR 2200.0-6(b), which requires that in determining the public interest, "the authorized officer shall give full consideration to...protection of fish and wildlife habitats."

Additionally, we believe that the purposes of Section 402 (providing management consistency with the adjoining Goblin Valley State Park) can be achieved through a cooperative management agreement, similar to provisions in Section 401 for the Temple Mountain Cooperative Management Area. However, if a recreation and public purposes agreement is sought, the agreement should only be for a lease – not conveyance – not to exceed 25 years, consistent with 43 CFR 2912.1-1. Doing so will ensure the necessary coordination to promote and conserve recreation and scenic values without concerns that valuable public lands would be subject to being transferred to the State.

Lastly, Section 402 should also include assurances that the lands will be managed for specific purposes and revert back to the Secretary if those purposes are not being met. These purposes should be more

comprehensive than "as a state park", as the legislation currently stipulates, and the public would be best severed if the purposes are similar to those listed in Section 401(c).

For questions related to these comments, please contact the following:

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Kate Miller
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August 22, 2018

Re: S. 1959, the Central Coast Heritage Protection Act

Trout Unlimited supports S. 1959, the Central Coast Heritage Protection Act.

California's unique geography and climate have fostered a remarkable diversity of coldwater habitats and wildlife. In fact, California has more native trout and salmon species than any state other than Alaska. The state's coastal mountains and streams between Big Sur and Ventura, mostly located on federal public lands managed by the Los Padres National Forest, offer some of the last refuges for the endangered southern steelhead and the threatened south-central coastal steelhead. The upper portions of the small watersheds in this region also offer backcountry trout fishing opportunities and are a crucial component of water supply systems for downstream communities and agriculture.

For these reasons TU has advocated for passage of legislation to permanently protect these resources. S. 1959 is the current version of this legislation and has been built the right way—with years of public discourse among all stakeholders, local feedback and ground-truthing. In particular, TU supports the provisions of S. 9159 that would confer federal Wild and Scenic River designation on 159 miles of central coast streams and encourage the development of new and repair of existing recreation infrastructure.

Sespe and Piru Creeks in the Los Padres National Forest are prime examples of waters that would benefit from the permanent protections of Wild and Scenic River designation. These creeks provide a rare opportunity for freshwater fishing in a region where the Mediterranean climate often causes the lower portions of coastal watersheds to dry back in the summer, and are two of only three state-designated Wild Trout streams in southern California. Moreover, Sespe Creek supports a population of southern steelhead – one of the few remaining between Santa Maria and San Diego.

The benefits of Wild and Scenic River designation for coldwater fish habitats and angling are significant, as this designation is specifically intended to conserve a stream's free-flowing condition, water quality, and Outstandingly Remarkable Values (ORVs, which may include fishing). Since virtually all legal and documented uses of a stream at the time of its designation are allowed to continue, Wild and Scenic River status does not "lock out" the public in any way. Even new roads and other development may be allowed if authorized through site-specific environmental analyses if consistent with conservation of the character and ORVs of designated stream segments.

Many of our 300,000 members and supporters enjoy fishing and hunting in the Los Padres National Forest, and utilize these public lands and waters both for personal recreation and for civic service events, such as

special program outings that support veterans (e.g. "Healing Waters") and cancer survivors (e.g. "Casting for Recovery). Permanently protecting the outstanding recreational, scenic, and habitat values of watersheds along California central coast is vital to sustaining important habitats and our sporting heritage. We strongly encourage passage of this locally-built legislation.

For questions related to these comments, please contact the following:

Steve Moyer
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August 22, 2018

RE: S.2721, the San Juan Mountains Wilderness Act.

Trout Unlimited supports the San Juan Mountains Wilderness Act (S.2721). This bill, the result of over 15 years of local community collaboration, includes important protections for the headwaters of the San Miguel, the Uncompahgre and the Animas watersheds. It also includes protections for some of the state's most iconic peaks including Mount Sneffels and Wilson Peak.

As a leading advocate for the conservation of fish and wildlife habitats we enthusiastically support the 61,000 acres of protections that are included in the bill. As the bill proceeds through the Congressional process we would like to highlight the importance of protected public lands to the broader sportsmen's community and the outdoor recreation industry. These lands are critically important for many resources including fish, wildlife, recreation, and watersheds. In Colorado, hunters, anglers and wildlife viewers had a $5.1 billion economic impact in 2017, and residents of Colorado's 3rd congressional district spend an estimated $2.2 billion on recreation each year. Public land, specifically protected places, are bedrocks of these industries.

The San Juan Mountains Wilderness act would protect the headwaters of the San Miguel, Uncompahgre, and Animas watersheds. Although the bill's footprint would directly protect 2.5 miles of Colorado River cutthroat trout habitat, and 17 total river miles, the cumulative downstream impacts is far greater. Fish and wildlife in the area would benefit from the proposed designation, and migration corridors for elk, deer, and rocky mountain bighorn sheep would be prioritized and protected. Some of the best hunting and fishing in the state would be protected for future generations because of this bill.

The conservation of these important areas in the San Juan mountains enjoys widespread support from local communities, businesses, county and city elected officials. These critical waterways provide outstanding benefits for the region's residents, critical habits for fish and wildlife, and provide significant economic benefits for local communities. We look forward to working to pass this bill and gain needed protections for these important areas.

For questions related to these comments, please contact the following:

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SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES
HEARING ON CHACO CULTURAL HERITAGE AREA PROTECTION ACT, S. 2907
August 22, 2018

Senator Tom Udall – Testimony for the Record:

Chairman Murkowski, Ranking Member Cantwell, and members of the Committee -- thank you for the opportunity to speak in favor of the Chaco Cultural Heritage Area Protection Act, that Senator Heinrich and I introduced. S. 2907 would withdraw from future development minerals owned by the federal government located within an approximate 10-mile radius of the boundaries of Chaco Culture National Historical Park.

The Chaco Canyon area is known around the world as the nerve center of a culture that inhabited the Four Corners area for 2,000 years. This culture reached astounding architectural, social organization, and economic heights for 300 years -- between 850 and 1150 A.D. They constructed a network of roads spread in all directions, and trade relations extended far south into what is today southern Mexico. The Chacoan people were master builders and engineers -- constructing over 150 "great houses" – with hundreds of rooms and kivas -- connected by roads throughout the region. The more than 4,000 archeological sites have yielded over 1.5 million artifacts. The remains of these sites stand today – and are magnificent. This culture represents one of our nation's greatest pre-Colombian civilizations.

Chaco has been a UNESCO World Heritage site since 1987 -- one of only 22 such sites in the U.S.

Many modern-day Pueblos and Tribes in the Four Corners area trace their ancestry to the Chacoan people and share a cultural affiliation with this ancient culture. They hold as sacred the starkly beautiful land and the cultural sites and artifacts within the area.

However, not all the critically important sites and artifacts lie squarely within the precise boundaries of the National Park -- making protection of the area surrounding the National Park imperative. This bill will protect sites recognized by UNESCO for their outstanding values but which currently lack federal protection. This includes, for example, Pierre's site, dating from the 1100's -- an archaeological complex with rooms, kivas, lookouts, and signaling locations on top of small mesas.

By working with Navajo Nation leadership, the All Pueblos Council of Governors, and various other stakeholders – the bill before you crafts a careful balance between cultural protection and existing rights.

This legislation would only withdraw from future development minerals owned by the U.S. government, under approximately 316,000 subsurface acres. The bill would not affect existing federal leases nor would it impact minerals owned by private individuals, the state, or tribes. The bill does not restrict other types of infrastructure development, such as constructing roads, power and water lines, and buildings -- necessary for local communities to grow.

The President of the Navajo Nation, the All Pueblo Council of Governors, the Southwest Native Cultures, Archeology Southwest, and many New Mexico conservation groups all support our bill.

The bill heeds the call from the National Congress of American Indians and the Dine Medicine Men's Association to protect the Greater Chaco Canyon Region from development.

S. 2907 grew from community-based work over the past number of years. Residents in the area sought greater input into Bureau of Land Management decisions on development around their communities to protect the air, water, and land where the live and work. Pueblos and tribes wanted the meaningful consultation they are owed by the federal government.

In 2015, I invited then-Deputy Secretary of the Interior, Mike Connor, to visit the Chaco area. He took me up on that invitation, and together, we toured the area and met with stakeholders. Afterwards, the Deputy Secretary initiated the first-ever joint BLM-Bureau of Indian Affairs management planning process. A draft plan for Chaco National Park and the surrounding area is to be issued soon. I hope the draft reflects the views and history of tribal members who trace their ancestry in this region, as well as the concerns of communities nearby.

As for what we can do in Congress: The Chaco Area Cultural Heritage Protection Act will protect critical cultural resources before they are lost.

This protection is important to my state, our Pueblos and Tribes, our nation, and the international community.

I look forward to continuing to engage with Tribes, surrounding communities, and other stakeholders and to working with members of this Committee to protect this area for generations to come. Thank you for your consideration of this important conservation measure.

Written Testimony of Neal Clark
Wildlands Program Director
Southern Utah Wilderness Alliance
on behalf of the Utah Wilderness Coalition

Before the Senate Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
Emery County Public Land Management Act of 2018
August 22, 2018

INTRODUCTION

Mr. Chairman and members of the Committee, thank you for providing the Utah Wilderness Coalition with the opportunity to present our views on the Emery County Public Land Management Act of 2018. H.R. 5727

The Utah Wilderness Coalition (UWC) is a coalition of conservation organizations committed to protecting wilderness-quality lands in Utah as wilderness. Since 1989, the UWC has advocated for the passage of America's Red Rock Wilderness Act, legislation that would protect approximately 9.4 million acres of BLM-managed public lands in Utah as designated wilderness.[1] The UWC includes the Southern Utah Wilderness Alliance, the Natural Resources Defense Council, and the Sierra Club.

The Southern Utah Wilderness Alliance (SUWA) is a Utah-based non-profit organization with over 16,000 members dedicated to the preservation of the outstanding wilderness at the heart of the Colorado Plateau, and the management of these lands in their natural state for the benefit of all Americans. Since 1983, SUWA has promoted local and national recognition of the region's unique character through research and public education; has supported both administrative and legislative initiatives to permanently protect the Colorado Plateau's wild places within the National Park and National Wilderness Preservation Systems, or by other protective designations where appropriate; has built support for such initiatives on both the local and national level; and has provided leadership within the conservation community through steadfast advocacy for wilderness preservation.

The Natural Resources Defense Council (NRDC) is an international non-profit environmental organization with more than 3 million members and online activists. Since 1970, NRDC's lawyers, scientists, and other environmental specialists have worked to protect the world's natural resources, public health, and the environment.

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[1] America's Red Rock Wilderness Act, S. 948, H.R. 2044, 115th Cong. (2017-2018).

The Sierra Club is America's largest and most influential grassroots environmental organization, with more than 3 million members and supporters. In addition to helping people from all backgrounds explore nature and our outdoor heritage, the Sierra Club works to promote clean energy, safeguard the health of our communities, protect wildlife, and preserve our remaining wild places through grassroots activism, public education, lobbying, and legal action. The Sierra Club has 3.4 million members and supporters across the United States. Since 1892, the Sierra Club has worked to protect wilderness-quality lands across the United States.

While at first blush the Emery County bill boasts wilderness and National Conservation Area (NCA) acreages that may seem impressive, a closer analysis of the bill reveals legislation that designates less wilderness than is currently protected for wilderness character as Wilderness Study Areas (WSA) or Natural Areas; wholly fails to protect remarkable and critical intact wilderness landscapes as wilderness; makes motorized vehicle use worse by effectively enshrining an illegal travel plan and opening currently-closed motorized routes; exempts motorized travel from conservation area and wilderness management; includes unprecedented giveaways to the State of Utah in the form of cooperative management and public purpose conveyances; removes existing WSA protection to facilitate coal mining; allows the State of Utah to continue its federal court litigation seeking highway rights-of-way through newly-designated wilderness, instead of resolving Revised Statute (R.S.) 2477 issues; and authorizes a land exchange that fails to identify federal parcels for acquisition, fails to ensure protection of wilderness-quality lands and rescinded national monuments, and fails to require consultation with Native American tribes.

The UWC submits this testimony in order to address significant problems with the Emery County Public Land Management Act of 2018 (hereafter referred to as the "Emery County bill") and to identify legislative additions and modifications that would address these issues. Only with the necessary legislative changes outlined below do we believe that the Emery County bill would become worthy of these remarkable public lands and acceptable for passage into law.

BACKGROUND

The UWC has a longstanding interest in the protection of public lands in Emery County, Utah. Home to world-renown wilderness landscapes such as the San Rafael Swell and the Green River's iconic Labyrinth and Desolation Canyons, Emery County includes nearly 1.4 million acres of Bureau of Land Management (BLM)-managed public lands proposed for wilderness designation in America's Red Rock Wilderness Act.[2]

After passage of the Public Land Management Act of 2009, P.L. 111-11 (which included wilderness and NCA designations in Washington County, Utah)—and after

[2] BLM's own independent wilderness inventories have determined that *more than* 1.4 million acres of BLM-managed public lands within Emery County qualify as wilderness under the requirements of the Wilderness Act. 16 U.S.C. §§ 1131-1136.

years of meeting with Emery County officials—SUWA, on behalf of the UWC, reached out to the Emery County Commission and agreed to split the cost of a neutral facilitator with the goal of reaching compromise on a public lands bill for the county. Unfortunately, due to backlash from some constituents, the commissioners reneged on the agreement. In response, in 2010, SUWA sent a letter to the Emery County Commission informing them that our on-going participation in the County's internal development of a legislative proposal was not a productive use of our time and resources, but that we remained committed to reaching an agreement on wilderness and were looking forward to re-engaging with the County after they had developed their proposal. (See Attachment letter to Emery County Commission). The County never reached out again.

In early 2013, Rep. Rob Bishop began the Public Lands Initiative (PLI), and once again the UWC became engaged in discussions regarding Emery County and other counties involved in the process. We attended Emery County field tours, provided input on potential points of agreement and compromises, and engaged regularly with both Rep. Bishop and then-Rep. Jason Chaffetz's staff. Unfortunately, the PLI ultimately failed due to the inability to move past anti-conservation ideology and a lack of political will and leadership from the congressional delegation.

From the developmental stages of this current Emery County legislative effort, the UWC submitted a compromise proposal that would have removed significant acreages of land proposed for designation in America's Red Rock Wilderness Act, either outright or for a less-protective National Conservation Area (NCA) designation. Unfortunately, our compromise proposal was largely ignored and we were unable to meaningfully negotiate areas, boundaries, or language prior to the bill's introduction in May 2018. While we continue to engage with Rep. Curtis's office, we have yet to see any changes to the legislation that address the numerous and significant problems that we have identified. To date, the legislation has strayed little from Emery County's original proposal.

While both recent and historic efforts to develop meaningful wilderness legislation for public lands within Emery County have failed—and while we have thus far seen little willingness to make the changes necessary to address our concerns—the UWC remains committed to the goal of protecting these remarkable wilderness-quality lands in perpetuity for the benefit of all Americans.

PROBLEMS AND REQUIRED LEGISLATIVE CHANGES

In order to fix the Emery County bill and make it worthy of these deserving wilderness landscapes, we urge the committee to address the following issues and to take the following actions:

I. Motorized Travel

Problem: The Emery County bill takes the highly unprecedented approach of excluding (*i.e.*, "cherry-stemming") *all* motorized routes and trails from the National

Conservation Area (NCA) and wilderness areas. This is done through listing all motorized routes and trails as "Cherry Stemmed Routes" on the legislative map. As section 101(c)(2) of the bill grants the map the "same force and effect" as the legislative language, cherry-stemming routes on the map results in all shown motorized routes and trails being exempted from the NCA and wilderness. This approach:

> (1) effectively ensures that the routes will remain open in perpetuity, undermining a January 2017 settlement reached by conservationists, the Trump administration, and off-road vehicle advocates that resolved nearly ten years of federal court litigation. That settlement requires BLM to produce new motorized vehicle travel plans for the San Rafael area that comply with federal regulations, minimize impacts to natural and cultural resources, and minimize conflicts between resource users;
>
> (2) cuts up these protected areas with "excluded" routes, undermining their very conservation purpose, and;
>
> (3) creates a bizarre and difficult management situation for BLM, as motorized travel would be managed without consideration of, or consistency with, the NCA and wilderness designations.

Excluded routes "cherry-stemmed" in the Emery County map include both the illegal 2008 Price BLM travel plan routes and additional, currently-closed motorized routes sought by the County.

Recommendations: Remove "Cherry Stemmed Routes" from map legend and all route types listed below the heading. Consistent with prior legislation, the map should only show highways and primary high-grade dirt roads (*i.e.,* Class B roads) for the purpose of orientation, not for making any legal determination about motorized travel. The legislative language and map should remain silent on motorized routes/trails and travel planning so that the existing settlement agreement will remain unaffected. Strike section 102(k)(2) as it is unnecessary and exempts consideration of the conservation area's conservation purpose as part of future travel management planning.

II. Wilderness- Labyrinth Canyon

Problems: Section 201 of the bill designates 26,226 acres of wilderness for Labyrinth Canyon (called "Horseshoe Canyon (North)" in the bill). This area encompasses only a portion of qualifying wilderness on the western side of Labyrinth Canyon in Emery County—an area that is already protected as a Wilderness Study Area (WSA). To the north of this proposed wilderness area, section 101 of the bill designates an NCA in lieu of wilderness for the purpose of validating two *illegal and unauthorized* mountain bike trails (known as June's Bottom and Bull Bottom).[3] The bill does not

[3] Note that there is a closed motorized route known as June's Bottom in this region as well. While the June's Bottom route, which goes from the rim of Labyrinth Canyon to the Green River, is closed to motorized vehicles, it does remain open to mechanized use. The illegal mountain bike

propose any designated wilderness for the eastern portion of Labyrinth Canyon in Grand County, Utah, and instead utilizes arbitrary county boundaries that ignore the intactness of this remarkable wilderness landscape.

Recommendations:

- **Areas:** The Emery County bill must include an additional 138,000 acres of designated wilderness for Labyrinth Canyon, including 76,000 acres in Emery County and 62,000 acres in Grand County. In doing so, the bill must protect the eastern side of Labyrinth Canyon and its side canyons (Ten Mile, Spring, Hell Roaring, Hey Joe, and Mineral) as designated wilderness. In addition, the bill must designate the western portion that is currently proposed as an NCA by Emery County as wilderness. Known as the "Labyrinth Canyon Wilderness Addition," this area will ensure that the entirety of Labyrinth Canyon and its side canyons are protected within both Emery and Grand Counties—from Red Wash down to Canyonlands National Park. (See Attachment —"Conservation Highlights of the San Rafael Swell and Labyrinth Canyon," pp.12-15.)

- **Motorized Routes:** The bill must not open any currently-closed motorized routes, including June's Bottom which runs from the western rim of Labyrinth Canyon to the Green River (*see also* footnote 3). The bill must also permanently close all motorized routes along the Green River in Labyrinth Canyon located within designated wilderness. This includes the Hey Joe, Ten Mile Wash, and Hell Roaring Canyon motorized routes, and the motorcycle routes known as The Tubes and Dead Cow Wash. There are hundreds of motorized trails located elsewhere in the region available for such use; however, there is no alternative to Labyrinth Canyon for quiet, wilderness river recreation.

III. Wilderness- Muddy Creek

Problems: Section 201 of the bill designates 65,652 acres of wilderness for Muddy Creek, consisting solely of lands already protected for wilderness values (*i.e.*, WSAs and Natural Areas). Emery County's proposal designates only a portion of the vast and undeveloped Muddy Creek proposed wilderness unit as wilderness, and designates other portions as an NCA in lieu of wilderness. The bill does not propose any designated wilderness for the southern portion of Muddy Creek in Wayne County, Utah, and instead utilizes arbitrary county boundaries that ignore the intactness of this remarkable wilderness landscape.

Recommendations:

- **Areas:** The Emery County bill must include an additional 165,000 acres of designated wilderness for Muddy Creek, including 122,000 acres in Emery County and 43,000 acres in Wayne County. This includes designating

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trail referenced above as "June's Bottom" is not the same as the legal mechanized trail to the river.

additional wilderness to the west and south of the currently proposed wilderness boundaries and, in addition, designating the Muddy Creek Natural Area that is currently proposed as an NCA by Emery County as wilderness. Known as the "Muddy Creek Wilderness Addition," this area will ensure that the entirety of the intact Muddy Creek wilderness is protected within both Emery and Wayne Counties. (See Attachment—"Conservation Highlights of the San Rafael Swell and Labyrinth Canyon," pp.8-11.[4])

- **Motorized Routes:** The bill must permanently close the Behind the Reef route at the end of the Class B/maintained road (approximately 6.5 miles from the Temple Mountain Rd. turnoff) and must close any Class D spur routes off of the Behind the Reef route. The bill must not open any currently-closed motorized routes, including Muddy Creek.

When added to the current Emery County bill, the Labyrinth Canyon and Muddy Creek Wilderness Additions would result in a total of 51% of the Emery County portion of America's Red Rock Wilderness Act being protected as designated wilderness.

IV. National Conservation Area (NCA)

Problems:

- **Areas:** Section 101 of the bill designates the San Rafael Swell Western Heritage and Historic Mining National NCA, comprised primarily of lands within the San Rafael Swell but which also includes a portion of Labyrinth Canyon. In doing so, section 101 fails to protect the San Rafael Badlands, a wild and abundant cultural landscape that the BLM has determined possesses wilderness characteristics.

- **Language:** Section 101 establishes an unbalanced advisory council to oversee preparation and implementation of the NCA management plan.

Recommendations:

- **Areas:** The Emery County bill must designate the 158,000-acre San Rafael Badlands as an NCA, in a stand-alone legislative section, "to conserve, protect, and enhance for the benefit and enjoyment of present and future generations the cultural, ecological, wildlife, natural, scenic, educational, and scientific resources" of the NCA. Consisting of Molen Reef, Eagle Canyon, Rock Canyon, Cedar Mountain (an area previously proposed by the county for wilderness designation in Rep. Bishop's PLI), and the Mussentuchit Badlands (pronounced "mustn't touch it"), the NCA utilizes manageable boundaries—following human impacts or topographic features—and is drawn to ensure that the irreplaceable cultural and natural resources of this region are protected. A mineral withdrawal must be included as part of the NCA and will ensure that

[4] All of the lands within the Muddy Creek Wilderness Addition have been determined by BLM as qualifying as wilderness under the requirements of the Wilderness Act.

this remote, culturally-rich landscape is protected from future oil and gas leasing, an ongoing issue within this region even though it possesses a low-potential resource.

- **Language:** Strike section 101 establishing the advisory council, or modify it to ensure balanced representation, including one representative from a conservation/wilderness advocacy organization.

V. Temple Mountain Co-Management Area

Problems: Section 401 of the bill authorizes a cooperative management agreement between BLM and the State of Utah that would convey recreation management control over 7,800 acres of high-value public lands within the NCA to the State. The cooperative management area has a different purpose than the NCA and contains management provisions—including those pertaining to motorized vehicle use—that conflict with the NCA established in section 101. It also authorizes fee collection for access to federal public lands and revenue sharing with the State of Utah.

Recommendation: Strike section 401 entirely as it is inconsistent with the NCA and is unnecessary as cooperative management agreements are already permitted by section 307 of the Federal Land Policy and Management Act of 1976. 43 U.S.C. § 1732.

VI. Goblin Valley State Park Expansion

Problems: Section 402 of the bill conveys 10,000 acres of high-value public lands within the NCA to the State of Utah for management as a state park in accordance with state law. It also authorizes fee collection for access to federal public lands.

Recommendation: Strike section 402 entirely as it is inconsistent with the NCA and it is inappropriate to hand control of thousands of acres of federal public land to the State of Utah for amenities development, fee generation, and management pursuant to state law.

VII. Wilderness Study Area (WSA) Release

Problem: Section 204 of the bill releases all WSAs not designated as wilderness under the bill, rolling back existing protections and precluding future WSA designation for nearly 15,000 acres of BLM-managed public land. Importantly, this includes portions of the Turtle Canyon WSA, which is being released in order to facilitate new coal mining.

Recommendation: Designate all WSAs as wilderness under section 201.

VIII. Land Exchange

Problems: Section 406 authorizes the State of Utah to transfer School Institutional Trust Land Administration (SITLA) inholdings within the NCA and designated wilderness in exchange for federal lands elsewhere. The bill's language is modeled after the "Advancing Conservation and Education (ACE) Act" (H.R. 4257/S. 2078), bi-partisan legislation that allows for similar land exchanges, yet it fails to include important safeguards included in the ACE Act that ensure protection of tribal lands and lands identified by BLM as possessing wilderness characteristics; an open and transparent public process; and consultation with Native American tribes. Additionally, the bill contains no prohibition on state acquisition of federal lands within the original, legitimate boundaries of Grand Staircase-Escalante and Bears Ears National Monuments, and allows SITLA to choose when and where it exchanges state lands.

Recommendations: Strike section 406 and replace with standard land exchange language and a map that identifies parcels to be traded out and acquired. Alternatively, replace section 406 with language that is consistent with the ACE Act (H.R. 4257/S. 2078), ensures protection of the lands within the original boundaries of Grand Staircase-Escalante and Bears Ears National Monuments, and requires SITLA to exchange all state lands located within protected areas in one transaction.

IX. Revised Statute 2477

Problem: The bill fails to resolve the State of Utah's litigation over Revised Statute (R.S.) 2477 routes located within designated wilderness and NCAs, removing conservation certainty and leaving these areas at risk for future motorized route maintenance, improvement, and development that is inconsistent with the Wilderness Act and other conservation designations. The uncertainty and risk associated with failing to resolve R.S. 2477 issues was demonstrated when the State of Utah filed road claims within wilderness areas and NCAs that were designated in Washington County, Utah as part of the Omnibus Public Land Management Act of 2009. These claims, filed after passage of the legislation, have yet to be adjudicated.

Recommendation: Include language that relinquishes the State of Utah's R.S. 2477 claims within wilderness and NCAs designated in the bill. Alternatively, facilitate a non-legislative agreement between the State of Utah and the federal government relinquishing the State of Utah's claims in designated wilderness and NCAs.

BENEFITS TO EMERY COUNTY

Even with the aforementioned legislative recommendations, Emery County has much to gain from the legislation, including important economic benefits from increased development as well as recreation and tourism opportunities. These benefits include:

I. Significantly increased revenue.

Section 406 of the bill authorizes the School and Institutional Trust Lands Administration (SITLA) to exchange its inholdings within designated wilderness and

conservation areas in Emery County for BLM-managed public land elsewhere in the state. This will allow SITLA to exchange holdings with high conservation value for lands with greater economic development potential. Pursuant to state law, when those lands are developed by SITLA, 12.5% of the revenue is returned to Emery County.[5]

The proposed conservation designations contain well over 100,000 acres of SITLA lands. When these lands are exchanged for lands with economic development potential, Emery County stands to gain tens or hundreds of thousands of dollars of new revenue each year.

II. Federal land for economic development, recreational activities, and other uses.

Section 404 of the bill authorizes BLM to sell federal parcels that the agency has identified for disposal in the existing resource management plan. BLM has identified hundreds of parcels for potential disposal because of management difficulty and their potential to benefit communities. Important benefits to Emery County include providing land for infrastructure and large-scale development, facilitating operation of the Huntington and Hunter power plants, and lands for hunting and fishing.

III. Federal land for County use.

Section 405 of the bill conveys over 2,700 acres of BLM-managed public land to Emery County for various purposes including a recreation area, sheriff's substation, airport, and information center. These conveyances will serve the people of Emery County by allowing the continued use and expansion of these important public resources.

IV. Economic benefits of increased tourism and recreation.

The legislation establishes wilderness, conservation areas, and a national monument, which will provide outstanding opportunities for Emery County to expand its economic base. Abundant research has demonstrated that counties with protected public lands vastly outperform their peers in terms of job growth, personal income, per capita income, and employment.[6]

V. Increased certainty on public land management.

By protecting deserving areas as wilderness and conservation areas, the legislation will end years of uncertainty regarding public land management and wilderness designation in Emery County

Further, the legislation will have no adverse effects on public access or economic opportunities in the county. Under the bill, not a single motorized route would be closed,

[5] Utah State Code Annotated, §§ 52C-3-202 & 203.
[6] *See, e.g.*, Protected Lands and Economics: A Summary of Research and Careful Analysis on the Economic Impact of Protected Federal Lands, Headwaters Economics, Spring 2017.

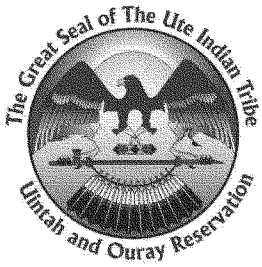
and lands withdrawn from mining and energy development currently have very low potential. Instead, the bill will help preserve iconic American public lands, including scenic red rock landscapes, important ecological and cultural sites, and pre-historic fossils for the benefit and enjoyment of future generations.

CONCLUSION

Thank you for the opportunity to submit testimony on the Emery County Public Land Management Act of 2018. We encourage the Committee to take a hard look at the details of this proposal and to make the required amendments to ensure that the legislative language is consistent with conservation values and intentions, and that the magnificent landscapes of Muddy Creek, Labyrinth Canyon, and the San Rafael Badlands are protected in perpetuity.

Sincerely,

Neal Clark
Wildlands Program Director
Southern Utah Wilderness Alliance
On behalf of the Utah Wilderness Coalition



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Testimony of the
Ute Indian Tribe of the Uintah and Ouray Reservation

Before the United States Senate
Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining

Legislative Hearing
Testimony on S. 2809, the Emery County Public Land Management Act of 2018

August 27, 2018

Introduction

The Ute Indian Tribe appreciates the opportunity to testify on S. 2809, the Emery County Public Land Management Act of 2018. The Tribe's 4.5 million-acre Uintah and Ouray Reservation borders a portion of Emery County to the east along the Green River. The Tribe also has a 34-acre parcel in Emery County. The Ute Indian Tribe provides this testimony as a part of its efforts to ensure that that S. 2809 and its public land management objectives do not impact the Tribe's lands, waters, rights and interests.

The Ute Indian Tribe is a federally recognized tribe. Our ancestral lands, cultural resources and sacred sites extend into central and southern Utah and western Colorado. We are also a major oil and gas producer and use revenues from our energy development as the primary source of funding for our tribal government and the services we provide our members. We provide services and manage our Uintah and Ouray Reservation through 60 tribal departments and agencies including land, fish and wildlife management, housing, education, emergency medical services, public safety, and energy and minerals management. We are a major employer and engine for economic growth in northeastern Utah.

The Ute Indian Tribe has two major concerns with S. 2809 that can be solved with minor revisions to the bill text. These revisions are needed to protect the lands and waters that the Tribe reserved in treaties and agreements with the United States. Our testimony includes proposed text for these revisions and we look forward to working with the Subcommittee and Senator Hatch to ensure that conservation efforts in Emery County and the Green River do not impact the lands and waters of our adjacent and upstream Uintah and Ouray Reservation.

Finally, the Tribe also supports the efforts of the Hopi Tribe to ensure protection of tribal cultural resources in Emery County.

Further Work is Needed to Engage All Stakeholders and Governments

As a starting point, despite the statements and testimony provided at the hearing, S. 2809 does not represent consensus of all the local governments and stakeholders involved. The Ute Indian Tribe has a treaty, trust and government-to-government relationship with the United States. Despite this, Senator Hatch never contacted the Tribe about S. 2809. The Tribe was only contacted by Congressman Curtis to discuss companion legislation in the House about a week before the bills were introduced. Only later did Senator's Hatch staff begin to attend meetings on the bill with the Tribe.

By the time the Tribe was contacted the bill was already drafted and many negotiations were seemingly completed. The Tribe should have been included in discussions on the bill long ago. As noted above, the Tribe governs a 4.5 million acre Reservation that is adjacent to Emery County, and provides jobs and economic opportunities for tens of thousands on our Reservation, in the region and across the Nation. Like the State of Utah and Emery County, the Tribe should have been involved in the beginning stages of developing legislation that could impact our lands, waters, rights and interests. We do not want to repeat the failed process of hte Utah Public Lands Initiative from the 114th Congress.

It is also important to note that the Ute Indian Tribe is a sovereign government and not a "stakeholder." The United States Constitution recognizes three sovereigns: the federal government, tribal governments and state governments. The Tribe and the United States have a government-to-government relationship based on treaties and agreements. When members of Congress begin proposing legislation that may affect an Indian tribe's rights and interests, they have a federal treaty and trust obligation to discuss that legislation with any affected tribes and work to resolve any concerns. That has not yet happened here.

Based on testimony provided at the hearing it appears that some stakeholders have been working with Senator Hatch on S. 2809 for a year or longer. This needs to be corrected. The Ute Indian Tribe must be provided the time and opportunity to review and resolve any impacts that the bill will have on the Tribe's lands, waters, rights and interests. All of which are subject to the United States' trust responsibility to the Ute Indian Tribe. Of course, recent meetings with Senator Hatch's staff are a good start.

Indian Reservations Must be Excluded from State Land Exchanges

Protection of our Reservation and its lands and resources is our top priority. Our Uintah and Ouray Reservation has been under attack by various federal policies and the State of Utah almost since our lands were first reserved and set-aside as a homeland for the Ute Indian Tribe and our Uintah, White River and Uncompahgre Bands more than 100 years ago. The Ute Indian Tribe opposes any legislation that could result in the loss of additional Reservation lands.

The Tribe is concerned that Section 406 of the bill, providing for the "Exchange of School and Institutional Trust Lands Administration Land," may result in the Utah School and Institutional Trust Lands Administration (SITLA) seeking to exchange its lands in Emery County for lands within our Reservation. These lands are rich in oil and gas resources. Under no circumstances should Congress support or promote state acquisition of lands and resources reserved for Indian tribes. The days of Indian land grabs are long gone. Modern and successful federal Indian policy supports restoration of Indian lands and tribal self-determination.

Allowing states to acquire lands within Indian reservations would also result in further checker boarding and disruption of tribal jurisdiction over Indian reservations, may violate laws requiring federal oversight and protection of Indian lands, sacred sites, and natural and cultural resources, and would likely subject the United States to liability for trust mismanagement of those resources. The National Congress of American Indians (NCAI), the oldest and largest national organization representing and advocating for Indian tribes, has already spoken out in opposition to similar land transfers or exchanges. Three of these NCAI resolutions are attached to the Tribe's testimony.

S. 2809 already includes a list of lands that are excluded from exchanges with SITLA. Lands within Indian reservations should be added to the list of excluded lands in the bill. This revision should be made by adding a new subsection to Section 406 (a)(5)(C) that reads:

"(v) within the boundary of an Indian reservation."

The exclusion of lands within Indian reservations from state school trust land exchanges has broad bipartisan support. S. 2078, the Advancing Conservation and Energy Act (ACE Act), would authorize state land exchanges through out the west and specifically excludes Indian reservations from these exchanges. In the Senate, the ACE Act is sponsored by Senator Flake and Senator Heinrich.

On the House side, the ACE Act passed the House on June 25, 2018. Congressman Stewart and Congressman Curtis, two members of the Utah Delegation, sponsored the ACE Act. Congressman Polis and Congressman Garamendi also sponsored the ACE Act in the House.

Compared to S. 2809, the ACE Act represents compromise legislation that will allow for these state land exchanges to proceed. S. 2809 should exclude lands within Indian reservations the same as the ACE Act and as already supported by the members of the Utah Congressional Delegation, and specifically Congressman Curtis who is the sponsor of companion legislation to S. 2809.

Tribal Water Rights Must be Protected

Another major concern of the Ute Indian Tribe is projecting our water rights. As you may know, the Central Utah Project transfers most of our Reservation waters to Salt Lake City, the Wasatch Front and surrounding areas for irrigation and municipal use by non-Indians. Most of our remaining waters available for use are in the Green River. The Tribe cannot agree to limitations on those waters that would affect our ability to use and develop those waters for

municipal or economic purposes. The United States and Congress also cannot enact such limitations based on its prior treaties and agreements with the Tribe and obligations to provide a homeland, which includes water rights, for the Tribe.

Specifically, provisions should be included in S. 2809 to ensure that designations under the Wilderness Act of 1964 (P.L. 88-577; 16 U.S.C. §§ 1131 *et seq.*) and the Wild and Scenic Rivers Act of 1968 (P.L. 90-542; 16 U.S.C. §§ 1271 *et seq.*) will not prevent the Tribe from being able to utilize its waters in the Green River. In order to ensure that the Tribe is able to benefit from and utilize its waters in the Green River, the following provisions should be included in the sections shown below.

Four revisions are needed in Title II regarding Wilderness Areas. First, in Section 202 (k)(1) a new subsection (F) should be inserted:

> "(F) affects any water rights held in trust by the United States for the benefit of the Ute Indian Tribe including water rights that exist on the date of enactment of the Act, and—
> (i) any future water rights adjudicated or settled as federal Indian reserved water rights of the Ute Indian Tribe;
> (ii) and notwithstanding any other law, shall limit, modify, or prohibit the Ute Indian Tribe from developing and using its reserved water rights for economic or other purposes on or off the Uintah and Ouray Reservation."

Second, the following should be added to the end of Section 202 (k)(2):

> "…, except that federal Indian reserved water rights shall be obtained and held for the benefit of an Indian tribe consistent with the characteristics of federal Indian reserved water rights."

Third, the following should be added to the end of Section 202 (k)(3)(A)(ii):

> "… and any facility related to the Ute Indian Tribe's use and leasing of its water rights in the Green River."

And, fourth, the following should be added to the end of Section 202 (k)(3)(B):

> "… except any license or permit related to any water resource facility intended for the development of the Ute Indian Tribe's Indian reserved water rights, including those that exist on the effective date of this Act, and those recognized by the federal government in the future."

These four revisions are needed to ensure that the designation of Wilderness Areas by S. 2809 that are adjacent to our Uintah and Ouray Reservation do not affect the Tribe's ability to benefit from and use our waters in the Green River.

Revisions are also needed in Title III Section 301 to ensure that Wild and Scenic River designations downstream from our Reservation also do not affect the Ute Indian Tribe's ability to benefit from and use its waters in the Green River. Section 301 would amend Section 3 (a) of the Wild and Scenic Rivers Act by adding a new subsection (213). Proposed subsection (213) should be revised to include at the end:

> "..., except that nothing in this section shall limit or affect the ability of the Ute Indian Tribe to benefit from or utilize, including economic uses, any existing or future water rights in the Green River."

With this change, the Wild and Scenic River designation would not affect the Tribe's ability to benefit from and utilize our upstream and senior water rights.

Conclusion

The Ute Indian Tribe appreciates the opportunity to provide testimony on S. 2809. Unfortunately and despite the testimony provided at the Subcommittee hearing, all the stakeholders and interested governments have not been at the table during the development of this bill. The Tribe was only contacted about this bill about a week before it was introduced. Since then, we have been working hard to assess the bill and provide solutions to resolve our concerns. As a sovereign government and local manager of our 4.5 million acre Uintah and Ouray Reservation adjacent to Emery County, the Ute Indian Tribe should have been engaged at the beginning of the process.

While our primary concerns are protection of our Reservation lands and resources, we also understand that the bill may affect the management of tribal cultural resources in Emery County. We support efforts of the Hopi Tribe to ensure that tribal voices, at a minimum, have a seat at the table in the management of those resources.

In light of the failure of Senator Hatch to engage the Ute Indian Tribe in the development of this bill, the Subcommittee should delay any further action until the Tribe's concerns can be resolved. As described in our testimony, only a few small changes are needed to ensure that S. 2809 will not impact the Tribe's lands, waters, rights and interests. These changes are needed to uphold the United States treaties and agreements with the Ute Indian Tribe as well as its trust responsibility.

From: Brian Vallo
To: fortherecord (Energy)
Subject: (SENDER VALIDATION FAILED --- May not have originated from apparent sender) Protection of Waphrabashuka - Chaco Canyon
Date: Wednesday, August 22, 2018 12:17:01 PM

Dear Committee Members,

A descendant of the ancestors (Acoma Pueblo) who built homes, ceremonial spaces, and who lived harmoniously in the harsh natural environment of Waphrabashuka, beloved Chaco Canyon, I submit this plea, urging you to ensure the incredibly important cultural landscape of Chaco is protected in perpetuity, from any and all fracking, proposed mining, and other invasive activity that would threaten and desecrate this spiritual, cultural, and historic resource so vital to the story and legacy of my ancestors.

I join and support all who are leading this crucial initiative to educate the greater public on the issues with the intent to garner support needed to establish federal policy that will mandate protection of these cultural resources. I urge you to listen, and to carefully consider testimony offered by both Native and non-Native, scholars, cultural practitioners, federal agents, tribal leaders, youth, and others who share the deepest concern for Chaco Canyon and other similar cultural landscapes that remain threatened.

I trust the outcome of these hearings will yield the best strategies for the long-term preservation and protection of this American cultural landscape.

Sincerely,

Brian D. Vallo, Director
Indian Arts Research Center
School for Advanced Research
P. O. Box 2188
Santa Fe, New Mexico 87504
505.954.7271
www.sarsf.org

SAR: *Supporting Native American artistic creativity and innovative social science since 1907.*

From: Ruth M Van Dyke [mailto:rvandyke@binghamton.edu]
Sent: Tuesday, August 21, 2018 1:01 PM
To: fortherecord (Energy)
Subject: thank you for advocating to protect the greater Chaco landscape

Dear Senators Udall and Heinrich,

I write to thank you for your proposed legislation to protect Chaco. As a Chaco scholar, I certainly support efforts to expand this protection to the larger Chaco region.

To prevent any further damage to the Chaco culture's invaluable heritage, the Bureau of Land Management (BLM) must cease permitting new oil and gas wells in the Chaco region. Especially, and at the very least, they must not grant any leases within the Chaco Cultural Heritage Withdrawal Area as defined by Chaco Cultural Heritage Area Protection Act of 2018 proposed by Senator Udall and Senator Heinrich. Further, the withdrawal area boundaries of this proposed bill should be *extended* to cover a 20 mile buffer zone around Chaco National Historical Park and 10 mile buffer zones around outlying Chaco Great Houses.

In 2014, the BLM promised a new Resource and Management Plan to govern all future oil and gas leases. They have not yet delivered. Instead, the BLM plans to sell leases this December *inside* the ten mile 'buffer zone' around Chaco Canyon, a protective boundary they previously assented to. This sets a dangerous precedent for advancing energy activity closer to Chaco Canyon.

The BLM has also permitted many roads to cross the ancient Great North Road's 35 mile course from Chaco Canyon to Kutz Canyon. The Chacoans created this elaborate corridor to connect their ceremonial center to the direction North. For descendant Puebloan peoples it holds profound spiritual significance. However, modern energy roads continue to erase the Great North Road. This erasure risks getting worse: the Chaco people created numerous Great Houses and other 'roads' as a web, uniting their sites with special landforms and astronomical directions. This comprehensive web of a sacred landscape must be protected. Soundscapes, similarly, are completely unprotected, and they are under special threat from the noise from drilling.

Much of the area adjoining Great Houses in the 'buffer zone' is only beginning to be analyzed with LiDAR (aerial LASER scanning); this data requires much further evaluation, along with on-the-ground truthing by experienced archaeologists. These efforts should proceed and the findings deter any further leasing. There are an estimated 40 great house communities in the affected area. Most of these have surrounding communities of small sites, viewsheds, and landscapes that archaeologists HAVE NEVER STUDIED. I would like to see a landscape-level archaeological inventory happen BEFORE leasing, not DURING or AFTER.

I also support mitigating actions by the BLM to prevent public health hazards to surrounding communities already encroached upon by intense energy development. In an ideal world, I'd like to see a shift in the region's economy to job-creating, sustainable energy enterprises.

Thank you for your support of Chaco.

Sincerely,

Ruth M. Van Dyke, Ph.D.
Professor of Anthropology
Binghamton University - SUNY
Binghamton, NY 13902-6000
719-510-6755

CROOKED RIVER RANCH
FIRE & RESCUE

6971 SW Shad Road, Crooked River Ranch, OR 97760
Phone: (541) 923-6776 | Fax: (541) 923-5247
www.crrfire.org

Senator Lisa Murkowski
Chair, Energy and Natural Resources Committee
304 Dirksen Senate Building
Washington, DC 20510

Date: August 21, 2018

Re: The Crooked River Ranch Fire Protection Act H.R. 2075.
Legislation to change the eastern border of the Steelhead Falls/Deschutes Canyon Wilderness Study Area to provide for enhanced fire protection for Crooked River Ranch.

Dear Senator Murkowski
I fully support the "Crooked River Ranch Fire Protection Act" that is coming before the Energy and Natural Resources Committee. This bill will move the eastern boundary of the Steelhead Falls/Deschutes Canyon Wilderness Study Area to provide for enhanced fire protection for life and property on Crooked River Ranch (CRR), Oregon.
This bill is long overdue and will be a welcome addition to our first responders responsible for protecting the life and property of Crooked River Ranch citizens. Additionally, it will allow our Fire Department and BLM managers to address the severe fire dangers that exist along the borders which abut private property. CRR has one access road at this time and serves 2646 privately owned lots with a population of 5000.
This legislation will:

- Reduce the spread of wildfire into populated areas
- Create a fire safe zone
- Allow mechanized equipment for fire suppression before it penetrates a populated area.
- Provide safety to first responders during wildfire operations
- Assist Jefferson County Oregon Community Wildfire Protection Plan to mitigated risk classification of EXTREME

The main purpose of this bill is for Fire and Life Safety of the Citizens of Crooked River Ranch who I have duly sworn to protect.

Regards,

Harry Ward Fire Chief
Crooked River Ranch Fire & Rescue

DAVID IGE
GOVERNOR OF HAWAII
CHAIR

DOUG BURGUM
GOVERNOR OF NORTH DAKOTA
VICE CHAIR

JAMES D. OGSBURY
EXECUTIVE DIRECTOR

August 21, 2018

The Honorable Mike Lee
Chairman
Subcommittee on Public Lands, Forests, and Mining
Committee on Energy and Natural Resources
United States Senate
304 Dirksen Senate Office Building
Washington, D.C. 20510

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

Dear Chairman Lee and Ranking Member Wyden:

In advance of the Sucommittee's August 22, 2018 legislative hearing on S. 2078, the Advancing Conservation and Education Act, attached please find a copy of Western Governors' Association Policy Resolution 2016-04, Federal-State Land Exchanges and Purchases. On behalf of Western Governors, I respectfully request that the resolution be included in the permanent record of the hearing, as it articulates their policy positions on this important issue.

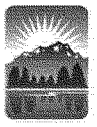
S. 2078 is the companion bill to H.R. 4257, which has already been approved by the U.S. House of Representatives. The measure would facilitate federal-state land exchanges and reduce checkerboard land ownership patterns throughout the West. This bipartisan legislation is an important step toward achieving multiple land management objectives supported by states and a wide range of western stakeholders.

Please contact me if you have any questions or require further information. In the meantime, with warm regards and best wishes, I am

Sincerely,

James D. Ogsbury
Executive Director

Attachment



WESTERN GOVERNORS' ASSOCIATION

Western Governors' Association
Policy Resolution 2016-04

Federal-State Land Exchanges and Purchases

A. BACKGROUND

1. Congress granted lands to states as they were admitted to the Union to be held in trust for support of public schools and other endowed institutions. Federal land ownership in western states is prolific. Over time, the federal government has created conservation areas such as national monuments, wildlife refuges, wildlife conservation areas (i.e., sage grouse focal areas) and wilderness study areas on public lands that surround or affect many of these trust lands. Tribal reservations and military withdrawals have also created state enclaves within federal land holdings. In at least one case, a state has not received all of its land conveyances from the federal government pursuant to its respective statehood act.

2. The manner in which Congress granted lands to western states, as well as other forms of land disposition to railroads or other entities, created a "checkerboard" pattern of federal, state, county, and private land ownership across many areas of the West. Federal and state land managers, land users, the environmental community and the public all agree that the "checkerboard" land ownership pattern is a major hindrance to effective and ecologically sound management of both federal and state lands.

3. In addition to complicating and often increasing costs related to resource management issues including wildfire, federal land ownership in a checkerboard land ownership pattern increases the potential that a federal "nexus" may exist when a project proponent seeks to operate within a state. The requirement to undertake federal processes and procedures can be onerous and provide an economic disincentive for industry, even when the majority of the project is on state or deeded lands. This disincentive leads to decreased trust revenues as well as decreased state and local taxes.

4. Currently, there are three methods of resolving the checkerboard land tenure issue in the West: (1) land exchanges under existing legislation, such as the Federal Lands Policy and Management Act (FLPMA); (2) the direct federal purchase of non-federal lands within federal management areas under the Federal Lands Transfer Facilitation Act (FLTFA); and (3) individual acts of Congress. However, all three are lengthy, expensive, and inefficient.

5. Federal land exchanges – whether with states or private interests – are conducted under the FLPMA and the National Environmental Policy Act (NEPA). FLPMA requires that land exchanges be of equal value as determined by appraisal and that the public interest is "well served by making [the land] exchange." The complex regulatory requirements associated with FLPMA exchanges and NEPA requirements create unintentional barriers to federal-state land exchanges.

6. Generally, the estimated values of lands proposed for exchange are established through appraisals, which must be done in accordance with federal standards and other requirements. If the federal land value is estimated to be less than $150,000, an appraiser's statement of value (a professional assessment that is based on more limited information than is included in a full appraisal) can be used.

7. The FLTFA allows the Department of the Interior agencies and the Forest Service to use the proceeds from sales of surplus federal lands to acquire inholdings in national parks, national wildlife refuges, national forests and other designated areas, including the National Landscape Conservation System. FLTFA was passed in 2000 with a 10-year sunset. The act was reauthorized for one year in 2010, but was not extended at the July, 2011 expiration.

8. The Western States Land Commissioners' Association (WSLCA) has drafted proposed legislation to solve part of the land tenure problems based on a process known as "in lieu" selections. In lieu selections are established by 43 U.S.C 851-852 and allow western land grant states to select federal lands in lieu of land originally granted to the states that became unavailable due to preexisting conveyances or federal special purpose designations. Under the WSCLA proposal, states would have the right to relinquish state trust lands within federal conservation designations to the United States, and select replacements lands from unappropriated federal public lands within the states.

B. GOVERNORS' POLICY STATEMENT

1. Western Governors call on the administration to avoid land transfers and sales that may result in diminished use or financial capacity of adjacent state or deeded lands.

2. To improve management of both federal and state lands in areas where there is checker-boarded ownership or state lands and/or minerals are within the boundaries of a federal management area or in areas where the federal government owes a state land conveyances pursuant to a statehood act, Western Governors call on Congress to simplify and expedite the federal-state land exchange, sale and conveyance processes.

3. Western Governors request Congress amend the FLPMA to add language to:

   a. Update, accounting for inflation, the existing $150,000 threshold for using an expedited exchange process since the $150,000 threshold was adopted in 1986;

   b. Allow use of a statement of value to replace the appraisal process in federal-state exchanges of similar rural lands; and

   c. Presume any agreed federal-state land exchange as in public interest unless clear countervailing factors are present (federal-private exchanges are not included in this presumption).

4. Western Governors request that Congress reauthorize the FLTFA with priority to be given to acquisition of state inholdings.

5. Western Governors encourage Congress to introduce and pass legislation that incorporates the proposed federal-state land selection improvements proposed by the WSLCA.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct WGA staff to work with Congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.

2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

Western Governors enact new policy resolutions and amend existing resolutions on a bi-annual basis. Please consult www.westgov.org/policies for the most current copy of a resolution and a list of all current WGA policy resolutions.

September 5th, 2018

The Honorable Lisa Murkowski, Chair
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington D.C. 20510

The Honorable Maria Cantwell, Ranking Member
Senate Energy and Natural Resources Committee
304 Dirksen Senate Office Building
Washington D.C. 20510

The Honorable Mike Lee, Chair
Senate Energy and Natural Resources
Subcommittee on Public Lands, Forests & Mining
304 Dirksen Senate Office Building
Washington D.C. 20510

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

Dear Chair Murkowski and Lee and Ranking Member Cantwell and Wyden:

We are writing as members of the Wild Olympics Campaign in strong support of the Wild Olympics Wilderness and Wild and Scenic Rivers Act (S. 483) being considered by your Committee as part of the congressional hearing held on August 22, 2018. Please submit these comments as part of the official hearing record.

The Wild Olympics Campaign is a local, Olympic Peninsula-led coalition including nine founding-member organizations who have been working since 2008 to protect wild forests, rivers and upper watersheds on the Olympic Peninsula. These watersheds provide local communities with clean water, world class outdoor recreation opportunities, local economic benefits, and sustain our outstanding Peninsula way of life. They are vital to the health of Hood Canal and Puget Sound and are critical habitat for wildlife, steelhead and salmon. The campaign works with other local Olympic Peninsula citizens and community leaders to establish new Wilderness and Wild and Scenic river designations for these natural treasures.

Wild Olympics Campaign Members include the following organizations:

- Olympic Park Associates
- Olympic Forest Coalition
- Olympic Peninsula Audubon Society
- North Olympic Group — Sierra Club
- Washington Wild
- The Mountaineers
- The Pew Trusts
- American Rivers
- American Whitewater

Wild Olympics Legislation

The Wild Olympics legislation as introduced by Senator Patty Murray and Representative Derek Kilmer would designate the first Wilderness on Olympic National Forest in more than 30 years and the first ever Wild and Scenic Rivers on the Olympic Peninsula. Specifically, the legislation would protect 126,661 acres of federal land managed by the Olympic National Forest. It would also designate 19 new Wild and Scenic Rivers plus their tributaries on Olympic National Forest and Olympic National Park.

The legislation would also protect critical fish and wildlife habitat. The remote headwaters on Olympic National Forest are sensitive spawning grounds for salmon, cutthroat, summer steelhead, bull trout and other species. Elk, bear and other wildlife rely on unfragmented, unroaded forests to thrive.

The Wild Olympics bill would help protect the economic future for the Olympic Peninsula. Our streams and waterways support a vibrant fishing and shellfish industry, attract millions of dollars in tourism annually, support a thriving outdoor industry and provide clean drinking water to our residents. Local business leaders recognize that the stunning scenery and a high "Quality of Life" provides direct economic benefits by attracting entrepreneurs, new residents and investment in our communities. The legislation has been crafted to protect these economic benefits while, at the same time, having no impact on existing timber jobs in local communities. Extensive changes and boundary adjustments were made in response to input and concerns from the local timber industry and the Forest Service to ensure the proposal would not impact available timber base under current Forest Service regulations and practices.

The upper and middle watersheds protected by the Wild Olympics legislation provide clean and safe drinking water for local communities and tens of thousands of residents of Port Townsend, Port Angeles and Sequim. Protecting these intact forests ensures that the quality and relatively inexpensive water will continue to be provided from these forested headwaters in the future.

The legislation protects and expands world-class outdoor recreation opportunities like hiking, camping, paddling, climbing, hunting and fishing. Residents and visitors alike spend their money at local businesses on the Olympic Peninsula, eating at local restaurants, finding lodging, stopping for gas and purchasing supplies for their outdoor pursuits. Attractions include Olympic National Park (which ranks fifth in visits of all national parks), the Quinault and Hoh Rainforests, mountain biking the Dungeness – Gold Creek loop trail system, paddling the whitewater of the Dosewallips and Duckabush Rivers and hiking popular trails like Lena Lake and hiking among cathedral old growth forests in the South Fork Skokomish.

These free-flowing rivers and streams are also vital to the long-term health and recovery of Hood Canal and Puget Sound. They provide clean, cold water vital to the Peninsula's Shellfish industry and the hundreds of local residents they employ. Acting to safeguard our healthy watersheds now is far less costly than restoring degraded watersheds later. By granting these natural treasures the permanent protection they lack today, this legislation makes a down payment on the economic future of generations to come.

Public Process: Reaching Out to Local Stakeholders Early and Often

The Wild Olympic Campaign's goal has been to develop a conservation plan crafted through local public input that is tailor-made for the diverse local recreation, access and economic needs of the Olympic Peninsula. Our campaign has worked with the offices of Senator Murray, Representative Kilmer and former Congressman Norm Dicks for more than five years to craft a carefully balanced proposal that provides the strongest possible protection for salmon habitat, clean water and recreational opportunities while accommodating input concerns and requests from a broad array of diverse local communities and stakeholders.

The final compromise proposal is the result of an exhaustive, multi-year public process on the Olympic Peninsula including extensive local community input from Tribes, conservation groups, timber communities, business leaders, shellfish growers, farmers, local elected officials, hunters, anglers, mountain bikers, hikers, federal & state land managers & general public.

From 2009 – 2013 the Campaign and the offices of Representative Kilmer, Senator Murray and former Congressman Norm Dicks conducted more than 500 small group or individual meetings with local stakeholders in every community on the Peninsula, including multiple meetings with the staff and Commissioners of Port of Port Angeles to get feedback and input on different drafts of the proposed legislation.

As a result of listening to local communities and local stakeholders early and often, a number of significant adjustments were made to previous proposals resulting in the current balanced legislation that sits before

your Committee. The final proposal is a common sense solution to permanently protect best of Olympic Peninsula's spectacular public lands - without costing timber jobs or recreational access.

Strong and Growing Local Support

The Wild Olympics legislation enjoys broad and strong local support on the Olympic Peninsula and the Hood Canal region. More than 12,000 local residents who live in the counties of the 6th Congressional district closest to the proposal have signed a petition supporting the Wild Olympics proposal. These residents of Clallam, Jefferson, Grays Harbor, Mason, Kitsap and western Pierce Counties understand the connection between protecting the wild places that are a significant part of the quality of life they enjoy. The ancient forests, clean water, wildlife and access to recreational opportunities are a major reason of why they choose to live, work and play in this incredible landscape. For a summary of the local individual support for the proposal please see Appendix A.

Because of the inclusive process in crafting the legislation, over 800 local Olympic Peninsula & Hood Canal region businesses, farms, CEO's, conservation and recreation organizations, sportsmen organizations, locally elected officials and religious leaders have endorsed The Wild Olympics proposal. A total of more than 80 current and former local elected officials have endorsed Wild Olympics including but not limited to the Mayors of Port Angeles, Hoquiam, Elma, Port Townsend, Ocean Shores; current & former Commissioners from all four Olympic Peninsula Counties including all three Jefferson County Commissioners; State Representatives Tharinger and Chapman whose legislative district represents the majority of the lands and gateway communities within our proposal; and a majority on the City Councils of Port Angeles, Sequim, and Port Townsend. Nearly 30 leading hunting and fishing organizations & local guides have endorsed, including Washington Council of Trout Unlimited, Northwest Sportfishing Industry Association, Washington Backcountry Hunters and Anglers and local hunting & fishing guides like Northwest Guides & Anglers Association, Piscatorial Pursuits, Waters West Guide Service and Little Stone Flyfisher Guide Service. More than 20 other outdoor recreation user groups and organizations have also endorsed the legislation including Washington Trails Association, Evergreen Mountain Bike Association, International Mountain Bicycling Association, Access Fund, Washington Climbers Coalition and Olympic Peninsula Paddlers Club. Nearly 550 local businesses have endorsed the proposal including Taylor Shellfish, Ocean Gold Seafoods, Sage Manufacturing, Intellicheck Mobilisa Inc, Sound Bikes and Kayak and Pacific Alpine Guides. For a full list of endorsements for the Wild Olympics legislation please see Appendix B. For a list of testimonials by local opinion leaders and key stakeholders see Appendix C.

Economic Impacts

Senator Murray, Representative Kilmer and former Congressman Dicks worked to ensure that the final legislation will not impact any timber jobs. The Wild Olympics legislation is also carefully designed to protect and grow local and state outdoor recreation industry. Outdoor recreation in Washington State generates $26.2 billion in annual consumer spending and supports more than 200,000 direct jobs. The Olympic Peninsula, with Olympic National Park and the adjacent Forest Service lands and rivers, is an important piece of Washington's outdoor recreation picture. As a result, the legislation enjoys strong support from the Outdoor Industry Association, Conservation Alliance, Outdoor Alliance and more than 40 other local outdoor oriented businesses, outfitters and guides.

Furthermore, permanent protection for public lands helps attract new residents, entrepreneurs and investments that create local jobs that grow the local economy. A November 2012 report by the independent, non-partisan Headwaters Economics Institute entitled "West Is Best: Protected Lands Promote Jobs and Higher Incomes - How Public Lands in the West Create a Competitive Economic Advantage" makes this point well. That report found that protected public lands are key to attracting companies, entrepreneurs and workers and

that national parks, national monuments, wilderness areas and other protected public lands in the Western US have enhanced the competitive advantages of high-tech and professional services companies – a major reason why the western economy has outperformed the rest of the U.S. economy in employment, population, and personal income over the last four decades. This is one of the driving reasons why so many business leaders and large employers on the Olympic Peninsula have voiced their strong support for the proposal – see their testimonials in appendix C.

The legislation also protects rivers and streams vital to the future of Washington's fishing and shellfish industries. Washington State shellfish growers support jobs for hundreds of area residents and provide an estimated $270 million economic impact statewide. Taylor Shellfish, based on the Olympic Peninsula, has endorsed the legislation because it would ensure that cold, clean, silt-free water will continue to flow into Puget Sound and nourish their industry.

Recreational Access

One reason that members of the Wild Olympics Campaign work so hard to protect the wild places on the Olympic Peninsula is so that current and future generations can enjoy them. Preserving and enhancing recreational access has been an important goal for the legislation introduced by Senator Murray and Representative Kilmer.

Local recreational users and other interests have been extensively consulted in the development of the Wild Olympics legislation resulting in a number of accommodations to originally proposed wilderness boundaries in response to local needs. Roads and trails can be maintained and existing uses of the rivers and forests will be protected and enhanced. No forest service system roads are included within the Proposed Wilderness. This ensures continued access and consistency with the Olympic National Forests' ongoing access and travel management process which makes all decisions related to road maintenance.

Thank you for the opportunity to share our support for the Wild Olympics Wilderness and Wild and Scenic Rivers Act. We appreciate that the Senate Energy and Natural Resources Committee has decided to include this legislation in its recent hearing. We look forward to additional congressional action on this bill in the coming months.

Sincerely,

Connie Gallant
President
Olympic Forest Coalition

Bob Phreaner
President
Olympic Peninsula Audubon Society

Thomas O'Keefe
Pacific Northwest Stewardship Director
American Whitewater

Jon Owen
Representative
Pew Trusts

Wendy McDermott
Associate Dir., Rivers of Puget Sound & Columbia Basin
American Rivers

Donna Osseward
President
Olympic Park Associates

Janet Marx
Chair
Sierra Club – North Olympic Group

Tom Uniack
Executive Director
Washington Wild

Katherine Hollis
Conservation and Recreation Manager
The Mountaineers

CC: Senator Patty Murray Representative Derek Kilmer

APPENDIX A: Wild Olympics Campaign Petition Signers

Grassroots Comments Analysis (as of 8/24/18)

Jefferson County	2,270
City	#
Brinnon	46
Chimacum	99
Nordland	56
Port Hadlock	114
Port Ludlow	109
Port Townsend	1773
Quilcene	73
Subtotal:	**2,270**

Total Comments	
Source	#
6 CD (Petition DB)	12,151
Non 6 CD Subtotal:	8,766
Unknown	179
Total:	**21,096**

Clallam County	2,506
City	#
Beaver	4
Carlsborg	28
Clallam Bay	4
Forks	36
Gardiner	1
Joyce	12
La Push	3
Neah Bay	5
Port Angeles	1217
Sekiu	4
Sequim	1192
Subtotal:	**2,506**

Mason County	472
City	#
Allyn	62
Belfair	177
Grapeview	40
Hoodsport	69
Lilliwaup	26
Matlock	5
Shelton*	1026
Skokomish	3
Tahuya	37
Union	53
Subtotal:	**1,498**

Grays Harbor County	2,810
City	#
Aberdeen	1090
Amanda Park	6
Copalis Beach	24
Copalis Crossing	2
Cosmopolis	68
Elma	298
Grayland	42
Hoquiam	497
Malone	6
Markham	1
McCleary	76
MoClips	15
Montesano	259
Nielton	3
Oakville	19
Ocean City	2
Ocean Shores	240
Pacific Beach	20
Quinault	3
Satsop	6
Westport	133
Subtotal:	**2,810**

** While Shelton is the largest and only incorporated town in Mason County, it is just outside the 6th CD*

Kitsap County (6 CD)	2,357
City	#
Bainbridge Island	293
Bremerton	747
Burley	10
Hansville	20
Indianola	26
Keyport	5
Kingston	109
Manchester	9
Olalla	48
Port Gamble	5
Port Orchard	505
Poulsbo	268
Seabeck	52
Silverdale	230
Suquamish	30
Subtotal:	**2,357**

Pierce County (6 CD)	1,736
City	
Fircrest	22
Fox Island	27
Gig Harbor	455
Lakebay	37
Lakewood	52
Longbranch	1
Tacoma	1023
University Place	98
Vaughn	17
Wauna	4
Subtotal:	**1,736**

Recreation Tags	
Only for Web Pettiions since 1/15	#
Hiker	4487
Hunter	424
Angler	1178
Climber	917
Paddler	1600
Mountain Biker	886
Horseback Rider	512
Business Owner	509
Faith Leader	152
Tribal Member	86
TOTAL:	**10751**

APPENDIX B: Wild Olympics List of Endorsements

The following individuals/organizations support the conservation vision of the Wild Olympics Campaign to protect watersheds on the Olympic Peninsula through proposed wilderness and Wild and Scenic designations

Total Endorsements
803

Current and Former Elected Officials (84)

WA State Senator Christine Rolfes (Dist. 23)
WA State Representative Sherry Appleton (Dist. 23)
WA State Representative Drew Hansen (Dist. 23)
WA State Representative Steve Tharinger (Dist.24)
WA State Representative Mike Chapman (Dist.24)
Clallam County Commissioner Mark Ozias
Jefferson County Commissioner David Sullivan
Jefferson County Commissioner Kathleen Kler
Jefferson County Commissioner Katie Dean
Kitsap County Commissioner Charlotte Garrido
Kitsap County Commissioner Robert Gelder
Mason County Commissioner Terri Michels Drexler
Aberdeen City Councilmember Jeff Cook
Aberdeen City Councilmember Frank Gordon
Bainbridge Island City Councilmember Sarah Blossom
Bremerton Mayor Greg Wheeler
Bremerton City Councilmember Leslie Daugs
Elma Mayor Jim Sorensen
Hoquiam Mayor Jasmine Dickhoff
Hoquiam City Councilmember Brenda Carlstrom
Hoquiam City Councilmember Denise Anderson
Ocean Shores Mayor Crystal Dingler
Ocean Shores City Councilmember John Martin
Poulsbo Mayor Becky Erickson
Port Angeles Mayor Sissi Bruch
Port Angeles Deputy Mayor Kate Dexter
Port Angeles City Councilmember Mike French
Port Angeles City Councilmember Lindsey Schromen-Wawrin
Port Orchard City Councilmember Fred Chang
Port Townsend Mayor Deborah Stinson
Port Townsend Deputy Mayor David J. Faber
Port Townsend City Councilmember Michelle Sandoval
Port Townsend City Councilmember Ariel Speser
Sequim City Councilmember Candace Pratt
Sequim City Councilmember Bob Lake
Sequim City Councilmember Ted Miller
Sequim City Councilmember Jennifer States
Westport City Councilmember Louis Summers
Westport City Councilmember Melissa Huerta
Tacoma City Councilmember Ryan Mello
Former Clallam County Commissioner Mike Doherty
Former Grays Harbor County Commissioner Frank Gordon
Former Jefferson County Commissioner Phil Johnson
Former Jefferson County Commissioner John Austin
Former Kitsap County Commissioner Josh Brown
Former Mason County Commissioner Ross Gallagher
Former Mason County Commissioner Lynda Ring-Erickson
Former Grays Harbor County Commissioner Al Carter Former Ocean Shores Mayor Garland French
Former WA Secretary of State Ralph Munro
Former Aberdeen City Councilmember Alan Richrod
Former Bainbridge Island City Councilmember Kristen Hytopoulos
Former Bainbridge Island City Mayor Steve Bonkowski
Former Bainbridge Island City Councilmember Anne Blair
Former Bainbridge Island City Councilmember Bob Scales
Former Bainbridge Island City Councilmember Debbi Lester
Former Bainbridge Island City Councilmember David Ward
Former Bremerton Mayor Patty Lent
Former Bremerton City Councilmember Roy Runyon
Former Bremerton City Council President Jim McDonald
Former Bremerton City Councilmember Faye Flemister
Former Bremerton City Councilmember Carol Arends
Former Bremerton City Councilmember Nick Wofford
Former Bremerton City Councilmember Adam Brockus
Former Hoquiam City Councilmember Richard Pennant
Former Ocean Shores City Councilmember Dan Overton
Former Ocean Shores City Councilmember Ed Engel
Former Ocean Shores City Councilmember Jackie Fara
Former Ocean Shores City Councilmember John Lynn
Former Ocean Shores City Councilmember Gordon Broadbent
Former Port Orchard City Councilmember Carolyn Powers
Former Port of Port Townsend Commissioner Brad Clinefelter
Former Port Townsend Mayor David King
Former Port Townsend City Councilmember Mark Welch
Former Port Townsend Councilmember Catharine Robinson
Former Port Townsend City Councilmember Pamela Davis
Former Poulsbo City Councilmember Linda Berry-Maraist
Former Sequim City Mayor Ken Hays
Former Sequim City Councilmember Laura Dubois
Former Sequim City Councilmember Genaveve Starr
Former Shelton City Commissioner Mike Olsen
Former Shelton City Commissioner Tracy Moore
Former Westport City Councilmember Desiree Dodson
Former Westport City Councilmember Robert Shelton *(deceased)*

Hunting & Fishing Interests (28)

ABLE Guide Service (Sekiu)
Anadromy Fly-Fishing Guide Service (Forks)
Angler's Obsession (Forks)
Association of Northwest Steelheaders
Bad Ash Fishing Guide Service (Taholah)

Bob's Piscatorial Pursuits (Forks)
Brazada's Fly Fishing
Doug Rose Fly Fishing (Forks) *(deceased)*
Game On! Guide Service (Shelton)
Greater Seattle Chapter, Izaak Walton League of America
Gig Harbor Fly Shop (Gig Harbor)
Greywolf Flyfishing Club (Sequim)
Little Stone Flyfisher (Port Townsend)
Mike Z's Guide Service (Forks)
Norrie Johnson Guide Service (Sequim)
Northwest Guides and Anglers Association
Northwest Sportfishing Industry Association
Olympic Peninsula Skagit Tactics (Forks)
Peninsula Sportsman Guide & Outfitting Service (Port Townsend)
Sea Run Pursuits
Sportsmen for Wild Olympics (Aberdeen)
Washington Backcountry Hunters and Anglers
Washington Council of Trout Unlimited
Washington River Fishing (Hoodsport)
Washington Wildlife Federation
Waters West Guide Service (Montesano)
Waters West Fly Fishing Outfitters (Port Angeles)
Wild Steelhead Coalition (Quilcene)

Other Recreation Interests (22)

Access Fund
American Alpine Club
American Canoe Association
American Whitewater
Conservation Alliance
Evergreen Mountain Bike Alliance
Federation of Western Outdoor Clubs
International Mountain Bicycling Association
Mazamas
Olympic Peninsula Paddlers Club
Outdoor Alliance
Outdoor Industry Association
Paddle Trails Canoe Club
Peninsula Wilderness Club (Bremerton)
The Mountaineers
Visit Kitsap Peninsula (Silverdale)
Washington Alpine Club
Washington Climbers Coalition
Washington Kayak Club
Washington Recreational River Runners
Washington Trails Association
Winter Wildlands Alliance

Business Endorsements (549)

Local CEO's (10)
Michael Bryan-Brown, BSCE, Green Mountain Technologies (Bainbridge Island)
Jim Nall, Paladin Data Systems (Poulsbo)
Steve Rice, Rice Fergus Miller Inc. (Bremerton)
Jordan Eades, HOPE Roofing & Construction (Port Townsend)
Kelsey Marshall, Grounds for Change (Poulsbo)
Bret Wirta, Holiday Inn Express & Conference Center (Sequim)
Travis Campbell, Sage Manufacturing (Bainbridge Island)
Bill Taylor, Taylor Shellfish Farms, Inc. (Shelton)
William H. Roof, Ph.D, Intellicheck Mobilisa, Inc. (Port Townsend)
James Thomas, President, MasQs, Inc (Shelton)

Outdoor Industry Businesses (58)
Adventures Through Kayaking (Port Angeles)
All Points Charters & Tours (Port Angeles)
American Alpine Institute
Adventure Travel Trade Association (ATTA)
B. I. Cycle Shop (Bainbridge Island)
Back of Beyond Outfitters (Bainbridge Island)
Ben's Bikes (Sequim)
Bicycle Works (Bremerton)
Bike Garage (Port Angeles)
Bike Tech (Tacoma)
Blue Horizons Paddlesports (Hoodsport)
Bob's Bike (Port Townsend)
Brian's Sporting Goods and More (Sequim)
Broken Spoke (Port Townsend)
Brooks Sports
C.C. Filson, Co.
Cascade Designs
Classic Cycle (Bainbridge Island)
Conti's Custom Rods
Daddy O's Board Shop (Gig Harbor)
Deep Sea Charters, Inc (Westport)
Dungeness Kayaking (Sequim)
Egan Associates
Exotic Hikes/Outdoor Society (South Sound)
EXPED
Experience Olympic LLC. (Port Angeles)
Footloose Communications
Hood Canal Adventures (Union)
Kayak Brinnon (Brinnon)
Mike's Bikes (Sequim)
Nikwax NA
North Coast Surf Inc. (Ocean Shores)

Old Town Bicycle Inc. (Gig Harbor)
Olympic Bike & Skate (Port Orchard)
Olympic Outdoor Center (Port Gamble)
Outdoor Research
Pacific Alpine Guides (Port Angeles)
Patagonia
Perpetual Motion NW
Port Townsend Cyclery (Port Townsend)
Poulsbo Running (Poulsbo)
Pygmy Sea Kayaks (Port Townsend)
REI
Runner Girl Races, LLC
Schoeller Textiles
Shelton Outfitters (Shelton)
Silverdale Cyclery (Silverdale)
Sound Bikes & Kayak (Port Angeles)
Sport Townsend (Port Townsend)
Strait Scuba (Port Angeles)
Steepwater Surf Shop (Westport)
Tacoma Bike (Tacoma)
The ReCyclery (Port Townsend)
Waterway Adventures (Ocean Shores)
Waypoint Outdoor
Wildernest Outdoor Store (Bainbridge Island)
Williwaw (Port Townsend)
Zumiez

Local Businesses & Economic Leaders (457)
2 Blocks Up Café (Bremerton)
2 Margaritas Family Mexican Restaurant (Union)
5th Avenue Furniture (Sequim)
A Fine Line Press (Clallam Bay)
A Kitchen That Works (Bainbridge Island)
A Natural Approach (Aberdeen)
A1 Auto Parts (Sequim)
Action Built Construction (Port Angeles)
Al Carter Consulting (Hoquiam)
AlanHil Graphics (Aberdeen)
Alba Creative (Port Townsend)
Alchemy Bistro (Port Townsend)
Alder Wood Bistro (Sequim)
All Blinged Out (Montesano)
Amore Restaurant (Aberdeen)
Angeles Brewing Supply (Port Angeles)
Anime Kat (Port Angeles)
Arlan's Oven (Westport)
Art Talks (Shelton)
Around Again (Port Angeles)
Ayers Automotive (Allyn)
Auto Valve (Sequim)
Backstage Café (Hoquiam
Bailey Signs & Graphics (Port Angeles)
Baja Cantina (Sequim)
Bay City Sausage Market (Aberdeen)
Bay Gifts (Ocean Shores)
Baymont Inn & Suites (Bremerton)
Bazaars Girls Yarn Shop (Port Townsend)
Beach Boutiques (Ocean Shores)
Becky Translates (Sequim)
Belfair Marine (Belfair)
Belfair Maytag Laundry (Belfair)
Belfair Variety & Nursery (Belfair)
Bella Boutique (Hoodsport)
Better on You (Union)
Big Cloud (Hoquiam)
Big Wolf Trading Company (Port Townsend)
Bike Path Bungalow Vacation Renta (Port Angeles)
Bliss Salon Co. & Apparel (Port Angeles)
Blue Whole Gallery (Sequim)
Bottle Zone (Port Townsend)
Bowman Financial Group (Shelton)
Brady's Oysters (Aberdeen)
Bread of the Presence (Shelton)
Brennan Van Blair LLC (Port Angeles)
Brett's Stump Grinding (Port Townsend)
Brocante (Port Angeles)
Burger Stand (Hoodsport)
Burlap & Grain Market (Ocean Shores)
Butterfly's Café (Shelton)
C.J. Automotive (Ocean Shores)
C & S Grocery (Elma)
Cady Lake Manor Bed & Breakfast (Belfair)
Captiain Lee, LLC (Union)
Carol Wise, Codwell Banker (Port Townsend)
Casper's Pizza and BBQ (Belfair)
Cellar Door (Port Townsend)
Cheema Market (McCleary)
Cheri Raab's Body Shop (Port Townsend)
Cherry Blossom (Port Townsend)
Chirp & Company (Tacoma)
Chrey Fine Jewelry (Bremerton)
Christian Kazimir Construction (Ocean Shores)
Christy Carwell Salon Stylist (Port Angeles)
Chubby Glass & Friends (Belfair)
Cigar Land Ltd. (Belfair)
Circle and Square Auto Care (Port Hadlock)
Clark's Chambers Bed & Breakfast (Sequim)
Cloud Nine (Ocean Shores)
Clothes Horse (Port Townsend)
Coastal Serenity (Ocean Shores)
Coastline Signs (Aberdeen)
Cock-a-Doodle Doughnuts (Port Angeles)

Collective Visions Gallery (Bremerton)
Common Grounds Cafe (Port Angeles)
Cooper Studios (Shelton)
Country Aire Natural Foods (Port Angeles)
Country Relics (Allyn)
Cove RV Park & Country Store (Brinnon)
Cracked Bean Coffee Co. (Sequim)
Cranberry Motel & RV Park (Westport)
Creative Framing (Sequim)
Creekside Inn (Hoodsport)
Crossfit Thunder Ridge (Port Angeles)
Cucina Pizza (Port Ludlow)
Cuts on the Run Barbershop (Forks)
D & R Theatre (Aberdeen)
D-L Summers Inc. (Westport)
David Goetze Photography (Quilcene)
Deanna's Hair Design (Port Townsend)
Dee's Seafood (Shelton)
Dennise Wells, Premier Realty Westport, LLC (Westport)
Designs by Nora (Lilliwaup)
Dog Townsend (Port Townsend)
Dolores' & Fay's (Ocean Shores)
Domaine Madeleine Bed and Breakfast (Port Angeles)
Domike Consulting (Hoquiam)
Don's Pharmacy (Port Townsend)
Doormouse Boutique (Ocean Shores)
Doug's Place (Shelton)
Dragoun's Leir (Belfair)
Dynasty Chinese Restaurant (Port Angeles)
Dungeness Gold Spices and Sauces (Sequim)
Dungeness Kids Co. (Sequim)
Eagle Harbor Books (Bainbridge Island)
Easy Street Coffee and Tea House (Port Angeles)
Econolodge Inn & Suites (Hoquiam)
Ecstatic Dance (Port Angeles)
Eden By the Sea Bed and Breakfast (Port Angeles)
El Sarape 3 (Shelton)
El Sombrero Family Mexican Restaurant (Belfair)
Eldon Store (Lilliwaup)
Electric Beach Salon (Port Angeles)
Elevated Ice Cream Co. (Port Townsend)
Elma Dollar & Thrift (Elma) Elma Nail (Elma)
Elton Bennett Art (Hoquiam)
Emerson Grocery (Hoquiam)
Emily's Confections (Pacific Beach)
Events on Emerson (Hoquiam)
Face of Grace (Port Townsend)
Favorite's Fresh Produce (Aberdeen)
FEAST Culinary Studio (Port Townsend)
Fiddleheads (Port Angeles)
Fieldnotes (Sequim)
First Cabin (Ocean Shores)
Food Coop (Port Townsend)
Forest Aldrich, Codwell Banker (Port Townsend)
Forest Gems (Port Townsend)
Forever Young (Aberdeen)
Framing by Leslie (Port Angeles)
Framing Source (Port Angeles)
Frank Gordon Electric (Aberdeen)
Fresh Market (Ocean Shores)
Fudd's Fish and Chips (Sequim)
Full Moon Candle (Sequim)
Fusions Art Gallery (Hoquiam)
Gallerie Timbuktu (Ocean Shores)
Gateway Games & Hobby (Sequim)
Gateway Gaming Center (Port Angeles)
George Kenny School of Woodcarving (Allyn)
Getables (Port Townsend)
Give Me Paws (Ocean Shores)
Glamour Girl Salon (Port Townsend)
Gnarley Dog Farm (Quilcene)
Goin' to the Dogs (Sequim)
Good to Go Natural Grocery (Port Angeles)
Gordon's Antiques & Collectibles (Ocean Shores)
Gourmet Burger Shop (Gig Harbor)
Gray's General Store (Hoquiam)
Grays Harbor Dance (Hoquiam)
Green Eyeshade (Port Townsend)
Grove Street Brewhouse (Shelton)
Hair by Nancy G (Ocean Shores)
Half Moon Bay Bar & Grill (Westport)
Handcrafter's Hideaway (Ocean Shores)
Harbinger Winery (Port Angeles)
Harbor Medical Collective (Sequim)
Harborwood Designs (Montesano)
Harriet Reyenga – Realtor (Port Angeles)
Heartland Handicraft/Arts (Aberdeen)
High Tide Body Art (Ocean Shores)
Hixsonville Oddities & Collectables (Brinnon)
Holly's Fine Flowers (Port Townsend)
Holm's Heritage Painting And Boat Works (Port Townsend)
Home Staging & Styling (Port Townsend)
Hoodsport Coffee Company (Hoodsport)
Hood Canal Event (Union)
Hood Canal Travel, Inc. (Belfair)
Hope's (Shelton)
Hosstyle Inc. (Aberdeen)
Howell's Sandwiches (Port Townsend)
Hoquiam Chiropractic (Hoquiam)
Hoquiam's Castle (Hoquiam)
Hoquiam Liquor Store (Hoquiam)
Huber's Inn (Port Townsend)

Hurricane Coffee Company (Sequim)
Impact Studios (Hoquiam)
Inn at Waterfront Place (Port Townsend)
Inside Passage Seeds (Port Townsend)
Inspired Gift Shop (Port Angeles)
Iron Apparel (Port Angeles)
Islander Resort and RV Park (Westport)
Jackson's SignArt Studio (Port Angeles)
Jackson Street Books (Hoquiam)
Jaiwa Web Design & Consulting (Aberdeen)
JB's RV Park & Campground (Hoquiam)
Jenn's Fashion cents (Shelton)
Jennifer Watson Hair Stylist (Hoodsport)
Jillian Marie Shea, CPA (Port Ludlow)
Jim Blake, Architect (Hoquiam)
Jiminez Produce (Ocean Shores)
JK Treasures (Belfair)
JLS Partners LLC (Hoquiam)
Joglo (Port Townsend)
Jose's Famous Salsa (Sequim)
JT's Skate Shop (Aberdeen)
K & R Store (Union)
Karen's Quilt Shop (Sequim)
Kaydee Duncan, Realtor (Sequim)
Kohler Jewelry (Port Angeles)
La Belle Creperie (Port Angeles)
Ladies & Gents Barbershop (Elma)
La Place Sur La Mer (Port Angeles)
Laughing Gnome Pottery (Port Townsend)
Laurie Christian Real Estate (Ocean Shores)
Lavish (Sequim)
Le Plume Boutique (Port Angeles)
Lehani Inc., (Port Townsend)
Little Hoquiam Childcare (Hoquiam)
Little Mountain Pet Grooming (Port Angeles)
Lively Olive Tasting Bar (Port Townsend)
LoBo Designs (Sequim)
Loge Co. (Westport)
Lorna Valdez – Realtor (Ocean Shores)
LT Educational Consulting (Port Townsend)
Lucky Star (Sequim)
Lynch Creek Floral (Shelton)
Lytle Seafood (Hoquiam)
M & G Mariner Café (Sequim)
M.H. Olsen Construction (Shelton)
Ma and Pa's Kettle Corn (Montesano)
Mac's Bar and Cardroom (Aberdeen)
Mad Hatter (Port Townsend)
Mad Maggie Boutique & Salon (Sequim)
Madera Building LLC. (Bainbridge Island)
Maestrale (Port Townsend)
Magpie Alley (Port Townsend)
Mari Meds (Belfair)
Marina Café (Port Townsend)
Mariner's Cove Inn (Westport)
Marni's Petal Pushers (Montesano)
Martin Bruni Liquor (Ocean Shores)
McGovran Management Group (Port Ludlow)
McPhee's Grocery (Port Angeles)
Metro Bagels (Port Townsend)
Michael's Seafood and Steakhouse (Port Angeles)
Mike's Beach Resort on Hood Canal (Lilliwaup)
MK Appraisal (Port Townsend)
Mom's Laundromat (Port Townsend)
Moran Oil Enterprises (Port Townsend)
Mosquito Fleet Winery (Belfair)
Moxie's Boutique (Port Angeles)
Mr. Bill's Collectible World (Belfair)
MRD Subway Group (Port Townsend)
Museum of the North Beach (Moclips)
Mystery Decals (Port Angeles)
Mystery Bay Farmhouse (Nordland)
Namaste (Ocean Shores)
Nature's Best (Shelton)
New Day Eatery (Port Angeles)
North Beach Community TV (Aberdeen)
North Beach Medical Equipment (Ocean Shores)
North Beach Printing (Ocean Shores)
Northwest Editors (Hoquiam)
Northwest Fudge and Confections (Port Angeles)
Northwest Man (Port Townsend)
Nourish (Sequim)
NW Fox (Port Angeles)
Ocean Auto (Hoquiam)
Ocean Companies (Westport)
Ocean Shores Boathouse (Ocean Shores)
Ocean Shores Electric Boats (Ocean Shores)
Ocean Shores Kites (Ocean Shores)
Octopus Gardens (Port Townsend)
Odysseus Restaurant (Westport)
Off the Walls Gallery (Shelton)
Oh Susanna's Bed and Breakfast (Sequim)
Oishi Teriyaki (Montesano)
Old Town Flowers (Allyn)
Olsen Furntiture (Shelton)
Olympic Inn (Aberdeen)
Olympic Lavender (Sequim)
Olympic Marine Co. (Port Angeles)
Olympic Mountain Ice Cream (Shelton)
Olympic Stained Glass (Port Angeles)
Olympic Stationers Inc. (Port Angeles)
Olympic Trading Post (Port Townsend)

One Hundred Horses Raku (Port Townsend)
OP Anglers Real Estate (Port Angeles)
Organics 101 Market (Montesano)
Original House of Pizza (Westport)
Over the Fence (Sequim)
Overboard Espresso (Westport)
Owly's Wayside Nest (Hoodsport)
Owl Spirit Coffee (Port Townsend)
Pacific Bay International, Inc. (Sequim)
Pacific Rim Hobby (Port Angeles)
Paparazzi (Belfair)
Paraffine USA LLC (Bainbridge Island)
Pat's Style and Trim Inc. (Aberdeen)
PC Pit Stop (Belfair)
Peabody's Paradise Pizza (McCleary)
Penny Saver Market (Port Townsend)
People's Emporium Antiques (Aberdeen)
Perfect Addiction Espresso LLC. (Hoodsport)
Petal Pushers Florist (Belfair)
Petals Flower Shop (Port Townsend)
Peters Marine (Port Townsend)
Phase6Productions & Airbnb (Port Angeles)
Pho Thai LLC (Port Townsend)
Phoenix Rising (Port Townsend)
Pic-A-Roon Pelican Gift Shop (Westport)
Pieces of Time (Sequim)
Pipeline Construction Company (Lilliwaup)
Pippa's Real Tea (Port Townsend)
Plackett Enterprises (Ocean Shores)
Port Book and News (Port Angeles)
Port Townsend Antique Mall (Port Townsend)
Port Townsend Watercraft, LLC (Port Townsend)
Porthole Pub & Grill (Ocean Shores)
PourHouse (Port Townsend)
Praxis Printing (Hoquiam)
Prima Materia (Port Townsend)
Princess Valiant Coffee (Port Angeles)
Printery Communications (Port Townsend)
Pro Video (Westport)
Propolis Brewing (Port Townsend)
Psychic Intuitions (Belfair)
PT Adventure School (Port Townsend)
PT Shirt Company (Port Townsend)
PTeRider (Port Townsend)
Pure Clothing (Ocean Shores)
Purse-Onality Attracts (Belfair)
Quality Assured Computer Services (Sequim)
Quality Inn and Suites (Sequim)
Quartz Vein (Port Townsend)
Queen B Quilts (Hoquiam)
Quimper Sound (Port Townsend)
R. Vanyi Photography (Hoquiam)
Rainshadow Recording (Port Townsend)
Ravensara Espresso (Gig Harbor)
Ravenstone Tiles (Port Townsend)
Ray's Barber Shop (Belfair)
Red Caboose Getaway (Sequim)
Red Dragonfly (Port Townsend)
Red Step Studio (Bremerton)
Rest-A-While RV Park (Hoodsport)
Rick Brown – Realtor (Sequim)
Ridgewalker Photography (Carlsborg)
Rob's Shellfish (Shelton)
Rosie's Taqueria (Hoquiam)
Roy Nott, Business Leader (Hoquiam)
Running Wolf Studio (Moclips)
Russell Johnson Photography (Port Townsend)
Salon DeLucca (Port Townsend)
San Juan Classic Day Sailing (Port Townsend)
Sandcastle Restaurant (Ocean Shores)
Sandy's Kitchen Shop (Sequim)
Savory Faire (Montesano)
Scoops Ice Cream (Aberdeen)
Scout & Merc (Port Angeles)
Sea Cliff Gardens Bed and Breakfast (Port Angeles)
Sea J's Café (Port Townsend)
Seabreeze Artist's Gallery (Ocean Shores)
Seagulls Nest Motel (Westport)
Seashore Ceramic Café (Ocean Shores)
Seaweed (Ocean Shores)
Sequim Beauty Salon (Sequim)
Sequim Health and Rehabilitation (Sequim)
Sequim Smoke Shop (Sequim)
Sequim Spice and Tea (Sequim)
Sergio's Mexican Restaurant (Sequim)
Sharky's (Ocean Shores)
Shelton Inn (Shelton)
Shelton Music (Shelton)
Silver Sands Motel (Westport)
Simply Said Flowers (Hoquiam)
Sirens Pub (Port Townsend)
Snore & Whisker Motel (Hoquiam)
Sofie's Florist (Sequim)
Sonya's Bayside Barber (Poulsbo)
SOS Printing (Port Townsend)
Sparket R&R (Port Angeles)
Spider & Twig (Port Townsend)
Sophia Petricola Massage (Port Townsend)
Steven Fey Gallery & Studio (Bainbridge Island)
Still Water Studios (Bremerton)
Stiches By Stitches (Aberdeen)
Strait Music (Port Angeles)

Strait Slice Pizza (Port Angeles)
Studio 125 Salon (Shelton)
Summer house Design (Port Townsend)
Sunrise Meats (Port Angeles)
Super 8 Motel (Port Angeles)
Super Natural NW (Belfair)
Swallow's Nest Antiques (Sequim)
Sweet and Salty (Port Angeles)
Tanglewoods Floral Boutique (Ocean Shores)
Taylor Station Restaurant and Lounge (Shelton)
Taylor Towne Store (Shelton)
That Takes the Cake (Sequim)
The Berry Patch (Bainbridge Island)
The Boiler Room (Port Townsend)
The Candle Store (Port Townsend)
The Computer Shop (Hoquiam)
The Dusty Trunk (Ocean Shores)
The Framing Source (Port Angeles)
The Glenacres Hostoric Inn (Westport)
The Good Book (Sequim)
The Hair Studio (Port Townsend)
The Hardware Distillery Company (Hoodsport)
The INN at Gig Harbor (Gig Harbor)
The Local Yarn Shop (Sequim)
The Lotus Swan (Shelton)
The Maritime Inn (Gig Harbor)
The Orchard At Three Rivers (Forks)
Old Whisky Mill (Port Townsend)
The Perfect Season (Port Townsend)
The Reppery (Aberdeen)
The Rusting Rooster (Sequim)
The Tides Restaurant (Hoodsport)
Threadz Consignment (Belfair)
Tijssen Designs (Ocean Shores)
Tinderbox Coffee Roasters (Westport)
TLC Pet Salon (Belfair)
Todd's Shoe Repair (Shelton)
Top of the Cork (Allyn)
Townsend Electric (Port Townsend)
Treasure Way Antiques (Hoquiam)
Tropical Tanning Salon & Boutique (Hoquiam)
True Tech Home Inspection LLC (Belfair)
Tsunami Gems & Beads (Ocean Shores)
Turning Leaf Physical Therapy (Gig Harbor)
Twice As Nice Treasures (Belfair)
UDJAT Beads (Port Angeles)
Unorthoblox, LLC (Neilton)
Uptown Art & Antiques (Port Townsend)
Uptown Pub (Port Townsend)
Urraco Coffee (Shelton)
Velocity Café (Port Townsend)
Victorian Vacation Rental (Port Angeles)
Vintage Dragonfly (Belfair)
VTKA Hair & Nails (Port Townsend)
Wallyworks Enterprises (Port Townsend)
Wandering Wardrobe (Port Townsend)
Weatherly Shores (Ocean Shores)
Westbay Auto Parts (Belfair)
Westport Gardens (Westport)
Westport Marina Cottages (Westport)
Westside Pizza (Port Angeles)
What's Cooking (Port Townsend)
What's In Store (Port Angeles)
White Crane Martial Arts (Port Angeles)
Wild Birds Unlimited (Gardiner)
Wild Sage (Port Townsend)
Wild Spirit Herbals (Port Angeles)
William James Bookseller (Port Townsend)
Williwaw (Port Townsend)
Wilson Insurance Company (Port Townsend)
Woodshed Bar & Grill (Belfair)
Woofs Dog Boutique (Ocean Shores)
World's End (Port Townsend)
Wynwoods Gallery & Studio (Port Townsend)
Yelvik General Store (Brinnon)
Zech Interior Designs (Belfair)

Local Farms (23)
Chi's Farm (Sequim)
Deer Park Dahlia Farm (Port Angeles)
Eaglemount Wine and Cider (Port Townsend)
Erik's Edible Orchard (Sequim)
Finn River Farm (Chimacum)
Greenman's Garden (Shelton)
Jardin du Soleil Lavender Farm (Sequim)
JC Tree Farm (Wishkah)
Johnston Farms (Port Angeles)
Lazy J Tree Farm (Port Angeles)
Leland Valley Tree Farm (Quilcene)
Moosedreams Lavender Farms (Sequim)
Old Tarboo Farm (Quilcene)
Red Dog Farm (Chimacum)
Salt Creek Farm (Port Angeles)
Serendipity Farm (Quilcene)
Serenity Farm Sport Horses (Port Angeles)
Skokomish Farms (Union)
Solstice Farm Bed and Breakfast (Chimacum)
Spring Rain Farm and Orchard (Chimacum)
The Farm at Dry Bed Creek (Matlock)
West Wind Farm on Salt Creek (Port Angeles)
Winding Creek Farm (Elma)

Religious Leaders (84)*

Bishop Gregory H. Rickel, Episcopal Diocese of Olympia
Bishop Grant Hagiya, Pacific Northwest Conference of Methodists
Transitional Executive Presbyter Keith Tanis, Presbytery of Olympia
Executive Presbyter Corey Schlosser-Hall, North Puget Sound Presbytery
Conference Minister Michael Denton, Pacific NW Conference, The United Church of Christ
Executive Minister Marcia J. Patton, Evergreen Association of American Baptist Churches
Superintendent Sharon L. Moe, Pacific NW Conference, United Methodist Church
Rev. Paul Benz, Co-Director. Faith Action Network of Washington
LeeAnne Beres, Executive Director, Earth Ministry
Rev. David T. Alger, Former Executive Director, Associated Ministries (Tacoma)
Rev. Susie Beil, Pastor, Summit Avenue Presbyterian Church (Bremerton)
Rev. Dr. Elizabeth Archer Klein, Interim Pastor, Urban Grace Downtown Church (Tacoma)
Rev. Paul Stumme-Diers, Pastor, Bethany Lutheran Church (Bainbridge Island)
Rev. Martin Yabroff, Pastor, St. Andrew's Episcopal Church (Tacoma)
Rev. Marta Schellberg, Pastor, Bremerton United Methodist Church (Bremerton)
Rev. Bruce Kadden, Rabbi, Temple Beth El (Tacoma)
Rev. Bruce A. Bode, Minister, Quimper Unitarian Universalist Fellowship (Port Townsend)
Rev. Dr. Jane F. Maynard, Rector, Christ Church (Tacoma)
Rev. Linda Nou, Pastor, Amazing Grace Lutheran Church (Aberdeen)
Rev. Marty Shelton-Jenck, Pastor, Rolling Bay Presbyterian Church (Rolling Bay)
Rev. Mary Sanders, Pastor, United Lutheran Church (Tacoma)
Rev. Austin Adkinson, Pastor, North Mason United Methodist Church (Belfair)
Rev. Dr. Melvin R. Woodworth, Pastor, First United Methodist Church (Tacoma)
Rev. Philip Nesvig, Pastor, First Lutheran Church (Tacoma)
Rev. Jim Head-Corliss, Pastor, Gig Harbor United Methodist Church (Gig Harbor)
Rev. Bonnie Campbell, Local Priest, St. Mark Episcopal Church (Montesano)
Rev. Ronald Belisle, Pastor, St. Edward Parish (Shelton)
Rev. Monty Smith, Pastor, Epworth Lesourd United Methodist Church (Tacoma)
Rev. Dr. Robert E. Slater, Pastor, First Presbyterian Church (Port Townsend)
Rev. Jennifer Walters, Pastor, United Church (University Place)
Rev. Ann Adkinson, Pastor, Colby United Methodist Church (Port Orchard)
Rev. Tom Thresher, Minister, Suquamish United Church of Christ (Suquamish)
Rev. Ron Anderson, Pastor, Manette Community Church (Bremerton)
Rev. Kendall T. Haynes, Priest-in-Charge, St. Matthew Episcopal Church (Tacoma)
Rev. Lindsy Ireland, Pastor, Community United Methodist Church (Port Hadlock)
Rev. Jim Hewson, Pastor, Fern Hill United Methodist Church (Tacoma)
Rev. Eric Stelle, Rector, St. John's Episcopal Church (Gig Harbor)
Rev. Peter Van Zanten, Priest-in-charge, St. Germain Episcopal Church (Hoodsport)
Rev. Jon Schmick, Pastor, Marine View Presbyterian Church (Tacoma)
Rev. Wes Stanton, Pastor, Tracyton United Methodist Church (Tracyton)
Rev. Dave Brown, Pastor, Immanuel Presbyterian Church (Tacoma)
Rev. Elizabeth Bloch, Rector, St. Paul's Episcopal Church (Port Townsend)
Rev. Scott Schaefer, Pastor, First Presbyterian Church (Quilcene)
Rev. Lorraine Dierick, Local Priest, St. Mark's Episcopal Church (Montesano)
Rev. Mark Woldseth, Pastor, Gloria Dei Lutheran Church (Tacoma)
Rev. Paul Meeker, Pastor, Our Saviour's Lutheran Church (Bremerton)
Rev. Sarah W. Wiles, Pastor, Bethany Presbyterian Church (Tacoma)
Rev. Janet Matthews, Pastor, Fox Island United Church of Christ (Fox Island)
Rev. Kathleen Kingslight, Rector. St. Paul's Episcopal Church (Bremerton)
Rev. William Graves, Minister, Tahoma Unitarian Universalist Congregation (Tacoma)
Rev. Julie A. Kanarr, Pastor, Christ Lutheran Church (Belfair)
Rev. Nina Body, Pastor, Bethlehem Lutheran Church (Tacoma)
Rev. Sigi Helgeson, Pastor, Family of God Lutheran Church (Bremerton)
Rev. Gordy Hutchins, Pastor, The Bridge: A Ministry Of The

United Methodist Church (Tacoma)
Rev. Sheryl Biegert, Pastor, Agnus Dei Lutheran Church (Gig Harbor)
Rev. Dr. Bonnie Chandler-Warren, Senior Pastor, Mason United Methodist Church (Tacoma)
Rev. Dr. Linda C. Milks, Pastor, Saron Evangelical Lutheran Church (Hoquiam)
Rev. Dennis Hartsook, Pastor, Faith Lutheran Church (Elma)
Rev. Scott Harrison, Pastor, Port Orchard United Methodist Church (Port Orchard)
Rev. Dr. Dennis S. Tierney, Rector, Saint Barnabas Episcopal Church (Bainbridge Island)
Rev. Heather James, Pastor, Westminster Presbyterian Church (Tacoma)
Rev. Bill Harper, Rector, Grace Episcopal Church (Bainbridge Island)
Rev. Dennis G. Sepper, Pastor, The University Congregation (Tacoma)
Rev. Sarah E. Roemer, Pastor, Spirit of Life Lutheran Church (Port Orchard)
Rev. Matthew Robbins-Ghormley, Pastor, Trinity Presbyterian Church (Tacoma)
Rev. Richard Grinstad, Pastor, Holy Trinity Lutheran Church (Port Angeles)
Rev. Rebecca Shjerven, Pastor, St. Mark's Lutheran Church by the Narrows (Tacoma)
Rev. Adrian Bonaro, Pastor, First Lutheran Community Church (Port Orchard)
Father Bob Rhoads, Rector, St. Luke's Episcopal Church (Sequim)
Rev. Laurie Stumme Diers, Pastor, Peace Lutheran Fellowship Church (Port Ludlow)
Rev. Dr. Robert L. Stivers, Emeritus Professor of Religion, Pacific Lutheran University (Tacoma)
Rev. David Monsen, Board Certified Chaplain ELCA (Hoquiam)
Rev. Dr. Garrett Starmer, BCC, St. Joseph's Medical Center (Tacoma)
Rev. Elizabeth Stevens, Minister, Kitsap United Universalist Fellowship (Bremerton)
Rev. Richard H Foege, Pastor Emeritus, Emmanuel Lutheran Church (Tacoma)
Rev. Matt Gorman, Pastor, Shelton United Methodist Church (Shelton)
Rev. Harlan Shoop, Retired PCUS (Tacoma)
Rev. Earl V. Sakrison, Retired ELCA (Tacoma)
Rev. Alvin E. Aosved, Retired UMC (Bremerton)
Rev. Iver Haugen, Retired ELCA (Tacoma)
Rev. Dr. Martin Neeb, Retired ELCA (Tacoma)
Rev. Dr. Lyle G. Miller, Retired ELCA (Gig Harbor)
Rev. Tad Monroe, Retired PCUS (Tacoma)
Rev. Ron Tellefson, Retired ELCA (Gig Harbor)

** Congregation for affiliation purposes only*

Conservation & Civic Organizations (36)

10,000 Years Institute (Port Townsend)
Admiralty Audubon Society (Port Townsend)
American Rivers
Base Camps of America (Quilcene)
Black Hills Audubon Society
Friends of Grays Harbor (Aberdeen)
Friends of Miller Peninsula State Park (Sequim)
Grays Harbor Audubon Society (Montesano)
Great Old Broads for Wilderness
Greenfleet Monitoring Expeditions (Quilcene)
Hood Canal Coalition (Port Ludlow)
Hood Canal Environmental Council (Seabeck)
Kitsap Audubon Society (Poulsbo)
League of Women Voters of Clallam County
Native Fish Society
North Beach PAWS (Ocean Shores)
North Olympic Group – Sierra Club (Carlsborg)
Northwest Watershed Institute (Port Townsend)
Ocean Shores Citizens for Balanced Growth (Ocean Shores)
Olympic Coast Alliance (Olympia)
Olympic Environmental Council (Port Townsend)
Olympic Forest Coalition (Quilcene)
Olympic Park Associates (Sequim)
Olympic Peninsula Audubon Society (Sequim)
Puget Sound University (Tacoma)
Pew U.S. Public Lands Conservation Project
Polly Dyer Cascadia Broadband (Elma)
Protect the Peninsula's Future (Sequim)
Puget Sound Partnership
PT Airwatchers (Port Townsend)
Sierra Club Washington Chapter
Tahoma Audubon Society (University Place)
Veterans Conservation Corps (Bremerton)
Washington Native Plant Society
Washington Wild
West Sound Conservation Council (Poulsbo)

APPENDIX C: What People Are Saying About Wild Olympics

Bill Taylor, President of Taylor Shellfish Farms, Shelton "Senator Murray and Representative Kilmer's Wild Olympics legislation will help protect our state's shellfish industry, including hundreds of shellfishing jobs in Hood Canal alone – and many more in related industries like processing, shipping and sales. It protects the rivers and streams vital to the health of our hatcheries and to the health and restoration of Puget Sound. Our oyster beds depend on the clean, cold, silt-free water that drains off Olympic National Forest into Hood Canal. Protecting these watersheds allows our industry to grow, expand and continue to benefit the economy and ecology of Washington State. We are grateful for their leadership."

James Thomas, President & CEO Thermedia Corp/MasQs – Shelton "The Wild Olympics legislation would help protect the outstanding way of life that is an important reason people choose to live, work and play here in Mason County with the stunning backdrop of the Olympic Mountains in our backyard. The ancient forests, wild rivers and scenic beauty of the Olympics are the foundation of our high "Quality of Life" that attracts visitors, entrepreneurs, new residents and investment in our communities, strengthening our local economy. In fact, these spectacular public lands were the final determinant when I chose the Olympic Peninsula as the new home for my medical device manufacturing company. Ten years later my heart still sings when I round a corner or top a hill and the Olympics come into view. I applaud Senator Murray and Representative Kilmer for working to protect the Peninsula's economic future."

Fred Rakevich – Retired logger and fifty-year veteran of the timber industry, Elma "I am a retired logger who worked for fifty years in the timber industry. I have also fished and kayaked most of the major rivers in the Olympics. I was born and raised in Grays Harbor, but have traveled half way around the world. In all my travels, nothing impressed me more than the natural beauty of the Olympic Mountain Range and the clear running waters that begin their journey flowing toward the lands below. Timber is and always will be part of the Olympic Peninsula's proud heritage. But our ancient forests and wild rivers are the natural legacy we will leave to our children and grandchildren. Senator Murray and Representative Kilmers bill protects our natural heritage while respecting our timber heritage. I thank them for their thoughtful leadership, and future generations will thank them too."

Casey Weigel – Owner & Head Guide of Waters West Guide Service in Montesano and a member of Sportsmen for Wild Olympics. "I am a full-time Professional Guide, and owner of Waters West Guide Service in Montesano, Washington on the beautiful Wynoochee River. Our home waters here also include the Satsop and Humptulips rivers and other Olympic Peninsula rivers and their tributaries. Through hard work and our passion for our rivers and fishing, my wife and I have grown our small business enough to be able to help 3 other year-round and seasonal local guides support families, who love fishing just as much as we do. We fish year round for trophy Salmon, Sturgeon, Steelhead, and Trout in Washington rivers, lakes, and bays. I support the Wild Olympics Wilderness & Wild & Scenic Rivers Act because our rivers and our salmon are our lifeblood and, without them, businesses like ours, the local jobs they support, and the dollars they bring into our local economy would dry up. The Wild Olympics proposal would simply make the current safeguards protecting our rivers on Olympic National Forest permanent. That's all it does. It doesn't change access or cost timber jobs. And if it did, I wouldn't support it, because my family works in the timber industry. There are many challenges facing our rivers and salmon, with lots of debate and millions of dollars spent trying to help restore clean water and habitat downstream. But one basic, simple piece of the foundation we can put in place now that won't cost any of us anything, is to permanently protect the healthy habitat on the federal lands upstream against any misguided attempts to develop them in the future. That's why I am a proud supporter of the Wild Olympics Wilderness and Wild & Scenic Rivers Act. For Our Future."

State Representative Mike Chapman, 24th Legislative District – Port Angeles "I have been very excited about the economic & recreational opportunities Wild Olympics will bring to the Olympic Peninsula. With REI and Patagonia's support our corner of the world is now attracting visitors from all over. Wild Olympics is our future, for fresh air, clean water, pristine forests and future generations!"

Sarah Muszynski, Owner, Blue Horizons Paddlesports , Lake Cushman "As an outdoor recreation business owner and an avid outdoorsman, my livelihood and lifestyle depend on clean, free-flowing rivers. Visitors to Olympic National Park and businesses like mine annually contribute $220 million in local economic benefits and support 2,708 jobs. This economic benefit depends on access to the high quality natural resources the Olympic Peninsula is known for and protection of those resources. Visitors from around the world come to experience the place we call home. Protecting these resources is an investment in our region's economic future, and the smart thing to do."

Dr. Bill Roof, President and CEO, Intellicheck Mobilisa, Inc., Port Townsend "The Wild Olympics legislation sponsored by Senator Murray and Representative Kilmer would permanently protect the stunning natural treasures that serve as a key tool local companies like Intellicheck can use to recruit talented, highly skilled employees who contribute to the Peninsula's economy. Our ancient forests, rivers and streams offer priceless natural amenities that make the Northwest a wonderful place to live and give "The Evergreen State" its well-deserved name. These natural resources provide clean water, scenic beauty, solitude, fish and wildlife habitat, world-class outdoor recreation opportunities and an unrivaled quality of life in our region."

Michelle Sandoval – Port Townsend City Councilor, Port Townsend "This legislation will help permanently protect clean drinking water for local Peninsula communities. For example, one of the places proposed for Wilderness protection is in the Big Quilcene watershed, which filters the clean, cold drinking water for the city of Port Townsend. Protecting forests and rivers on federal lands upstream protects our investments in salmon habitat and water quality downstream. We are grateful for Representative Kilmer's and Senator Murray's help in protecting Port Townsend's clean water."

Harriet Reyenga – Independent realtor for Windermere Real Estate, Port Angeles "The Wild Olympics Wilderness & Wild & Scenic Rivers Act will protect and promote the same spectacular public lands and high quality of life that are helping to drive growth and create local jobs in real estate, construction and many other sectors of our economy today. Our ancient forests, salmon, rivers and amazing landscapes are the north Olympic Peninsula's competitive economic advantage over other regions. We should do all we can to protect and promote these natural treasures. The Wild Olympics legislation will do both."

Dave Bailey – Past President of the Grey Wolf Fly Fishing Club in Sequim, WA & co-founder of Sportsmen for Wild Olympics. "People think that because our salmon streams on Olympic National Forest appear as they've always been, that they are safe. Unfortunately, that's the furthest thing from the truth. There are determined efforts underway in Congress to roll back current safeguards and open these sensitive spawning streams to small hydropower development, industrial clear-cutting and more road building once more. That's bad for fish, game, and sportsmen. This legislation is critical to preserve what we have."

Terri Michels Drexler, Mason County Commissioner, District 3 – Shelton "This partnership came out of a great process involving local communities, businesses and economic leaders of the Olympic Peninsula. We've been at the forefront of diversifying our local economy and promoting our World-Class outdoor recreation and stunning natural beauty. That's why we call Mason County and Hood Canal the "Wild Side of Washington" – and we know it's imperative we protect and enhance access to the incredible outdoor adventures offered by our pristine waterways and spectacular public lands. Wild Olympics has been endorsed by over 65 Mason County businesses and local elected officials and counting. I am proud to be one of them. We're thrilled to launch this new partnership with the Wild Olympics Campaign, REI & Patagonia to protect & promote our spectacular ancient forests, free-flowing rivers and world-class outdoor recreation opportunities. For Our Future."

Jasmine Dickhoff, Mayor, City of Hoquiam- Hoquiam "I'm from here, I grew up here, and I'm proud to call the Harbor my home. Harborites are hardy, self-reliant, and we often have a different point of view than other communities. We choose to live without all the amenities of big-city life and we do so because we love it here. Hundreds of local Peninsula businesses, sportsmen organizations & local elected officials like myself are backing Wild Olympics because it embraces that same pride – our shared love of the land and our desire to permanently protect the most special parts of our spectacular backyard. However as a local elected official concerned about our economic future, I believe we need to be seizing new economic opportunities while taking great care not to hurt our current ones. That's why it's important to me that Representative Kilmer & Senator Murray have worked to ensure their final proposal won't hurt local timber jobs. It's also why I believe REI and Patagonia's promotion of Wild Olympics is a validation of one of our important new economic advantages."

State Representative Steve Tharinger, 24th Legislative District – Sequim "It is easy to see and understand the ecological value of the Wild Olympics idea, conserving clean and free flowing rivers, but what is sometimes missed is the economic value that maintaining places like Wild Olympics brings by attracting people to the special outdoors of the Olympic region. I want to thank REI and Patagonia for engaging local community leaders like myself to help design the map, and for recognizing that encouraging people to get out and enjoy the special places in the Wild Olympics proposal brings economic benefits to the communities I represent."

Mark and Desiree' Dodson, Owners Westport Marina Cottages – Westport: "We're excited to be a part of the amazing recognition of the Wild Olympics Campaign by REI & Patagonia. We're one of the hundreds of local Peninsula businesses backing Wild Olympics because it would protect & promote the same priceless natural treasures that are cornerstones of our economy. And now the country's two most premier outdoor industry brands agree. Our ancient temperate rainforests & wild rivers are iconic one-of-kind outdoor recreation destinations that draw visitors & new residents from around the world. That's why we're excited to be partnering with the Wild Olympics Campaign, REI & Patagonia to promote the Harbor's natural treasures to a whole new audience hungry for outdoor adventures!"

Roy Nott, Aberdeen Businessman and CEO. "Growing up in Pacific County in the 50's and early 60's, my future career path was pretty clear. I knew I would work in the timber industry. It was a no-brainer for me. The woods was where my childhood friends and I also chose to spend most of our free time. To advance your career often requires moves, and eventually my family and I were asked to move to the south and the northeast. It was all very interesting but we missed our family and friends and the forests back home. So, in 1993, I returned with a much greater appreciation for the Olympic Peninsula's remaining virgin forests. Not just as a draw for tourists but also a residential draw for forest-lovers like myself and my family. That is also why I chose to be an early advocate for new Wild Olympics legislation.The world has changed so much over my lifetime. I now live in Aberdeen but I am the President of a German-owned companyin the wood products industry. Rapid advancements in manufacturing and technology permit companies to collaborate globally today to make more valuable composite wood products from far younger, faster-growth trees. These technologies require us to be smarter and more globally and market-minded but they permit us- for the first time in our history- to have it both ways: to have a strong forest products sector along with legal protections for the remaining, virgin forests that have always provided our fantastic living and vacationing environment. This is my life story and these are my opinions. That is why I am so pleased to see REI and Patagonia recently take up the Wild Olympics cause. It is great to see your most deeply-held beliefs become validated as you get older."

Douglas Scott, Owner of Exotic Hikes and The Outdoor Society**, Hood Canal:** "Outside my door, the river, forests and mountains of the Olympic Peninsula beckon me to hike and climb. In the Northwest corner of the contiguous United States, far from the hustle and bustle of the big cities, our glacial-fed rivers, full of salmon and surrounded by majestic eagles constantly inspire millions of locals and visitors to the region. Each year, over four million outdoor recreation enthusiasts head to the region, hoping to find a slice of natural beauty in pristine forests and impossibly gorgeous river valleys. As an author, tour guide and advocate for the Olympic Peninsula, I have witnessed the importance of nature and outdoor recreation in the Pacific Northwest. Thanks to the support outdoor enthusiasts from all walks of life, passing the Wild Olympics Wilderness & Wild and Scenic Rivers Act will help ensure that even more of the stunning scenery will be protected and accessible for all. I am proud to Support the Wild Olympics. Come visit and fall in love with the beauty of rainforests, wild rivers and breathtaking adventures and you will too."

Sissi Bruch, Port Angeles City Council Member (Position #6) "I am very excited to lend my support this new REI/Patagonia Wild Olympics initiative. The idea of encouraging people, who love the outdoors, to come to our pristine wilderness areas, while supporting their preservation, has great synergy. This, in concert with Port Angeles designation as the 2nd best outdoor town, validates Port Angeles's status as a world class outdoor recreation destination, and speaks highly of our need to protect this unique and pristine environment. I appreciate REI and Patagonia for inviting me and many other community leaders to participate in designing this initiative and in the collaborative and inclusive way it was done."

TESTIMONY REGARDING S 2078
THE ADVANCING CONSERVATION AND EDUCATION ACT
Subcommittee on Public Lands, Forests and Mining Hearing
August 22, 2018

My name is Chris Krupp, and I am the Public Lands Guardian for WildEarth Guardians (Guardians), a non-profit organization with more than 184,000 members and activists nationwide. Guardians' mission is protecting and restoring the wildlife, wild places, wild rivers, and health of the American West. Guardians has its primary office in Santa Fe, New Mexico. It also maintains offices in Tucson, Arizona; Denver, Colorado; Boise, Idaho; Portland, Oregon; Missoula, Montana; and Seattle, Washington. I submit this testimony in regards to S. 2078, the Advancing Conservation and Education Act (ACE Act), and request that this be entered into the record.

The ACE Act addresses a common complaint of critics of federal public lands management: that protective federal land designations (such as national monuments), and public lands in general, handcuff western states from generating revenues on state trust lands "locked" inside public lands.

To address this grievance, S. 2078 authorizes a process for states to exchange their landlocked trust parcels for public lands elsewhere in the state. State constitutions typically require that state trust lands be managed to maximize long term revenue. In most cases then, states seeking to exchange lands under the authority of the ACE Act would select public lands better suited for revenue generation than the landlocked trust lands offered to the United States. Typically, states would trade out of trust lands they have not been able to utilize for natural resources such as timber, oil and gas, hard rock minerals, in exchange for public lands with greater potential for resource extraction. Because state trust lands must be managed to maximize revenue while federal lands are managed for multiple use, the Ace Act will result in an overall increase in fossil fuels extraction on U.S. soil. This will contribute to additional climate change. By creating additional opportunities for the fossil fuels extraction on what are now public lands, S. 2078 is at odds with the efforts of Congress to reduce the effects of climate change.

The ACE Act may also contribute to the expansion of the wildland urban interface, thereby making it more difficult, and expensive, to combat wildfires across the West. The Act does not prohibit states from selling the public lands they acquire via ACE Act exchanges, so states will likely target public lands with strong potential for future residential development (selling land to residential developers can yield more revenue than leasing mineral lands). For example, a

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state could trade for public land that borders a popular lake and then turn around and sell the land to a private developer of second-home or vacation communities. Because protecting residences adjacent to public lands from wildfire is difficult, expensive and often unsuccessful, federal law and policy should discourage construction of such residences. S. 2078 should be amended to prohibit state from later selling off land that is acquired via ACE Act exchanges.

Several other provisions of the ACE Act are poor public policy. First, the bill does not require that ACE exchanges comply with federal land management plans. These management plans set the goals, objectives and standards for particular areas of public lands. Agency personnel expend great time and money developing and revising the plans. The public provides a great service in vetting them. The ACE Act should not permit the Interior Secretary to wholly disregard the knowledge and effort that went into determining whether or not certain public lands should be available for disposal. Instead, S. 2078 should be amended to require the Secretary to comply with existing law and regulations for amending land management plans prior to consummating ACE Act transactions.

Second, while the ACE Act directs the Interior Secretary to consider the public interest, it neglects to define the term or list factors that must be considered when determining public interest. This will leave the Secretary unfettered in providing his or her own definition, or to consider different public interest factors on an *ad hoc* basis. S. 2078 would be improved by amending the text to include a definition of public interest that is subject to meaningful review by federal courts. To promote conservation, the definition should prioritize improving the health of wildlife and wildlife habitat over other listed public interest factors.

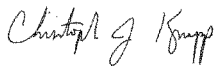
Third, the ACE Act inappropriately constrains environmental analysis under the National Environmental Policy Act (NEPA) by not requiring the Interior Secretary to analyze more than the proposed agency action and the no action alternative. The provision prevents the public from suggesting alternatives that may better serve the public than the proposed action. It also narrows the range of possible solutions to land management problems by limiting the public's ability to understand and support proposals that could be implemented absent state land managers' refusal to consider other possibilities, such as federal purchase of state trust lands. It also has the effect of overemphasizing the need for a proposed action by giving the false appearance that no other technically feasible alternative exists. S. 2078 should be amended to strike the provision prohibiting the Secretary from considering other action alternatives. This would allow the Interior Secretary to consider all reasonable alternatives, as NEPA requires.

Fourth, S. 2078 creates a significant conflict of interest for the Interior Secretary by permitting her or him to balance the equities of the states and the interest of the public when approving or modifying an ACE application. Interior's—and by extension the public's—best interests may not align with the interests of the state submitting an ACE application. In such cases the Secretary cannot act in the best interests of the public if he or she is also required to consider the equities of the state. States, certainly, would have no similar obligation to balance their interests with that of the federal public under S. 2078. The provision could result in substantial pressure on BLM state office managers to approve ACE Act exchange proposals for the state

benefits they may provide at the expense of American citizens. S. 2078 should be amended to remove the provision that the Interior Secretary balance the equities of the states with the public interest.

In summary, while the Advancing Conservation and Education Act has been drafted to resolve a longstanding complaint regarding federal management of public lands adjacent to state trust lands, Guardians believes the bill has several defects that should be cured before committee markup. Thank you for considering our views on S. 2078.

Sincerely,



Chris Krupp
Public Lands Guardian
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ckrupp@wildearthguardians.org

August 21, 2018

The Honorable Mike Lee
Chairman
Subcommittee on Public Lands, Forests, and Mining
Energy and Natural Resources Committee
United States Senate
Washington, D.C. 20510

The Honorable Ron Wyden
Ranking Member
Subcommittee on Public Lands, Forests, and Mining
Energy and Natural Resources Committee
United States Senate
Washington, D.C. 20510

Dear Chairman Lee and Ranking Member Wyden,

On behalf of more than one million of our members and supporters, The Wilderness Society (TWS) writes to express views on the bills being heard before the Senate Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining on August 22, 2018. We respectfully request that this letter be included in the hearing record.

S. 483 – Wild Olympics Wilderness and Wild and Scenic Rivers Act (Senator Murray)

The Wilderness Society supports S. 483, the Wild Olympics Wilderness and Wild and Scenic Rivers Act. 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. 1959 – Central Coast Heritage Protection Act (Senator Harris)

The Wilderness Society supports S. 1959, the Central Coast Heritage Protection Act, by Senator Harris. S. 1959 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 159 miles of creeks and rivers to the National Wild and Scenic Rivers System.

S. 1959 would also establish the Condor National Recreation Trail and designate nearly 35,000 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.

S. 2078 – Advancing Conservation and Education Act (Senator Heinrich)

The Wilderness Society supports S. 2078, the Advancing Conservation and Education Act of 2016. S. 2078 is classic "win-win" legislation. It will preserve lands with outstanding ecological and recreational values, improve local economies, and provide new resources to states for the benefit of public schools.

S. 2078 presents a practical approach to expedite the exchange of state inholdings from Federal conservation areas for Federal lands with lower conservation value and higher economic development potential. By facilitating the exchange of inholdings for lands that have greater economic potential and are more appropriate for economic development, S. 2078 will provide new sources of revenue for states, as well as providing new jobs and revenue to local economies. The state revenue will, in turn, benefit public schools and America's schoolkids.

S. 2078 will help to expedite the elimination of state inholdings in wilderness areas, national parks, and other Federal conservation areas. By removing state lands that are managed to maximize revenue production—not

conservation—S. 2078 will help ensure that America's scenic treasures are well-protected and secure. This will benefit the American public who has come to rely on these special places for recreation, enjoyment, and relaxation.

We request that the committee make two important changes to this legislation. First, the committee should incorporate the amendments to the legislation included in the House Natural Resources Committee regarding lands with wilderness characteristics, special recreation management areas, protecting hunting and fishing access, and the public interest. Second, the committee should ensure that lands within the original boundaries of the Bears Ears and Grand Staircase-Escalante national monuments—prior to the illegal modification of those monuments by President Trump—are off-limits to selection.

S. 2160 – Protect Collaboration for Healthier Forests Act (Senator Daines)

The Wilderness Society strongly opposes S. 2160, the "Protect Collaboration for Healthier Forests Act," by Senator Daines. The bill replaces judicial review with a binding arbitration process for two forest management projects in Montana and northern Idaho national forests per year, effectively exempting them from environmental laws and leaving concerned citizens with no recourse to challenge environmentally harmful projects on public land. Moreover, the bill raises many questions about the effectiveness and fairness of the experimental arbitration process.

While the legislation requires an arbitrator to "set aside" the projects determined to be arbitrary, capricious, an abuse of discretion, or not in accordance with the law, such a decision is binding on all parties and not subject to judicial review, except in rare circumstances involving fraud or other impropriety by the arbitrator. Arbitrators are not judges and are not trained or equipped to determine whether a project complies with existing law.

Without judicial review, there is no means to ensure that the Forest Service is acting in compliance with environmental laws, other than self-policing by the agency. In effect, the legislation lacks accountability and exempts two forestry projects per year—ten in total—from environmental laws.

The arbitration process raises important issues that the legislation leaves unaddressed. For example, how would an arbitrator decide between multiple alternative proposals? More importantly, by what standards will proposals be evaluated and selected? Absent any standards, the arbitration process becomes truly arbitrary. The result, in effect, is not a fair review process but an arbitrator picking a winner and loser with no accountability to the public, the Forest Service, or anyone else.

We urge the committee to reject this legislation and other proposals to undermine environmental law and public involvement in national forest management.

S. 2297 – Custer County Airport Conveyance Act (Senator Thune)

S. 2297 the Custer County Airport Conveyance Act would sell approximately 66 acres of Black Hills National Forest System land to Custer County, South Dakota. This sale would give Custer County Airport ownership of the land under the existing airport. TWS recommends that SEC. 3(i) Use of Proceeds require that proceeds from the sale of public lands be dedicated primarily to conservation purposes.

S. 2721 – San Juan Mountains Wilderness Act (Senator Bennet)

The Wilderness Society supports S. 2721, the San Juan Mountains Wilderness Act. This bill, the product of years of research and collaboration by a myriad of interested and affected stakeholders in southwest Colorado, would protect some of Colorado's most beloved scenic wild country. This bill is broadly supported by local elected officials—including the unanimous and bipartisan support of the three affected county commissions—businesses, recreation groups, conservation organizations, and other public land users across the region. Please accept the attached joint testimony supporting S. 2721 from San Juan Citizens Alliance, Sheep Mountain Alliance, Ridgway-Ouray Community Council, Great Old Broads for Wilderness, Conservation Colorado, Western Colorado Alliance, and The Wilderness Society as part of our testimony for the record.

S. 2809 – Emery County Public Land Management Act (Senator Hatch)

S. 2809, the Emery County Public Land Management Act by Senator Hatch, addresses iconic red rock landscapes in southern Utah. While we support protecting these lands, S. 2809 falls short in several key areas. For this reason, as described below, we oppose this legislation as introduced.

S. 2809 was introduced without referencing or publishing a map, which is critical to providing the public a reasonable opportunity to evaluate the proposal and to provide meaningful testimony. The Wilderness Society has based this testimony on the map dated May 16, 2018 and published on the county's website.[1]

Wilderness

S. 2809 would designate portions of eight wilderness study areas in the San Rafael Swell, Desolation Canyon, and other locations as wilderness. While these lands are worthy additions to the National Wilderness Preservation System, so too are other public lands in the county, including more than 900,000 acres that the Bureau of Land Management (BLM) has determined contain wilderness characteristics but are not included in the legislation.

We recommend significantly increasing the wilderness designations to include lands long-recognized for their wilderness values around Labyrinth Canyon and Muddy Creek in the heart of the San Rafael Swell.

We also are concerned about several roads and motor vehicle routes that dissect proposed wilderness areas. Some of these are appropriate for cherry stemming, but others are not.

Title II of the legislation also includes provisions regarding outfitting and guiding, and the collection of paleontological and rock specimens, that do not require consistency with the Wilderness Act. We recommend utilizing standard wilderness language and dropping language that permits activities that are not in accordance with the Wilderness Act or otherwise threaten wilderness areas.

We also have several important technical and other concerns with certain provisions in Title II.

San Rafael Swell Western Heritage and Historic Mining National Conservation Area

Title I of S. 2809 establishes a national conservation area with approximately 175 units spanning 336,467 acres. These approximately 175 units of the national conservation area are separated by a spiderweb of roads, motorized routes, and motorized trails that are excluded from the national conservation area. As a result of this severe fragmentation, the legislation critically undermines the purposes of the national conservation area and effectively exempts the management of motorized vehicles from the national conservation area. We recommend including these roads, routes and trails in the national conservation area boundaries, as is standard across all national conservation areas in the country, including those in Utah.

The national conservation area contains management language regarding cold war sites, grazing facilities, travel management, collection of paleontological and rock specimens, and a court settlement agreement regarding travel management that deviates from standard national conservation area management language and may threaten the ecological and cultural values of the national conservation area. We recommend utilizing standard management language for the national conservation area and dropping provisions that could undermine the ecological and cultural values of the national conservation area.

The national conservation area excludes important areas in western Emery County, known as the San Rafael Badlands, that the BLM has identified as possessing wilderness characteristics. We recommend expanding the national conservation area to include these important lands.

Finally, the legislation establishes an advisory council to advise BLM regarding the preparation and implementation of the national conservation area management plan that mandates participation by grazing and motorized recreation interests but excludes conservation interests. We recommend revising this section to ensure fair and balanced representation on the advisory council.

We also have several important technical and other concerns with certain provisions in Title I.

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[1] http://www.emerycounty.com/publiclands/maps/basemap.pdf

Green River Wild and Scenic River

Title III would designate a 54-mile segment of the Green River under the Wild and Scenic Rivers Act. Without access to a map and the classifications for the segment, The Wilderness Society reserves comment on this title.

Temple Mountain Cooperative Management Area

Section 401 establishes a 7,792-acre cooperative management area *within* the national conservation area with its own conflicting purposes and management requirements. Cooperative management agreements are currently authorized by the Federal Land Policy and Management Act. We recommend deleting this section.

Goblin Valley Conveyance

Section 402 requires the BLM to offer to convey 9,350 acres within the national conservation area to the State of Utah "for management by the State…in accordance with State law." This provision mandates a process for the conveyance of public land with nationally-significant values, and for no compensation to the public, handing control of nearly ten thousand acres of public land to the State of Utah. Public purpose conveyances, where appropriate, are currently authorized by the Recreation and Public Purposes Act. We recommend deleting this section.

Jurassic National Monument and Conveyances

Sections 403 establishes a Jurassic National Monument. Sections 404 and 405 provide for certain conveyances of public land. Public purposes for the conveyances in section 405 are not specified. As a result, we are unable to evaluate the appropriateness of the conveyances. We also have several important technical and other concerns with certain provisions in these sections.

Land exchange

Section 406 authorizes the State of Utah to relinquish its inholdings in the wilderness areas and national conservation area established by the legislation. This section is loosely modeled after the "Advancing Conservation and Education Act" (H.R. 4257/S. 2078), which authorizes similar exchanges. The Wilderness Society, along with the Western States Land Commissioners Association (of which the State of Utah Institutional Trust Lands Administration is a member), supports the Advancing Conservation and Education Act.

However, section 406 omits important safeguards that were collaboratively included in the Advancing Conservation and Education Act. For example, that legislation prohibits the State from selecting lands within an Indian reservation or lands that have been identified by the BLM has having wilderness characteristics; requires additional consultation with tribes regarding potential impacts to traditional cultural properties; and includes protections for hunting and fishing access. Section 406 eliminates these important safeguards. Further, the legislation would permit the State to acquire lands within the original boundaries of the Bears Ears and Grand Staircase-Escalante national monuments.

We recommend replacing the land exchange provisions with standard land exchange language or, in the alternative, utilizing language from H.R. 4257, as approved and modified by the House Natural Resources Committee, and not applying to the lands within the original monument boundaries. Doing so would also resolve several other important technical and other concerns with certain provisions in section 406.

Technical corrections

The legislation contains numerous technical errors that should be addressed. We would be happy to discuss these issues with the committee as well as the others detailed above.

Public outreach and consultation

There are numerous stakeholders concerned about the management of public lands in the State of Utah. We recommend additional outreach to key stakeholders including Native American Tribes, as well as conservation and recreation interests.

S. 2907 the Chaco Cultural Heritage Area Protection Act (Senator Udall)

The Wilderness Society supports S. 2907, the Chaco Cultural Heritage Area Protection Act, sponsored by Senators Udall and Heinrich. S. 2907 would protect Chacoan ruins and the greater landscape surrounding the Chaco Culture National Historical Park (NHP) by withdrawing approximately 316,000 acres of federal minerals from any future leasing or development, creating a protected radius around Chaco. This bill would also protect

irreplaceable sacred sites and history to ensure the interests of the Pueblos and Navajo Nation are permanently safeguarded. The bill is supported by the Navajo Nation and the All Pueblo Council of Governors, as well as a broad range of organizations and individuals, including conservation groups around the state and nationally. We urge the Committee to support S. 2907.

There are a host of fragile resources that would be safeguarded from the harms associated with mineral development by establishment of the Proposed Chaco Protection Zone identified in the bill. Chaco Culture NHP is the center of a broad, authentic, cultural landscape that spans the San Juan Basin, as acknowledged in the Chacoan Outliers Protection Act (1995). This landscape includes hundreds of internationally and nationally significant cultural resources, including prehistoric roads, communities and shrines, many of which are related to the resources found in Chaco Culture NHP. While a number of the sites included in the broader Chacoan network lie as many as 100 miles away, a significant number of them are concentrated within the immediate area surrounding the park.

Chaco Culture NHP contains remnants of impressive buildings of the ancestral Pueblo peoples who dwelled there between 850 and 1250 A.D as well as some of the largest Basketmaker settlements in the Colorado Plateau (ca. A.D. 500-850; e.g., Shabik'eschee). The area was designated a UNESCO World Heritage site in 1987 for its uniqueness and well-preserved example of ancient community living. Outside the official perimeter of Chaco Culture NHP are several outlying Chacoan community units connected by ancient roadways. These include: Kin Klizhin, Kim Bineola, Kin Ya'a, and Pueblo Pintado as well as additional nearby communities to the west along Escavada Wash and directly north of the NHP boundaries (Bisa'ani, Lake Valley, etc.). This larger zone beyond the limits of the canyon itself has been termed the "Chaco Halo" in the regional literature and encompasses a set of settlements within about 10 miles of the Canyon which show particularly strong cultural and economic relationships with the communities in the NHP.

Because it is located off the beaten track, accessing Chaco Cultural NHP requires a long drive down a unique and isolated dirt road. As the primary access road into the Park, this route begins the visitors' experience back in time even before they arrive at the ruins themselves. The landscape gives passersby a special opportunity to see the world as the ancient Chacoan people likely saw it.

Visibility, regional haze and other aspects of air quality are at issue within the Greater Chaco Landscape. Cumulative impacts on air quality resulting from oil and gas development present significant concerns for cultural and historic sites, soil, water, and animal and plant life. These impacts can also obscure visibility and undermine scenic qualities within Chaco Culture NHP and nearby wilderness areas; present health risks to park visitors and local communities; directly alter the chemical framework of ancient structures; and cause damage and disruption to vegetation, wildlife and ecosystems when absorbed in the soil and water.

Scenic qualities contribute significantly to the visitor experience of Chaco Culture NHP, as they do to other sacred, cultural sites within the broader core protected area. Visible evidence of the infrastructure required for oil and gas development, such as road building, drill pads and rigs, and haul trucks from the vantage of these sites would diminish the important visual characteristics of this remote, largely undisturbed landscape.

Further, the pristine, dark night sky visible in and around Chaco Culture NHP is considered one of the best places for stargazing in the world and is an important resource to protect. The park established a night skies protection initiative and interpretive program in 1991, and was certified as an International Dark Sky Park in 2013 – one of only four in the United States. Flaring, transport, artificial lighting, and other activities from energy development on lands in close proximity to the area would produce light pollution, disrupting night sky activities in and around the park.

The Great North Road extends north from Pueblo Alto in Chaco Canyon to the Stairway Complex south of the Twin Angels Pueblo and into Kutz Canyon. The length and surprisingly parallel structure have long impressed archeologists and scholars. The road also passes through a series of roughly evenly spaced major cultural complexes including the Kin Indian great house, the Pierre's complex (which includes multiple great houses, kivas, signaling locations and lookouts), the Halfway House great house, the Stairway Complex, and Twin Angels great house near the edge of Kutz Canyon. Many places along the road are associated with unusually dense artifact scatters (even in areas distant from settlements) suggesting that the road itself was likely an important ceremonial space. The North Road and these related features are essential for understanding and interpreting the cultural history of the Chaco area and the greater Southwest.

Extensive natural gas development has occurred on portions of the Greater Chaco Landscape, leading to the development of the majority of lands within the Bureau of Land Management's Farmington Field Office. There is now renewed interest in oil exploration and production within the Mancos/Gallup Shale Play, as evidenced by the ongoing amendment to the Bureau of Land Management's Farmington Resource Management Plan, which is now being prepared along with the Bureau of Indian Affairs. However, the Proposed Chaco Protection Zone is generally located west of the current target zone for Mancos/Gallup oil drilling, and it has seen less industry interest, and has more unleased lands as a result, than adjacent areas. Nonetheless, the area is more and more at risk. We have seen lands proposed for leasing within the Proposed Chaco Protection Zone and more proposed leasing encroaching on the area. Passing the Chaco Cultural Heritage Area Protection Act at this time will protect these internationally significant resources in an area that has remained intact despite being surrounded by intensive energy development.

We are very grateful to Senator Udall and Senator Heinrich for supporting protection of the amazing cultural resources of the Greater Chaco Landscape, as well as their ongoing engagement in the efforts to plan for management of the broader landscape, which has brought the Bureau of Land Management, National Park Service, Bureau of Indian Affairs and stakeholders together. In addition to supporting passage of the Chaco Cultural Heritage Act Protection Act, we also support the Senators' continued engagement in developing a working vision for the public lands and living communities in this region.

S. 3245 – Lake Fannin Conveyance Act (Senator Cornyn)

The Wilderness Society opposes S. 3245, the Lake Fannin Conveyance Act, by Senator Cornyn. This legislation would give away more than two thousand acres of America's national forest land – in a state with little public land. The lands at issue are a local treasure, enjoyed by thousands of residents and visitors each year. Once given away, the county could do with the lands what they wish. Selling off this public land will result in thousands of Americans losing access to lands they currently enjoy and rightfully own.

Fannin County Judge Spanky Carter asserted that the legislation is needed to "take more than 2,000 acres of Lake Fannin back from the federal government" and Senator Lee asserts that "Texans will be well served by reducing the federal estate and giving local officials control of over 2,025 acres of grassland." We disagree. The public is not served by selling off or giving away public lands.

From outstanding wildlife habitats to world-class recreation opportunities, America's public lands provide great benefits to hundreds of millions of Americans and are the backbone of many rural economies. This bill is a clear attempt to privatize an important piece of public land with no identifiable public need. We oppose S. 3245 and urge the committee to reject this and other bills to sell off or give away America's public lands.

S. 3297 – Washington County, Utah, Public Land Act (Senator Lee)

The Wilderness Society opposes S. 3297, the Washington County, Utah, Public Land Act, by Senator Lee. This legislation undermines the Washington County Growth and Conservation Act which was the result of a locally-driven collaborative process and passed with bipartisan support in 2009.

S. 3297 ignores the clear language of the Public Law 111-11 regarding the Red Cliffs and Beaver Dam Wash national conservation areas, while ignoring the extensive legislative history regarding how these areas were to be managed. S. 3297 also overrides existing law regarding habitat conservation for the endangered desert tortoise.

S. 3297 would:

- Require the Secretary of the Interior to grant Washington County or the State of Utah a transportation corridor for a highway through the heart of the Red Cliffs National Conservation Area;
- Modify the boundaries of the Red Cliffs National Conservation Area;
- Establish a transportation and utility corridor through the Beaver Dam Wash National Conservation Area;
- Restrict the Secretary of the Interior's ability to limit inappropriate utility development within the Beaver Dam Wash National Conservation Area;
- Mandate the continuation of all grazing within the Beaver Dam Wash National Conservation Area, regardless of impact or compliance with environmental law; and

- Require the Secretary of the Interior to accept a county-proposed habitat conservation plan and adopt a decade-old utility protocols regardless of the whether these plans comply with the Endangered Species Act.

Local stakeholders, including The Wilderness Society and Washington County, engaged in a lengthy process to preserve the wilderness characteristics, cultural resources, public access, and important habitat in the Red Cliffs National Conservation Area. Mandating approval of a highway through the conservation area would threaten habitats and the overall health and value of these ecosystems.

As the plain language of P.L. 111-11 and the legislative history of the Washington County Growth and Conservation Act make clear, Congress required the Secretary of the Interior to *consider* a northern transportation route in the county but not to *mandate* such a route. As Senator Bennett, the bill's author, testified in 2008, "We have removed the corridor designations for ... the Northern Corridor that bisected the Red Cliffs Desert Reserve."

The route was also previously rejected by the City of St. George, State of Utah, and Federal Highway Administration. A 2007 joint environmental assessment on a local parkway proposal concluded: "The City of St. George, UDOT, and FHWA determined that the anticipated implementation challenges and potential environmental effects, as previously described, would be substantial and **thereby eliminated the Northern Corridor Alternative from further consideration**."

S. 3297 would override a local agreement supported by Washington County, the State of Utah and Congress. The Wilderness Society and other stakeholders have kept our end of the bargain and we expect the same from the other parties. Given that the proposed legislation would violate this agreement and threaten to disrupt important landscapes and wildlife habitat, we urge the committee to reject this legislation.

H.R. 2075 – Crooked River Ranch Fire Protection Act (Rep. Walden)

The Wilderness Society opposes H.R. 2075, the Crooked River Ranch Fire Protection Act, by Congressman Walden. TWS supports efforts to safeguard Crooked River Ranch from wildfire, as well as to protect, defend, and restore Oregon's deserts. Acknowledging the importance of these issues and of the need to resolve them with the input of all local stakeholders, a working group was established in 2015 to find ways to achieve both fire risk reduction and permanent protection of wilderness values in the Whychus-Deschutes area. This collaborative process produced a concept that would be a true win-win solution.

H.R. 2075 ignores that comprehensive recommendation and advances only the removal of protection for 832 acres of a wilderness study area (WSA) without resolving the status of the remainder of the WSA. Many in the community have expressed support for a comprehensive approach to address fuel reduction needs while protecting the outstanding resources of the WSA.

For these reasons, we oppose H.R. 2075 as drafted and urge the committee to adopt a more balanced, locally-driven approach to ensure legislation that increases fire protection for local communities while protecting deserving lands as wilderness.

Thank you for considering our views.

Sincerely,

Lydia Weiss
Government Relations Director
The Wilderness Society

Testimony of The Wilderness Society, San Juan Citizens Alliance, Sheep Mountain Alliance, Ridgway-Ouray Community Council, Great Old Broads for Wilderness, Conservation Colorado, and Western Colorado Alliance

Before the Subcommittee on Public Lands, Forests, and Mining

Committee on Energy and Natural Resources

United States Senate

August 22, 2018

S. 2721, the San Juan Mountains Wilderness Act

On behalf of the organizations listed above, we would like to thank the Committee for considering the San Juan Mountains Wilderness Act. S. 2721, the product of years of research and collaboration by a myriad of interested and affected stakeholders in southwest Colorado, which would protect some of Colorado's most beloved scenic wild country. The bill is broadly supported by local elected officials—including the unanimous and bipartisan support of the three affected county commissions—businesses, recreation groups, conservation organizations, and other public land users across the region.

Colorado has a long and rich tradition of wilderness and public land protection, with nearly twenty bills enacted over the last 50 years. All of these have shared the characteristics of broad citizen and stakeholder support and cooperation among the State's Congressional delegation members. The San Juan Mountains Wilderness Act is carrying on this proud Colorado tradition.

Colorado's San Juan Mountains offer innumerable benefits and services to residents of Colorado and visitors from across the nation, including spectacular mountain vistas, clean water and air, ongoing ranching operations, healthy wildlife populations, and a wide variety of world-class recreational opportunities, from hunting and angling to skiing, hiking, and boating. In decades past, hard rock mining was a major force in the region's development. Even today, Ouray Silver Mines has ongoing operations and future plans around the area. The company and the community recognize the benefits of both protecting key public lands and supporting the local mining operations, and Ouray Silver Mines is a supporter of the legislation.

As the economic drivers in the intermountain West steadily evolved during the post-war 20th century, and outdoor recreation grew in popularity, local communities have looked increasingly toward tourism and recreation as a significant part of their economic foundations. Visitors come to the region in large numbers to enjoy not only backcountry challenges, but also to experience the area's rich history. Thousands of tourists ride the original narrow-gauge train from Durango to Silverton each year to wander the town's historic main street or learn about the region's mining history.

As one measure of this modern economy, the Outdoor Industry Association reports that outdoor recreation generates $2.19 billion in annual consumer spending on Colorado's west slope – by residents

alone. The same region is home to over 240 outdoor companies. Statewide, outdoor recreation generates $28 billion annually, and supports approximately 229,000 jobs. Hunting and fishing groups routinely emphasize the importance of protected lands as the basis for healthy game populations.

As the economy of the San Juan Mountains region has evolved, and as more and more people visit to experience the natural and recreational values offered by the area's public lands, the protection of those lands has become increasingly valued by local residents, businesses, stakeholders, and elected officials. This phenomenon has occurred concurrent with our increasing understanding of the importance of protecting connected areas of undisturbed land for a broad array of wildlife, both to maintain functioning natural systems, and for the human benefits that healthy wildlife populations provide. Protective designations also help to ensure the resiliency of these areas in the face of climate change.

Natural and Human Values of the San Juan Mountains

The San Juan Mountains, and pointedly the areas proposed for protection in this legislation, offer a rich array of natural and environmental values. The existing Mt. Sneffels and Lizard Head Wilderness Areas are the headwaters of the San Miguel, Dolores, and Uncompahgre Rivers, and many of their tributaries, such as Deep Creek, Dallas Creek, Bilk Creek, and Wilson Creek. Areas in the legislation make up large portions of the municipal water supplies for towns like Telluride, Ouray, Ridgway, and Silverton in all three counties. These waterways also offer some of the West's finest fishing opportunities – anglers from across the country come to southwest Colorado to fish for many species, including the iconic Colorado Cutthroat Trout.

The legislation also will protect large areas of key habitat for wildlife to feed, grow, and bear their young. The mountain areas in the legislation will expand the core habitat already protected in the Mt. Sneffels and Lizard Head Wilderness Areas with key lower elevation areas. The Sheep Mountain designation would add another significant core habitat area and improve the wildlife connectivity to other protected areas on the San Juan National Forest, like the Weminuche Wilderness. These mountain designations will benefit existing populations of black bear, elk, bighorn sheep, and bird species such as the white-tailed ptarmigan, and provide critical habitat for other wildlife such as Canada lynx and Northern goshawk.

Moving down from the higher mountain areas, the proposed McKenna Peak Wilderness and the mineral withdrawal for Naturita Canyon would protect mid-elevation lands critical as winter range for deer and elk (North Mountain, which borders McKenna Peak, contains one of the largest deer and elk herds in Colorado), as well as habitat for such species as mountain lion, bald eagle, and peregrine falcon. Naturita Canyon not only would protect the resident deer, elk, bobcat, raptors and rare birds like the Mexican spotted owl, but also a rich riparian zone.

Agriculture also has a rich history in the San Juan Mountains, providing a long-standing livelihood for multi-generational families and an essential part of the cultural fabric of the entire region. The public land protections in the legislation will help to protect the traditional ranching values and operations in the region. For example, as Ouray County rancher Liza Clarke, owner of the Ferguson Family Ranch, wrote to former Congressman John Salazar, who first introduced a House version of the legislation in 2009:

> *I was happy to learn that the proposed boundaries avoid any substantial conflict with existing uses and private property. I understand that grazing leases will continue under any new wilderness designation…. I respectfully request that you introduce legislation to expand the Sneffels Wilderness Area in Ouray County. This proposal has widespread support in our County and includes signature views, including Mount Sneffels itself which is currently only partially contained in its namesake Wilderness Area.*

Recreation and tourism is the backbone of the San Juan Mountains regional economy. For visitors who come to explore the region's history, go on a jeep tour, or ride the Durango-Silverton train, the backdrop views of majestic mountain peaks is essential to the experience. Winter recreation is dominated by skiing, including the world-famous alpine resort of Telluride, the more recently developed Silverton Mountain area, and Colorado's only heli-skiing operation. Backcountry skiing is hugely popular across the range.

In the warmer months, recreational users comb the mountains. Hikers enjoy thousands of miles of trails, whether to see the spectacular views of the Telluride valley from atop its enclosing cliffs or through a multi-day backpack into the magnificent Ice Lakes Basin out of Silverton. Climbers challenge themselves against the iconic 14,150 foot Mt. Sneffels, the rock walls near Telluride, and the famous frozen waterfalls just outside of Ouray. The San Juan Mountains are a world class destination for mountain biking, and many trails skirt the edges of the wilderness areas in S. 2721; others mountain biking trails are protected in a portion of the Sheep Mountain Special Management Area. The famous Hardrock 100 footrace – one of most grueling of its kind in the nation – courses through the heart of the region.

Outreach to Regional Stakeholders

The process of outreach for, and vetting of, the San Juan Mountains Wilderness proposal has been detailed and comprehensive. Thanks to the leadership of elected officials and local citizens groups in the region, the original proposal was crafted with extensive and intimate familiarity of the landscapes of interest. Each of these local groups worked closely with their respective county governments in carefully considering the protective designations. San Miguel County first expressed support for wilderness legislation in June 2007, followed a short time later by the Commission of Ouray County. San Juan County followed in 2009, with an endorsement for expanding the proposed Sheep Mountain Special Management Area.

Extensive outreach to stakeholders that could directly or indirectly be affected by the legislation was conducted for over two years before legislation was introduced, involving painstaking work to consult with, and respond to, those with a stake in these designations, including livestock operators, private land owners with parcels inside the areas (mostly patented mining claims), water right holders, recreation interests, State agencies, and local governments. Numerous adjustments were made to the areas in the bill to accommodate concerns of these parties. Just a few examples follow.

The Sheep Mountain area was originally proposed for – with strong local support – designation as wilderness. Early in the outreach process, wilderness advocates were approached by the helicopter-supported skiing company Helitrax, who informed us that Sheep Mountain was the heart of their operation, in which they land helicopters to drop off skiers. This particular use would not be allowed in a wilderness and therefore a compromise was crafted to accommodate this use while protecting the wild character of Sheep Mountain via a Special Management Area (SMA) designation.

Another example of efforts to make the legislation work for stakeholders is with the Towns of Telluride and Ophir. Both Towns had either historic or potential new water supply facilities in the initially proposed areas (Telluride near the proposed Liberty Bell addition to Mt. Sneffels Wilderness, and Ophir near the Sheep Mountain SMA); staff from both Towns were consulted and boundaries were adjusted to make sure that designations wouldn't interfere with the development or operation of these water supplies. Additionally, extensive research has facilitated the exclusion of known water right locations from proposed wilderness areas. For example, the only known water right locations in the proposed Whitehouse Addition to the Mt. Sneffels Wilderness are held by the State of Colorado as an instream flow and a minimum lake level right, both of which are compatible with wilderness.

Motorized recreation is an important piece of the recreational landscape in the San Juan Mountains, and thousands of visitors come each year to experience the Ophir Pass jeep road and Alpine Loop. Great care was taken to ensure that motorized routes would remain open under the legislation, and boundaries were drawn or adjusted meticulously to ensure that not a single mile of legally open road would be closed. For example, the boundaries of McKenna Peak and Naturita Canyon were reduced significantly from what was originally proposed to exclude motorized routes. Similarly, the boundaries of the Whitehouse and Last Dollar additions to the Mt. Sneffels Wilderness were adjusted to provide for snowmobile access to backcountry huts operated by San Juan Huts for stocking and maintenance.

Boundaries also were carefully drawn or adjusted to exclude existing mountain bike trails, and in deference to recently developed trails in the northeast portion of the proposed Sheep Mountain Special Management Area, that portion of the SMA is exempted from the overall prohibition of mechanized transport in the area. The San Miguel Bike Alliance in Telluride has endorsed S. 2721.

Boundary adjustments also were made for the course of the renowned Hardrock 100 footrace. A non-profit entity, the Hardrock brings about 130 runners to the San Juan Mountains once each summer to run the backcountry trails and high mountain passes. The eastern portion of the proposed Liberty Bell Wilderness Addition was changed to a Special Management Area to best accommodate the race when a previous version of this bill was marked up and reported by this Committee in 2013.

Boundary adjustments to the Whitehouse Wilderness Addition have been made since 2013 to ensure that avalanche control by the Ouray Silver Mines and Ouray County will not be affected. Additionally, the boundary was adjusted to ensure that an ore vein is excluded from the eastern boundary of the proposed Liberty Bell Wilderness Addition. Through this cooperation, Ouray Silver Mines has added its name to the long list of supporters of the bill.

As a demonstration of the broad public support for, and importance of, protecting the lands in this bill, a number of patented mining claims in the proposed Sheep Mountain SMA and Whitehouse Wilderness Addition have been acquired by local and national land trusts to be permanently protected, with many already transferred to the Forest Service.

Although southwest Colorado makes important contributions to energy production, no existing oil and gas leases are affected by the proposed designations, and exploratory wells recently drilled near McKenna Peak have not discovered developable deposits. Development of the lands in S. 2721 would be inconsistent with the economic, cultural, and natural values that the communities are dedicated to protecting.

Support for the San Juan Mountains Wilderness Act

Because of the essential community values that this legislation will protect, and the collaborative spirit in which it has been developed, the legislation enjoys support both deep and broad. Supporters include unanimous and bipartisan support from the San Miguel County Board of County Commissioners, Ouray County Board of County Commissioners, and San Juan County Board of County Commissioners; the towns of Telluride, Ophir, Mountain Village, Ridgway, and Silverton; and an array of community, business, ranching, homeowner, and conservation and recreation organizations and individuals.

We would like to thank Senator Bennet for his excellent work in crafting this legislation, and also thank the Subcommittee for the opportunity to submit our views on S. 2721.

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Testimony on S. 2809
Emery County Public Land Management Act of 2018

Senate Subcommittee on Public Lands, Forests, and Mining
August 22, 2018

Wilderness Watch is providing this testimony on S. 2809, the Emery County Public Land Management Act of 2018. Wilderness Watch is a national wilderness conservation organization focused on the protection and proper stewardship of lands and wild rivers within the National Wilderness Preservation System.

Wilderness Watch staff and board members are intimately familiar with the lands and the management issues affected by S. 2809, having been involved in the Utah BLM wilderness review process since its inception and in RARE II since the early 1970s. Our staff and members have hiked, worked, explored, rafted, fished, hunted, and photographed throughout the region covered by this bill including the Desolation Canyon-Book Cliffs, San Rafael Swell, and Wasatch Plateau country.

I. Problems with Bill Language for Wilderness Administration

Special provisions in wilderness designation bills are provisions that weaken the protection and stewardship of Wildernesses from the standards set in the 1964 Wilderness Act, 16 U.S.C. 1131-1136. These provisions often make it difficult or impossible to protect these areas as truly wild Wilderness. In general, they should be avoided. Our specific comments on the special provisions in S. 2809 follow:

• **Livestock Grazing**. Section 4(d)(4)(2) of the Wilderness Act provides 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 Secretary of Agriculture." In 1980, Congress expanded this provision

with the so-called "Congressional Grazing Guidelines"[1] that have been included in most national forest or BLM wilderness bills since that time.

Section 202(b) of S. 2809 references the provision from the 1964 Wilderness Act, as well as Appendix A of House Report 101-405, which accompanied the 1990 Arizona Desert Wilderness Act, P.L. 101-628. The language from House Report 101-405 repeats the language from House Report 96-617. The Congressional Grazing Guidelines have expanded the special provision on grazing beyond that allowed by the Wilderness Act. The reference to the House Report should therefore be removed.

In 2009, Congress included language in designating five Owyhee Wildernesses in Idaho that allows the donation of livestock grazing permits or leases within those five newly-designated Wildernesses. This language is found at P.L. 111-11, Section 1503(b)(3)(D). We strongly suggest that Congress also include that language in S. 2809.

• **Wildfire, Insect, and Disease Management.** Section 4(d)(1) of the Wilderness Act provides that, *"such measures may be taken as may be necessary in the control of fire, insects, and diseases, subject to such conditions as the Secretary deems desirable."* This provision has been interpreted and used to allow broad discretion for fire suppression and, to a much more limited degree, insect and disease control in Wilderness.[2]

Section 202(c) of S. 2809 reiterates this provision and references the above-cited section of the Wilderness Act, but also adds in the reference to House Report 98-40. This report accompanied the 1984 California Wilderness Act, P.L. 98-425.

But the language contained in this House Report, intended specifically and only to the dry chaparral forests of southern California, is a significant weakening of the language of the Wilderness Act and allows extensive "presuppression" activities. This report language, for example, allows the construction of roads and fuelbreaks in Wilderness, and the intentional setting of prescribed fires in Wilderness in mere anticipation of a future wildfire:

> In other cases, fire roads, fuel breaks or other management techniques have been used. The Committee also believes that prescribed burning could prove to be an especially significant fire presuppression method, particularly in cases where a history of past fire suppression policies have allowed "unnatural" accumulations of dead or live fuel (such as chaparral) to build up to hazardous levels.[3]

This language is a significant weakening of the protections otherwise provided by

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[1] H.Rept. 96-617 accompanying Public Law 96-560, commonly referred to as the "Colorado Wilderness Act of 1980."

[2] *See e.g. Sierra Club v. Lyng*, 663 F.Supp. 556, 560 (D.D.C. 1987) (noting that "[t]he Secretary's burden under Section 4(d)(1) affirmatively to justify control actions taken for the benefit of adjacent land-owners is grounded on the need to ensure that wilderness values are not unnecessarily sacrificed to promote the interests of adjacent landowners which Congress authorized the Secretary to protect.").

[3] H.Rept. 98-40, pp. 40-41.

the 1964 Wilderness Act, and should be removed from the bill.

• **Adjacent Management (Buffer Zones).** While the Wilderness Act does not create buffer zones around Wilderness, it does, however, require federal agencies to preserve the wilderness character of designated Wildernesses. This requirement means agencies must consider impacts to the nearby Wilderness when deciding whether to authorize uses or activities outside Wilderness. The federal courts have affirmed this responsibility to consider impacts to wilderness character when approving uses or activities just outside wilderness boundaries (see *Izaak Walton League of Am., Inc. v. Kimbell*, 516 F.Supp. 2d 982 [2007]).

Sec. 202(d) of S. 2809 contains language that explicitly precludes a federal agency from prohibiting an activity or use outside Wilderness because it can be "seen or heard" within the adjacent Wilderness. This could result in uses or activities near the boundary of a Wilderness that significantly harm the values of the Wilderness. Prohibiting buffer zones isn't a precedent, as similar language has appeared in many wilderness bills since the early 1980s, but its inclusion is a weakening of the 1964 Wilderness Act. This provision should be removed from the bill.

• **Military Overflights.** The Wilderness Act does not speak specifically to airspace and is generally interpreted as to not control the airspace above Wildernesses. There is no question, however, that overflights can degrade wilderness by impacting wildlife and visitor experiences. For these reasons the Federal Aviation Administration (FAA) has adopted guidance that recommends aircraft maintain an altitude at least 2,000 feet above ground level when flying over designated Wilderness

Sec. 202(e) of S. 2809 would preclude wilderness designation from affecting low-level overflights of military aircraft, flight testing or evaluation, or the designation of new military airspace or training routes over designated wilderness. This provision does not create an exception to the Wilderness Act and would not be a precedent, as similar language has appeared in several wilderness bills in recent years, however, it could certainly lead to degrading wilderness values in the new Wilderness areas. This provision should be removed.

• **Casual Collection**. Section 202(g) of S. 2809 allows the "casual collection" of rocks, minerals, and fossils within the Wildernesses designated by the bill. The removal of such items could degrade an area's wilderness character and represent a loss of important resources in the area, particularly in the case of fossils, petrified wood, or other rare items.

This is unprecedented language for a wilderness bill and, to the best of our knowledge, has never been enacted into law. This language would transform what might otherwise be illegal actions into authorized and permitted uses in Wilderness. It would lead to the loss of rocks, minerals, and fossils from Wildernesses, and might encourage visitors to casually collect archeological artifacts as well. This provision should be stripped

from the bill.

• **Climatological Data Collection**. Section 4(c) of the Wilderness Act requires that there be "no structure or installation within any such area." This provision has been interpreted to prohibit any building, structure, or installation of any kind unless it serves the cause of wilderness protection.

Section 202(j) of S. 2809 provides that "the Secretary may authorize the installation and maintenance of hydrologic, meteorologic, or climatological collection devices in the wilderness areas if the Secretary determines that the facilities and access to the facilities are essential to flood warning, flood control, or water reservoir activities."

To the best of our knowledge there is no need for such structures or installations in any of the areas affected by the bill and, to the extent there might be, those structures or installations could be placed outside the areas designated as Wilderness. This provision should be removed from the bill.

• **Water Rights.** Section 4(d)(6) of the Wilderness Act states, "Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws." This has been interpreted as a neutral clause that has allowed the federal government to assert wilderness water rights, subject to existing water rights. Also relevant to S. 2809, the Wilderness Act prohibits new or expanded water developments in Wilderness unless specifically authorized by the President after determining the developments are needed in the public interest (Section 4[d][4][1]), a provision that has never been exercised.

Section 202(k) of S. 2809 precludes any express or implied reservation by the federal government of any water rights in Wildernesses designated by this legislation, and appears to limit the federal government's ability to protect its water rights on public lands. It requires the federal government to follow State water law, and prohibits the federal government from taking any actions that affect the State's water rights, State authority, or State groundwater law. This section is a significant weakening of protections in the 1964 Wilderness Act, and should be removed from the bill.

• **Memorandum of Understanding**. Section 202(l) of S. 2809 has a special provision for a Memorandum of Understanding (MOU) establishing motorized search and rescue in the Crack Canyon Wilderness dsignated by this bill. This is really odd; motorized use can already be allowed for emergencies under the section 4(c) of the 1964 Wilderness Act. This provision in S. 2809 could lead to significantly more motorized use and mechanical transport than allowed already for search and rescue in designated Wilderness.

Section 202(l) should be removed from the bill.

• **Fish and Wildlife.** Section 4(d)(7) of the Wilderness Act states: "Nothing in this

Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests."

Section 203 of S. 2809 reiterates this statement, but also goes on to reference "applicable policies described in appendix B of House Report 101-405." The language in the House report mimics a memorandum of understanding between the BLM and the Association of Fish and Wildlife Agencies. Unfortunately, that in-house MOU allows for many activities that are incompatible with Wilderness preservation and thus should not be incorporated in any wilderness bill. These activities include construction of buildings, structures, and installations; use of motorized equipment and motor vehicles; predator killing in Wilderness; fish stocking in naturally fishless lakes and streams; and the use of toxic chemicals to poison lakes and streams. Because of all of these incompatible uses found in that House Report appendix, Section 203(b) of S. 2809 should be removed from the bill.

II. Problems with Wilderness Boundaries

The proposed wilderness boundaries exclude too much great wild country, and even in those areas where the proposed wildernesses are fairly large, the proposed boundaries severely fragment the areas, making management of the areas as wilderness more difficult and significantly reducing their potential wilderness values. It seems apparent the boundaries were drawn not to protect wilderness values, but to protect the interests of those who don't want wilderness. The problems center mainly on too little acreage designated as Wilderness (more than 900,000 acres of proposed wilderness would be left unprotected in Emery County), fragmentation of the areas designated as Wilderness, and cherry-stemmed road corridors.

Two areas in particular stand out with regard to fragmentation and cherrystems. Desolation Canyon is part of a nearly million-acre roadless area including adjacent federal, tribal, and state land, perhaps the largest unprotected wildland in the contiguous 48 states. Its extraordinary wildlife, ecological, and recreational values derive from its intact wilderness-like condition. The proposed legislation designates only a paltry number of acres west of the Green River as Wilderness, but equally as troubling are the proposed cherrystems along the Beckwith Plateau, lower Range Creek (below the Turtle Canyon confluence), and along Turtle Canyon. These primitive routes are rarely if ever used by motor vehicles, but with the proposed boundaries they would stick out on a map like neon signs beckoning the motorized explorer. They would also result in visitors never getting more than a few miles from a road, despite Desolation's large size. The cherrystems should be removed from the proposed Wilderness and the boundaries should be expanded to include all of the adjacent roadless country. Desolation Canyon is a world-class wild area and should be protected as such.

The proposed San Rafael wildernesses suffer many of the same problems, but the evisceration of the Sids Mountain area is particularly egregious. Sids is a 90,000-acre intact roadless area that has been sliced into several pieces in the bill, greatly reducing the

wilderness value of the entire area. None of these dividing routes or cherrystems were more than barely passable wash-bottom jeep trails when the BLM review began. They are important corridors for wildlife and should all be included in the designated Wilderness.

These two areas represent two of the most glaring problems with the wilderness designations in the bill, but there are many others of a similar vein. While the bill might never include all areas as wilderness that conservationists would like, those areas that do get designated should be made whole, such that their wilderness values are protected.

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